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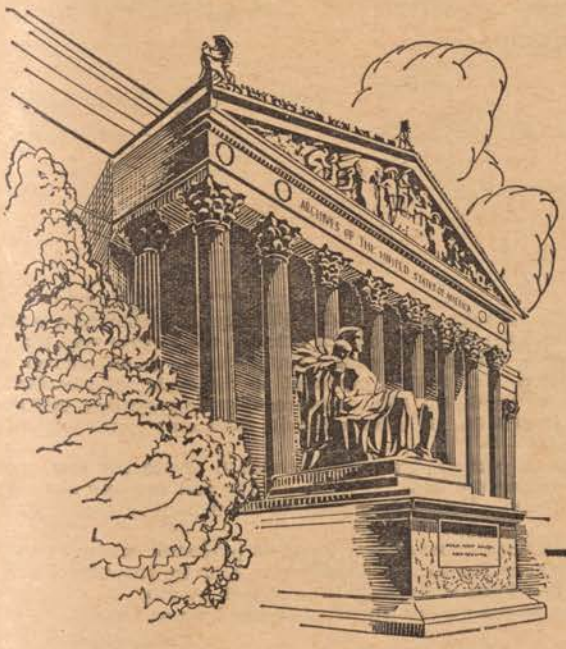

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Title 3—THE PRESIDENT

Proclamation 3824

AMERICAN HEART MONTH, 1968

By the President of the United States of America

A Proclamation

Heart and blood vessel diseases continue to be our Nation's number one killer.

More than fourteen and a half million American adults definitely have heart disease. It is suspected that another thirteen million are similarly afflicted. Heart and circulatory diseases take more lives in our country every year than all other causes of death combined. Their legacy is pain, disability and sorrow in millions of families. Their cost to the nation exceeds twenty-five billion dollars annually.

In recent years physicians and medical scientists have scored impressive gains in the struggle against heart and blood vessel disease. In the past year alone there have been new breakthroughs in heart surgery, and new triumphs in drug treatment. These and a host of other developments will save the lives of many men and women, and lengthen the lives of many more. The outlook is brighter for heart victims everywhere.

Yet our great advances cannot obscure the magnitude of the task that still confronts us. We have far to go before we eliminate diseases of the heart and blood vessels as serious threats to life and health.

Tomorrow's advances—like today's achievements—will depend upon expanded programs of research, training, education, and service. For leadership in this critical effort, we shall look, as we have in the past, to the American Heart Association and other private and professional groups, to the National Heart Institute and the Heart Disease Control Program of the Public Health Service. Together, these constitute a creative partnership of government and private endeavor, dedicated to a common purpose and sustained by a concerned citizenry.

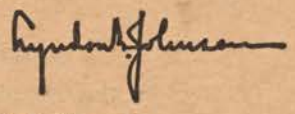
With the unremitting support of all Americans, we can move ahead, a triumph at a time, toward ending the threat of heart and circulatory disease to the well-being of our people.

The Congress, by a joint resolution approved December 30, 1963 (77 Stat. 843), requested the President to issue annually a proclamation designating February as American Heart Month.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the month of February 1968 as American Heart Month, and I invite the Governors of the States, the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

I urge the people of the United States to give heed to the nationwide problem of the heart and blood vessel diseases, and to support all essential programs required to bring about its solution.

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



[F.R. Doc. 68-1356; Filed, Jan. 31, 1968; 3:07 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and Humanities

Section 213.3182 is amended to show that Schedule A exception is extended from December 31, 1967, to September 30, 1968, for the following positions: (1) In the National Endowment for the Arts, seven Arts Program Directors, Director of Planning and Analysis, and Project Coordinator; (2) in the National Endowment for the Humanities, Special Assistant to the Chairman; Director, Division of Fellowships and Stipends, and one Program Officer in that Division; Director, Division of Research and Publications, and one Program Officer in that Division; Program Officer in the Division of Educational Programs and Special Projects; and Assistant to the Director, Division of Planning and Analysis. This section is also amended to show that the position of Director of Intergovernmental Relations, National Endowment for the Arts, is excepted under Schedule A until September 30, 1968. This section is also amended to show that the Schedule A authorities covering thirteen other positions are revoked, having expired by their own terms. Effective as of December 31, 1967, § 213.3182 is amended as set out below.

§ 213.3182 National Foundation on the Arts and Humanities.

(a) *National Endowment for the Arts.*

(1) [Revoked]

(2) [Revoked]

(3) Until September 30, 1968, seven Arts Program Directors.

(4) [Revoked]

(5) Until September 30, 1968, Director of Planning and Analysis.

(6) Until September 30, 1968, Project Coordinator.

(7) [Revoked]

(8) [Revoked]

(9) [Revoked]

(10) Until September 30, 1968, Director of Intergovernmental Operations.

(b) *National Endowment for the Humanities.*

(1) [Revoked]

(2) [Revoked]

(3) [Revoked]

(4) Until September 30, 1968, Director, Division of Fellowships and Stipends.

(5) Until September 30, 1968, Director, Division of Research and Publications.

(6) Until September 30, 1968, Special Assistant to the Chairman.

(7) Until September 30, 1968, Program Officer, Division of Educational Programs and Special Projects.

(8) Until September 30, 1968, Program Officer, Division of Fellowships and Stipends.

(9) Until September 30, 1968, Program Officer, Division of Research and Publications.

(10) Until September 30, 1968, Assistant to the Director, Division of Planning and Analysis.

(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. 68–1290; Filed, Feb. 1, 1968; 8:48 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 16—MILK INDEMNITY PAYMENT PROGRAM

Subpart—Regulations Governing Milk Indemnity Payments

The regulations of the Secretary governing the milk indemnity payment program (29 F.R. 14837), as amended (30 F.R. 251, 7426 and 13897; 31 F.R. 15483), are hereby revised to read as follows in order to incorporate certain provisions of the previous amendments and of Public Law 90–95, 81 Stat. 231, and to make certain changes considered desirable for purposes of program administration:

Sec.

AUTHORITY: The provisions of this Part 16 issued pursuant to Public Law 90–95 (81 Stat. 231), and the Supplemental Appropriation Act, 1968, Public Law 90–239.

§ 16.1 Administration.

This indemnity payment program will be carried out by ASCS under the direction and supervision of the Deputy Administrator. In the field, the program will be administered by the State and County Committees.

§ 16.2 Definitions.

For purpose of this subpart, the following terms shall have the meanings specified:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the U.S. Department of Agriculture to whom he has delegated, or to whom he may hereafter delegate authority to act in his stead.

(b) "ASCS" means the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(c) "Deputy Administrator" means the Deputy Administrator, State and County Operations, ASCS.

(d) "State Committee" means the Agricultural Stabilization and Conservation State Committee.

(e) "County Committee" means the Agricultural Stabilization and Conservation County Committee.

(f) "Pesticide" means an economic poison which was registered with the Secretary pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135–135k), and recommended for use in Agriculture Handbook No. 313 or 331 "Suggested Guide for the Use of Insecticides To Control Insects Affecting Crops, Livestock, Households, Stored Products, and Forest Products."

(g) "Milk handler" means the marketing agency to or through which the affected dairy farmer marketed his whole milk or butterfat at the time he was directed to remove his whole milk or butterfat from the commerical market.

(h) "Affected farmer" means a person who produces whole milk or butterfat which is removed from the commercial market any time from January 1, 1964, to June 30, 1968, pursuant to direction of a public agency or a milk handler because of detection of pesticide residue in such whole milk or butterfat by tests made by a public agency or under a testing program deemed adequate for the purpose by a public agency.

(i) "Person" means an individual, partnership, association, corporation, trust, estate or other legal entity.

(j) "Application period" means any period with respect to which application for payment is made, beginning not earlier than January 1, 1964, and ending not later than June 30, 1968, and during which an affected farmer's whole milk or butterfat is removed from the commercial market pursuant to direction of a public agency or milk handler for the reason specified in paragraph (h) of this section.

(k) "Pay period" means (1) in the case of an affected farmer who markets his whole milk or butterfat through a milk handler, the period used by the milk handler in settling with the affected farmer for his whole milk or butterfat, usually biweekly or monthly, or (2) in

the case of an affected farmer whose commercial market consists of direct retail sales to consumers, a calendar month.

(l) "Whole milk" means milk as produced by cows.

(m) "Butterfat" means milk fat in farm separated cream.

(n) "Public agency" means any Federal, State, or local public regulatory agency.

(o) "Commercial market" means the market to which the affected farmer normally delivers his whole milk or butterfat and from which it was removed because of detection therein of pesticide residues.

(p) "Removed from the commercial market" means (1) produced and destroyed or fed to livestock, (2) produced and delivered to a handler who destroyed it or disposed of it on a salvage basis (such as separating whole milk, destroying the fat, and drying the skim milk), or (3) produced and otherwise diverted to other than the commercial market.

(q) "Payment subject to refund" means a payment which is made by a milk handler to an affected farmer, and which such farmer is obligated to refund to the milk handler.

§ 16.3 Indemnity payment.

An indemnity payment shall be made to the affected farmer who is determined by the County Committee to be in compliance with all the terms and conditions of this subpart in the amount of the fair market value of his normal marketings for the application period, as determined in accordance with §§ 16.4 and 16.5, less (a) any amount he received for whole milk or butterfat marketed during the application period, and (b) any payment not subject to refund which he received from a milk handler with respect to whole milk or butterfat removed from the commercial market during the application period.

§ 16.4 Normal marketings.

(a) The County Committee shall determine the affected farmer's normal marketings which, for the purposes of this subpart, shall be the sum of the quantities of whole milk or butterfat which such farmer would have sold in the commercial market in each of the pay periods in the application period but for the removal of his whole milk or butterfat from the commercial market because of the detection of pesticide residue.

(b) Determination of normal marketings for each pay period shall be based upon (1) if the affected farmer or another person marketed whole milk or butterfat from the farm during the period in the previous year equivalent to the pay period, the marketings of whole milk or butterfat from the farm during such equivalent period, or (2) if the affected farmer or another person did not market whole milk or butterfat from the farm during the period in the previous year equivalent to the pay period, the average of the affected farmer's marketings of whole milk or butterfat from the farm per pay period during the 3 months immediately prior to removal of his whole milk or butterfat from the commercial market.

(c) The base for normal marketings determined (1) under paragraph (b)(1) of this section shall be adjusted to reflect any change in the rate of the affected farmer's whole milk production from the production of the previous year due to factors such as changes in herd size both before and after removal of whole milk or butterfat from the commercial market, and changes in management practices before such removal, or (2) under paragraph (b)(2) of this section shall be adjusted to reflect normal changes in the affected farmer's whole milk production during the pay period due to seasonal factors affecting production and changes in herd size.

(d) If only a portion of a pay period falls within the application period, normal marketings for such pay period shall be reduced so that they represent only that part of such pay period which is within the application period.

§ 16.5 Fair market value.

(a) The County Committee shall determine the fair market value of the affected farmer's normal marketings, which, for the purposes of this subpart, shall be the sum of the net proceeds such farmer would have received for his normal marketings in each of the pay periods in the application period.

(b) The County Committee shall determine the net proceeds the affected farmer would have received in each of the pay periods in the application period (1) in the case of an affected farmer who markets his whole milk through a milk handler, by multiplying the affected farmer's normal marketings for each such pay period by the average net price per hundredweight of whole milk or per pound of butterfat paid during the pay period by such farmer's milk handler in the same area for whole milk or butterfat similar in quality and butterfat test to that marketed by the affected farmer in the base period used to determine his normal marketings, or (2) in the case of an affected farmer whose commercial market consists of direct retail sales to consumers, by multiplying the affected farmer's normal marketings for each such pay period by the average net price per hundredweight of whole milk or per pound of butterfat, as determined by the County Committee, which other producers in the same area who marketed their whole milk or butterfat through milk handlers received for whole milk or butterfat similar in quality and butterfat test to that marketed by the affected farmer during the base period used to determine his normal marketings.

(c) In determining the net price for whole milk or butterfat, the County Committee shall deduct from the gross price therefor any transportation, administrative, and other costs of marketing which it determines are normally incurred by the affected farmer but which were not incurred because of the removal of his whole milk or butterfat from the market.

§ 16.6 Information to be furnished.

The affected farmer shall furnish to the County Committee complete and accurate information sufficient to enable it to make the determinations required in §§ 16.4 and 16.5. Such information shall include, but is not limited to:

(a) A copy of the notice from, or other evidence of action by, the public agency or milk handler which resulted in the removal of the affected farmer's whole milk or butterfat from the commercial market.

(b) The name of the pesticide causing the removal of his whole milk or butterfat from the commercial market, if not included in the notice or other evidence of action furnished under paragraph (a) of this section.

(c) A record of the quantity and butterfat test of whole milk and the quantity of butterfat which he produced on his farm and marketed (1) if the affected farmer is covered by the provisions of § 16.4(b)(1), during each pay period during the 15 months immediately prior to the time the whole milk or butterfat was removed from the commercial market, or (2) if the affected farmer is covered by the provision of § 16.4(b)(2), during the 3 months immediately prior to the removal of his whole milk or butterfat from the commercial market. This record shall be either a certified statement furnished by the affected farmer's milk handler, or such other evidence as the County Committee determines accurately establishes the butterfat test and quantity of whole milk or the quantity of butterfat produced and marketed during such periods.

(d) The number of cows milked during each pay period in the application period, and during the pay periods within the 3-month period immediately prior to the application period.

(e) If the affected farmer markets his whole milk through a milk handler, a statement from the milk handler showing for each pay period in the application period, the average price per hundredweight of whole milk or pound of butterfat paid producers in the affected farmer's area for whole milk and butterfat similar in quality to that marketed by the affected farmer during the base period used to determine his normal marketings. If the milk handler has information as to the transportation, administrative, and other costs of marketing which are normally incurred by producers who market through the milk handler but which the affected farmer did not incur because of removal of his whole milk from the market, the average price stated by the milk handler shall be the average gross price paid producers less any such costs. If the milk handler does not have such information, the affected farmer shall furnish a statement setting forth such costs, if any.

(f) The amount of proceeds, if any, received by the affected farmer from the marketing of whole milk or butterfat produced during the application period.

(g) The amount of any payments not subject to refund made to the affected farmer by the milk handler with respect

to the whole milk or butterfat produced during the application period and removed from the commercial market.

(h) To the extent that such information is available to the affected farmer, the name of any pesticide used on the farm within 24 months prior to the application period, the use made of the pesticide, the approximate date of such use, and the name of manufacturer and the U.S. Department of Agriculture registration number on the label on the container of the pesticide.

(i) Such other information as the County Committee may request to enable them to make the determinations required in this subpart.

§ 16.7 Other requirements.

No indemnity payment shall be made under this subpart to any affected farmer whose whole milk or butterfat was removed from the commercial market (a) if the pesticide causing such removal was used by the affected farmer and was not, at the time of its use by the farmer, registerd with the Secretary and recommended for use as provided in § 16.2(f); (b) if such removal was a result of his failure to use the pesticide in accordance with the directions and limitations stated on the label on the container of the pesticide; (c) if he purchased feed used in feeding his dairy cattle which he knew contained a harmful level of pesticide residues; (d) if he fails to adopt practices designed to eliminate pesticide residues from his whole milk or butterfat in order that such milk may be reinstated to the commercial market as soon as possible, or (e) if any of the whole milk or butterfat was produced by dairy cattle which the affected farmer knew, at the time he acquired them, were contaminated by pesticide residues.

§ 16.8 Application for payment.

The affected farmer or his legal representative, as provided in §§ 16.12 and 16.16, must sign and file an application for payment on a form which is approved for the purpose by the Deputy Administrator and which is available at the ASCS County Office. The form must be filed with the ASCS County Office for the county where the farm headquarters are located no later than August 31, 1968, or such later date as the Deputy Administrator may specify. The application for payment shall cover application periods of at least 28 days, except that, if the entire application period, or the last application period, is shorter than 28 days, applications for payment may be filed for such shorter period. The application for payment shall be accompanied by the information required by § 16.6 as well as information which will enable the County Committee to determine whether or not the making of an indemnity payment is precluded for any of the reasons set forth in § 16.7. Such information shall be submitted on such forms as may be approved for the purpose by the Deputy Administrator.

§ 16.9 Assignment.

No assignment shall be made of any indemnity payment due or to come due under the regulations in this subpart.

§ 16.10 Instructions and forms.

The Deputy Administrator shall cause to be prepared such forms and instructions as are necessary for carrying out the regulations in this subpart. Affected farmers may obtain the forms necessary to make application for a milk indemnity payment from the ASCS County Office.

§ 16.11 Limitation of authority.

(a) County office managers and State and County Committees do not have authority to modify or waive any of the provisions of the regulations in this subpart.

(b) The State Committee may take any action authorized or required by the regulations in this subpart to be taken by the County Committee which has not been taken by such Committee. The State Committee may also (1) correct, or require a County Committee to correct, any action taken by such County Committee which is not in accordance with the regulations in this subpart, or (2) require a County Committee to withhold taking any action which is not in accordance with the regulations in this subpart.

(c) No delegation herein to a State or County Committee shall preclude the Deputy Administrator or his designee from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or County Committee.

§ 16.12 Estates and trusts; minors.

(a) A receiver of an insolvent debtor's estate and the trustee of a trust estate shall, for the purpose of this subpart, be considered to represent an insolvent affected farmer and the beneficiaries of a trust, respectively, and the production of the receiver or trustee shall be considered to be the production of the person he represents. Program documents executed by any such person will be accepted only if they are legally valid and such person has the authority to sign the applicable documents.

(b) A minor who is an affected producer shall be eligible for indemnity payments only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable program documents are signed by the guardian; or (3) a bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had he been an adult.

§ 16.13 Appeals.

The Appeal Regulations issued by the Administrator, ASCS, Part 780 of this title, shall be applicable to appeals by farmers from determinations made pursuant to the regulations in this subpart.

§ 16.14 Setoffs.

(a) If the affected farmer is indebted to any agency of the United States and such indebtedness is listed on the county debt record, indemnity payments due the eligible farmer under the regulations in this part shall be applied, as provided in the Secretary's Setoff Regulations, Part 13 of this title, to such indebtedness.

(b) Compliance with the provisions of this section shall not deprive the affected farmer of any right he would otherwise have to contest the justness of the indebtedness involved in the setoff action, either by administrative appeal or by legal action.

§ 16.15 Overdisbursement.

If the indemnity payment disbursed to an affected farmer exceeds the amount authorized under the regulations in this subpart, the affected farmer shall be personally liable for repayment of the amount of such excess.

§ 16.16 Death, incompetency or disappearance.

In the case of the death, incompetency, or disappearance of any affected farmer who is entitled to an indemnity payment, such payment may be made to the person or persons specified in the regulations contained in Part 707 of this title. The person requesting such payment shall file Form ASCS–325, "Application For Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," as provided in that Part.

§ 16.17 Records and inspection thereof.

The affected farmer as well as his milk handler and any other person who furnishes information to such farmer or to the County Committee for the purpose of enabling such farmer to receive a milk indemnity payment under this subpart shall maintain any existing books, records and accounts supporting any information so furnished for three years following the end of the year during which the application for payment was filed. The affected farmer, his milk handler and any other person who furnishes such information to the affected farmer or to the County Committee shall permit authorized representatives of the Department of Agriculture and the General Accounting Office, during regular business hours, to inspect, examine and make copies of such books, records and accounts.

NOTE: The reporting and/or record keeping requirement contained herein has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Date of publication.

Signed at Washington, D.C., on January 29, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68–1318; Filed, Feb. 1, 1968; 8:50 a.m.]

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

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Shelled Pecans [1]

On December 14, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 17893) regarding a proposed amendment of U.S. Standards for Shelled Pecans (7 CFR, §§ 51.1430–51.1453).

Statement of considerations leading to the amendment of the grade standards. Printed copies of the amendments as proposed were given wide distribution by mail to known companies producing and handling shelled pecans. The two changes requested by the industry and incorporate in the proposed amendments were explained in detail. They are: Deletion of the term "chipped halves" from the standards as one of the grade factors, and changing the minimum size requirement for the "midget" pieces designation from 7/16 inch to 5/64 inch.

A period until January 15, 1968 was provided for the submission of written comments on the proposed amendments. Comments received were all in favor of the adoption of the amendments as proposed.

After consideration of all relevant matters presented, § § 51.1431, 51.1437, and 51.1442 of the U.S. Standards for Shelled Pecans are hereby amended as so proposed pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

This amendment to the U.S. Standards for Shelled Pecans shall become effective on March 10, 1968.

Dated: January 29, 1968.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

§ 51.1431 U.S. No. 1 Halves.

"U.S. No. 1 Halves" consists of pecan half-kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, broken kernels, particles and dust, noticeable shriveling, rancidity, mold, decay, and insect injury, and are free from damage caused by leanness, hollowness, discoloration, or other means. The pecan halves in any lot shall be fairly uniform in size and fairly uniform in color. (See § 51.1436, Size Requirements for Halves.)

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) One-fifth of 1 percent (0.20 percent), by weight, for pieces of shell, center wall and foreign material: *Provided,* That not more than one-fourth of this amount, or one-twentieth of 1 percent (0.05 percent), shall be allowed for pieces of shell and foreign material;

(2) 12 percent, by weight, for broken kernels and particles and dust: *Provided,* That not more than one-fourth of this amount, or 3 percent, shall be allowed for broken kernels which are less than one-half of a complete half-kernel, including therein not more than one-half of 1 percent (0.50 percent) for particles and dust; and,

(3) 7 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 4 percent for damage caused by internal discoloration, and not more than 1 percent for rancidity, mold, decay, insect injury, or serious damage caused by shriveling, leanness, external discoloration, internal discoloration, or other means.

§ 51.1437 Size requirements for pieces.

The size of pecan pieces may be specified in accordance with the size designations shown in Table II:

TABLE II

Size designation	Maximum diameter (will pass through a sieve with round openings of the following diameter)	Minimum diameter (will not pass through a sieve with round openings of the following diameter)
	Inch	*Inch*
Extra large		8/16
Large	8/16	7/16
Medium	7/16	6/16
Small	6/16	5/16
Midget	5/16	5/64
Regular amber [1]		4/16
Small amber [1]	4/16	3/16

[1] This designation is provided for use only in connection with the U.S. Commercial grade.

(a) In lieu of the size designations in Table II, the size of pieces may be specified in terms of minimum diameter, or as a range in terms of minimum and maximum diameters expressed in sixteenths or sixty-fourths of an inch.

(b) Tolerances for size of pieces: In order to allow for variations incident to proper sizing, the following tolerances shall be permitted:

(1) When the size designations "Extra Large," "Large," "Medium," "Small," and "Regular Amber" are used to specify size, not more than 15 percent, by weight, of the pieces may fail to meet the size requirements specified in Table II, including therein not more than 2 percent for pieces which are less than two-sixteenths inch in diameter.

(2) When the size designations "Midget" or "Small Amber" are used to specify size, not more than 15 percent, by weight, of the pieces may fail to meet the size requirements specified in Table II, including therein not more than 5 percent for pieces which are less than the minimum diameter shown in Table II for the respective size classifications; and,

(3) When minimum diameters or ranges of diameters, other than those shown in Table II, are used to specify size, not more than 15 percent, by weight, of the pieces may fail to meet the size specified, including therein not more than 2 percent for pieces which are less than two-sixteenths inch in diameter: *Provided,* That when a minimum of two-sixteenths inch or smaller is specified, not more than 5 percent of the pieces may be less than the minimum diameter specified.

§ 51.1442 Half-kernel.

"Half-kernel" means one of the separated halves of an entire pecan kernel with not more than one-eighth of its original volume missing, exclusive of the portion which connected the two halves of the kernel.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

[F.R. Doc. 68–1288; Filed, Feb. 1, 1968; 8:47 a.m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Grapefruit Juice

A proposal to issue U.S. Standards for Grades of Grapefruit Juice was published in the FEDERAL REGISTER of September 30, 1967 (32 F.R. 13720).

The standards, as proposed, would apply to all single strength grapefruit juices, including canned grapefruit juice, the so-called "chilled" grapefruit juices, and juice prepared from grapefruit juice concentrate. Interested persons were given until October 31, 1967, in which to submit written data, views, or arguments concerning the proposed standards.

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

Statement of considerations leading to the issuance of the standards. The standards proposed on September 30, 1967, combined the grade and quality requirements for all single strength—ready to drink—grapefruit juices into one document. That proposal was based on the premise that grapefruit juices of comparable quality should receive the same quality grade regardless of the type of container, the process, or the area of production.

Comments on the proposal of September 30, 1967, came only from two sources: The Florida Canners Association, representing most of the Florida citrus packing industry; and a large California based grower cooperative, engaged in the manufacture and marketing of citrus and citrus products.

Both of these organizations voiced approval of the basic standardization aims and principles set forth in the proposed standards, and substantial agreement with the text.

The California based cooperative suggested more precise wording of § 52.6122, Types. The purpose of this section is to identify the two types for marketing purposes rather than to prescribe manufacturing procedures or exact compositional requirements. Since the suggested revised language would not be in keeping with this objective no action was taken on this suggestion.

Both responding organizations, however, objected to the proposed minimum Brix requirement of 10.5 degrees for the reconstituted type as being higher than is customary for this product, higher than the average fruit available for juicing, and as creating an economic hardship for producers and consumers without improving the quality of the product. A minimum Brix measurement of 10 degrees was suggested as being more appropriate for this type.

In consideration of these comments together with data and information now available to the Department the minimum Brix requirement for the reconstituted type has been changed from 10.5 degrees, as proposed, to 10 degrees.

Minor changes in the score sheet are made to correct errors in presentation.

After consideration of all relevant matters presented by interested persons, the U.S. Standards for Grades of Grapefruit Juice as proposed on September 30, 1967, are hereby adopted subject to the following changes:

Table I referenced in paragraph (a) (2) and Table II referenced in paragraph (b) (2) of § 52.6130 are revised.

(2) In § 52.6133 the score sheet is revised.

Effective date. The standards shall become effective 30 days after publication hereof in the FEDERAL REGISTER and will thereupon supersede the U.S. Standards for Grades of Canned Grapefruit Juice (7 CFR 52.1191–52.1203).

Dated: January 29, 1968.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

The standards are:

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

AUTHORITY: The provisions of this subpart issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

§ 52.6121 Product description.

(a) Grapefruit juice is the unfermented liquid obtained from mature fresh grapefruit (Citrus paradisi). The fruit is prepared and the juice extracted and processed in a manner to assure a clean and wholesome product. Soluble solids, insoluble solids, Brix-acid ratios, and flavor may be adjusted by suitable manufacturing procedures to any level within the normal range of mature grapefruit.

(b) The product is processed by appropriate physical means to assure its preservation through normal marketing channels. Such means include but are not limited to:

(1) *Canning.* Processing with heat so as to assure the preservation of the juice in hermetically sealed containers.

(2) *Refrigerating.* Reducing the temperature of the product so as to extend its market life. The juice may or may not have been subjected to heat prior to refrigerating. It may or may not be packed in hermetically sealed containers.

§ 52.6122 Types.

Grapefruit juice may be identified as one of the following types.

(a) *Single strength type.* Composed of single strength grapefruit juice, with or without added grapefruit juice concentrate.

(b) *Reconstituted type.* Composed of grapefruit juice concentrate and water, with or without added single strength grapefruit juice.

§ 52.6123 Styles.

(a) Unsweetened.

(b) Sweetened with nutritive sweeteners.

§ 52.6124 Grades.

(a) "U.S. Grade A" (or U.S. Fancy) is the quality of grapefruit juice that: (1) Shows no coagulation or no material separation and has the appearance of fresh grapefruit juice, (2) has a good color, (3) is practically free from defects, (4) possesses a good flavor, and (5) scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or U.S. Choice) is the quality of grapefruit juice that: (1) Shows no more than a slight coagulation, (2) has a reasonably good color, (3) is reasonably free from defects, (4) possesses a reasonably good flavor, and (5) scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of grapefruit juice that fails to meet the requirements of U.S. Grade B.

FILL OF CONTAINER

§ 52.6125 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. If in retail size containers it is recommended that the containers be as full of grapefruit juice as practicable.

FACTORS OF QUALITY

§ 52.6126 Ascertaining the grade of a sample unit.

(a) *General.* Consideration is given to the degree of coagulation and separation and the appearance of the product, the rating for the factors which are scored, and the limiting rules which may apply.

(b) *Factors rated by score points.* The relative importance of each scoring factor is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors	*Points*
Color	20
Defects	40
Flavor	40
Total score	100

§ 52.6127 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.6128 Color.

(a) (*A*) *Classification.* (1) Grapefruit juice that has a good color may be assigned 18 to 20 points.

(2) "Good color" means a color that is bright and typical of freshly extracted grapefruit juice. It may be either: pale yellow to very slightly amber, typical of the juice of properly ripened white fleshed grapefruit; or slightly red, typical of the juice of red or deep pink fleshed grapefruit.

(b) (*B*) *Classification.* (1) Grapefruit juice that has a reasonably good color may be assigned 16 or 17 points. Grapefruit juice of this color may not be graded above U.S. Grade B regardless of the total score for the product (limiting rule).

(2) "Reasonably good color" means a color that may be slightly dull or slightly brown, as caused by scorching, oxidation, or carmelization. This color may be characteristic of the juice from red or pink grapefruit of advanced maturity or of mixtures of the juice from white and colored varieties.

(c) (*SStd.*) *Classification.* Grapefruit juice that fails to meet the Grade B classification for color may be assigned 0 to 15 points and shall not be graded above Substandard regardless of the total score for the product (limiting rule).

§ 52.6129 Defects.

(a) *General.* The factor of defects concerns the degree of freedom from small seeds and seed portions; from discolored specks, harmless extraneous material, and other similar defects; from juice sacs and particles of membrane, core, and peel in excess of that normally present in grapefruit juice.

(b) (*A*) *Classification.* (1) Grapefruit juice that is practically free from defects may be assigned a score of 36 to 40 points.

(2) "Practically free from defects" means that the juice may not contain more than 10 percent free and suspended pulp as determined by the method outlined in this subpart, and that any other defects present may no more than slightly detract from the appearance or drinking quality of the juice.

(c) (*B*) *Classification.* (1) If the grapefruit juice is reasonably free from defects, a score of 32 to 35 points may be given. Such grapefruit juice may not be graded above U.S. Grade B regardless of the total score for the product (limiting rule).

(2) "Reasonably free from defects" means that the juice may not contain more than 15 percent free and suspended pulp as determined by the method outlined in this subpart, and that any other defects present may not seriously detract from the appearance or drinking quality of the juice.

(d) (*SStd.*) *Classification.* Grapefruit juice that fails to meet the U.S. Grade B classification for defects may be assigned a score of 0 to 31 points and shall not be graded above Substandard regardless of the total score for the product (limiting rule).

§ 52.6130 Flavor.

(a) (*A*) *Classification.* (1) Grapefruit juice that has a good flavor may be given 36 to 40 points.

(2) "Good flavor" means a flavor that is fine, distinct and substantially typical freshly extracted grapefruit juice. Such juice is affected only slightly by the process, the packaging, or storage conditions and complies with the analytical limits provided in Table I.

TABLE I

ANALYTICAL REQUIREMENTS—U.S. GRADE A

	Single strength type		Reconstituted type	
	Unsweetened	Sweetened	Unsweetened	Sweetened
Brix—Minimum	9.0°	11.5°	10.0°	11.5°
Ratio: Minimum	8:1	9:1	8:1	9:1
Maximum	14:1	14:1	14:1	14:1
Oil—Maximum Percent by volume	0.020	0.020	0.020	0.020

(b) (*B*) *Classification.* (1) If the flavor is only reasonably good 32 to 35 points may be given. Grapefruit juice of this flavor may not be graded above U.S. Grade B regardless of the total score for the product (limiting rule).

(2) "Reasonably good flavor" means a flavor less desirable than "good flavor" because of excess bitterness, terpenic, processing, storage, or container flavors but is not seriously objectionable. Such juice complies with the analytical limits provided in Table II.

TABLE II

ANALYTICAL REQUIREMENTS—U.S. GRADE B

	Single strength type		Reconstituted type	
	Unsweetened	Sweetened	Unsweetened	Sweetened
Brix—Minimum	9.0°	11.5°	10.0°	11.5°
Ratio—Minimum	7:1	9:1	7:1	9:1
Oil—Maximum percent by volume	0.025	0.025	0.025	0.025

(c) (*SStd.*) *Classification.* Grapefruit juice that fails the requirements of the U.S. Grade B classification for flavor may be given a score of 0 to 31 points and shall not be graded above Substandard regardless of the total score for the product (limiting rule).

EXPLANATIONS AND METHODS OF ANALYSIS

§ 52.6131 Definitions of terms and methods of analysis.

(a) *Brix.* "Brix" means the degrees Brix of the juice when tested with a Brix hydrometer calibrated at 20° C. (68° F.) and to which any applicable temperature correction has been made. The degrees Brix may be determined by any other method which gives equivalent results.

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 ml. of juice. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(c) *Brix-acid ratio.* "Brix-acid ratio" means the ratio between the Brix and the acid as defined in this section.

(d) *Recoverable oil.* "Recoverable oil" means the percent by volume of oil recovered by the Bromate titration method as described in the June 1966 issue of the Journal of the Association of Analytical Chemists (vol. 49, No. 3, 1966), by W. Clifford Scott and M. K. Veldhuis.

(e) *Free and suspended pulp.* Free and suspended pulp means the percentage of pulp determined by the following method: Graduated centrifuge tubes with a capacity of 50 ml. are filled with juice and placed in a suitable centrifuge. The speed is adjusted, according to diameter, as indicated in Table No. I, and the juice is centrifuged for exactly 10 minutes. As used in this subparagraph, "diameter" means the overall distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by 2 to give the percentage of pulp.

TABLE No. III

Diameter (inches)	*Approximate revolutions per minute*
10	1,609
10½	1,570
11	1,534
11½	1,500
12	1,468
12½	1,438
13	1,410
13½	1,384
14	1,359
14½	1,336
15	1,313
15½	1,292
16	1,271
16½	1,252
17	1,234
17½	1,216
18	1,199
18½	1,182
19	1,167
19½	1,152
20	1,137

LOT COMPLIANCE

§ 52.6132 Ascertaining the grade of a lot.

The grade of a lot of grapefruit juice covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.6133 Score sheet for grapefruit juice.

Size and kind of container ____

Container mark (packages) or Identification (cases) ____

Label (including ingredient statement, if any) ____

Liquid measure (fluid ounces) ____

Style ____

Brix (degrees) ____

Acid (grams/100 ml.: calculated as anhydrous citric acid) ____

Brix-acid ratio ( ) ____

Recoverable oil (percent by volume) ____

Degree of coagulation { ( ) None ____ ( ) Slight ____ ( ) Serious ____

Factors	Score points		
Color	20	(A)	18–20
		(B)	[1] 16–17
		(SStd)	[1] 0–15
Defects	40	(A)	36–40
		(B)	[1] 32–35
		(SStd)	[1] 0–31
Flavor	40	(A)	36–40
		(B)	[1] 32–35
		(SStd)	[1] 0–31
Total score	100		

Grade ____

[1] Indicates limiting rule.

[F.R. Doc. 68–1289; Filed, Feb. 1, 1968; 8:48 a.m.]

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

SUBCHAPTER K—GENERAL CONDITIONAL PAYMENTS PROVISIONS

PART 891—DOMESTIC BEET SUGAR AREA

Designation of Crop of Sugar Beets by Year

Pursuant to the provisions of the Sugar Act of 1948, as amended, § 891.2 is amended by deleting the period at the end of the first sentence and by adding at the end of such sentence the following:

§ 891.2 Designation of crop of sugar beets by year.

* * *, and that sugar beets which were planted in Orange and Riverside Counties during the calendar year 1967 and during the period January 1, through January 31, 1968, shall be designated as 1967-crop sugar beets. * * *

Statement of bases and considerations. Sugar beets are planted in Orange and Riverside Counties, California, during the months of November and December. In general the regulation provides that sugar beets are designated as to crop year to correspond with the calendar year in which they are planted.

Due to very heavy rainfall in November and December 1967, many growers in Orange and Riverside Counties were unable to plant sugar beets in such months. In view thereof and to protect the interests of such growers, the planting period for the 1967-crop year in such counties is extended through January 31, 1968, by this amendment.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930 as amended, 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on January 29, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-1312; Filed, Feb. 1, 1968; 8:49 a.m.]

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

[947.325 Amdt. 2]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments; Correction

The publication titled "Limitation of Shipments" § 947.325, Amendment 2, published in the FEDERAL REGISTER January 23, 1968 (33 F.R. 791), is hereby corrected by deleting the following: (a) (1) (iii) *Cleanliness.* All varieties at least "fairly clean."

Dated: January 30, 1968.

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

[F.R. Doc. 68-1313; Filed, Feb. 1, 1968; 8:49 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 137]

PART 1137—MILK IN EASTERN COLORADO MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Eastern Colorado marketing area (7 CFR Part 1137), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the months of February and March 1968:

(1) Section 1137.51(a) (1) and (2) in its entirety, relating to the computation of the supply-demand adjustment.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The suspension was requested by the Denver Milk Producers, Inc., and Western Colorado Milk Producers Association, the principal cooperative associations supplying the market. It will continue an identical suspension which was made effective for the months of November and December 1967 and January 1968 (32 F.R. 15431), and it will eliminate minus supply-demand adjustments which, otherwise, would lower Class I milk prices during the suspension period. The suspension is intended to maintain sufficient milk production for the Eastern Colorado and Western Colorado milk markets to meet the need for Class I milk during the suspension period.

The supply-demand adjustor which is provided in the Eastern Colorado order utilizes milk supply and Class I utilization data for both the Eastern Colorado and Western Colorado markets. The Western Colorado Class I milk price is directly related to the Class I price established for Eastern Colorado. Consequently, the suspension order will also affect the Class I price for the Western Colorado market during the suspension period.

Therefore, good cause exists for making this order effective February 1, 1968.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the months of February and March 1968.

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

Effective date: February 1, 1968.

Signed at Washington, D.C., on January 30, 1968.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 68-1314; Filed, Feb. 1, 1968; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 68-EA-5, Amdt. 39-547]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to publish an airworthiness directive requiring a repetitive inspection of and replacement where necessary of the elevator trim tab system of the Fairchild Hiller FH-227 airplane.

There have been instances of flutter of the trim tab system that have resulted in damage to the trim tab assembly. Since this condition is likely to exist or develop in other airplanes of the same design an airworthiness directive is being issued to require inspections and, where necessary, replacement of the elevator trim tab assembly.

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, 31 F.R. 13697, section 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

FAIRCHILD HILLER. Applies to FH-227 Type Aircraft.

Compliance required within the next 5 hours time in service after the effective date of this AD unless already accomplished within the last 20 hours time in service and thereafter at intervals not to exceed 25 hours time in service from the last inspection. The repetitive inspections also apply to repaired and replacement parts.

In view of flutter of the elevator trim tab, accomplish the following:

(a) Inspect the elevator trim tab for trailing edge free play not to exceed 0.100 inch

maximum travel. Compliance with this limit must be met prior to further flight.

(b) Visually inspect all elevator tab hinge bearings for damage. Replace damaged bearings, prior to further flight, with a part of the same part number that has been inspected in accordance with this directive prior to installation, or with an FAA approved equivalent part.

(c) Visually inspect the entire elevator tab structure for loose rivets or any structural deformation. Prior to further flight, remove and replace loose rivets and replace structurally deformed trim tabs with a part of the same part number that has been inspected in accordance with this directive prior to installation, or with an FAA approved equivalent part.

(d) Inspect the elevator trim tab clevis bolts, elevator trim tab horn, elevator trim tab actuator, rod end and rod assembly rivets, for looseness and damage. Prior to further flight, loose items must be properly secured and damaged parts replaced with a part of the same part number that has been inspected in accordance with this directive prior to installation, or with an FAA approved equivalent part.

(e) Visually inspect the three elevator trim tab hinges for elongated holes in the clevis holes of the aluminum blocks located behind the three elevator trim tab hinges. Replace blocks containing elongated holes prior to further flight with a part of the same part number that has been inspected in accordance with this directive prior to installation, or with an FAA approved equivalent part.

(f) Inspect the elevator trim tab spar area around the three hinges for cracks. If cracks are found, prior to further flight, the cracked parts must be repaired in accordance with an FAA approved repair, or replaced with a part of the same part number that has been inspected in accordance with this directive prior to installation, or with an FAA-approved equivalent part.

(g) Cut a 1-inch hole in the lower tab skin in line chordwise with the existing access hole in the lower tab skin at tab station 14.662, and located spanwise 11.4 inches outboard of the most inboard tab rib. Fabricate a circular doubler 2-inch O.D. by 1 inch I.D. from 0.025 inch thick 2024T3 alclad material specification QQ-A-250/5. Finish with alodine or anodize and apply zinc chromate primer to the faying surface only. Install doubler over hole and secure the doubler with six equally spaced MS20600AD4 rivets or use an equivalent method for inspection approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(i) Inspect the tab ribs adjacent to the three tab hinges and also the tab ribs supporting the tab horn for cracks paying particular attention to rib flange radii using a borescope or light and mirror through the access holes or use an FAA-approved equivalent inspection method. The X-ray inspection procedure specified in Fairchild Hiller Alert Service Bulletin No. 27-17A (FH-227) Revision 1 dated January 5, 1968, is considered equivalent to the borescope or light and mirror inspection. If cracks are found, prior to further flight, the cracked parts must be repaired in accordance with an FAA-approved repair, or replaced with a part of the same part number that has been inspected in accordance with this directive prior to installation or with an FAA-approved equivalent part.

(2) After each inspection, cover the access holes with permacelle tape or equivalent.

(h) For aircraft with a modified elevator trim tab approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, inspections under this airworthiness directive need not be accomplished until prior to accumulating 500 hours time in service on this modified tab and thereafter at intervals not to exceed 25 hours time in service from the last inspection.

(i) Equivalent inspections may be approved by an FAA maintenance inspector. Equivalent repairs and parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(j) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance times specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This supersedes the January 3, 1968, and January 5, 1968, telegrams to all FH-227 operators on the same subject.

This amendment is effective February 2, 1968.

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

Issued in Jamaica, N.Y., on January 22, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-1274; Filed, Feb. 1, 1968; 8:46 a.m.]

[Docket No. 8699; Amdt. 39-549]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Model DH-125 Series 1A, 1A-522, 1A/R-522, 3A and 3AR Airplanes

Pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), an airworthiness directive was adopted on January 11, 1968, and made effective immediately as to all known U.S. operators of Hawker Siddeley Model DH-125 Series 1A, 1A-522, 1A/R-522, 3A and 3AR airplanes because of reports of several occurrences of engine flameouts, including flameouts of both engines within a few minutes of each other, during icing conditions. The directive required a placard to be installed on the flight instrument panel in clear view of the pilot reading as follows: "Turn engine relight switch ON when operating engine anti-icing system at 15,000 feet or above."

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Hawker Siddeley Model DH-125 Series 1A, 1A-522, 1A/R-522, 3A and 3AR airplanes by individual telegrams dated January 11, 1968. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In view of the foregoing, § 39.13 of Part 39 is amended by adding the following airworthiness directive:

HAWKER SIDDELEY. Applies to Model DH-125 Series 1A, 1A-522, 1A/R-522, 3A and 3AR airplanes.

To prevent engine flameouts during icing conditions, within the next 15 hours' time in service after the effective date of this AD, or before further flight into known or predicted icing conditions, whichever occurs first, install a placard on the flight instrument panel in clear view of the pilot reading as follows:

"TURN ENGINE RELIGHT SWITCH ON WHEN OPERATING ENGINE ANTI-ICING SYSTEM AT 15,000 FEET OR ABOVE."

Hawker Siddeley Special Flying Instruction No. 125-1 and Alert Service Bulletin 80-A3 pertain to this subject.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated January 11, 1968.

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

Issued in Washington, D.C., on January 25, 1968.

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

[F.R. Doc. 68-1275; Filed, Feb. 1, 1968; 8:46 a.m.]

SUBCHAPTER E—AIRSPACE
[Airspace Docket No. 68-CE-4]

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

Alteration of Control Zone and Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Kansas City, Mo., control zone and transition area.

Recently the name of Mid Continent International Airport was changed to Kansas City International Airport, therefore it is necessary to alter the Kansas City, Mo., control zone and transition area to reflect the new name of the airport. Action is taken herein to effect this change.

Since the change is minor in nature and imposes no additional burden on any person, 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., March 28, 1968, as hereinafter set forth:

(1) In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

KANSAS CITY, MO. (INTERNATIONAL AIRPORT)

Within a 5-mile radius of Kansas City International Airport (lat. 39°18'20" N., long. 94°43'30" W.); and within 2 miles each side of the Kansas City VORTAC 276° radial, extending from the VORTAC to 14 miles west of the VORTAC, excluding that portion which coincides with the Kansas City, Mo., and Leveanworth, Kans., control zones.

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

KANSAS CITY, MO.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Kansas City Municipal Airport (lat. 39°07'20" N., long. 94°35'30" W.); within 2 miles each side of the Riverside, Mo., VOR 018° radial and 2 miles west of the Kansas City Municipal Airport ILS localizer north course, extending from the 10-mile radius area to 8 miles north of the OM; within an 8-mile radius of Kansas City International Airport (lat. 39°18'20" N., long. 94°43'30" W.); and within 2 miles each side of the Kansas City International Airport ILS localizer north and south courses, extending from the 8-mile radius area to 13 miles north of the airport and to 8 miles south of the OM; within a 7-mile radius of Sherman AAF (lat. 39°22'05" N., long. 94°54'45" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the southeast by the arc of a 42-mile radius circle centered on Kansas City Municipal Airport, beginning at the west boundary of V–159 and extending counterclockwise to the south boundary of V–12 thence along the south boundary of V–12 to long. 93°30'00" W., thence north along long. 93°30'00" W., to the southeast boundary of V–10 thence direct to lat. 39°47'45" N., long. 93°34'00" W., thence southwest along the northwest boundary of V–10 to the east boundary of V–161, thence west to lat. 39°44'00" N., long. 94°43'20" W., thence southwest to lat. 39°30'00" N., long. 94°49'00" W., thence west along lat. 39°-30'00" N., to the southwest boundary of V–71, thence northwest along the southwest boundary of V–71 to long. 95°09'00" W., thence south along long. 95°09'00" W., to the southeast boundary of V–10, thence northeast along the southeast boundary of V–10 to the arc of a 10-mile radius circle centered on Kansas City Municipal Airport, thence clockwise to the west boundary of V–159, thence south along the west boundary of V–159 to the point of beginning; and that airspace extending upward from 5,000 feet MSL bounded on the west by long. 93°30'00" W., on the south by V–4, on the east by V–424, on the north by V–116 and on the northwest by V–206; and within the area bounded on the west by long. 93°30'00" W., on the south by V–116, on the east by V–206 and on the north by V–10; and within an area bounded on the west by V–161, on the southeast by V–10 and on the north by V–50.

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

Issued at Kansas City, Mo., on December 17, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68–1276; Filed, Feb. 1, 1968; 8:46 a.m.]

[Airspace Docket No. 67–CE–128]

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

Alteration of Transition Area

On Page 16049 of the FEDERAL REGISTER dated November 22, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Coffeyville, Kans.

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

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

This amendment shall be effective 0001 e.s.t., March 28, 1968.

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

Issued in Kansas City, Mo., on January 17, 1968.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

COFFEYVILLE, KANS.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Coffeyville Municipal Airport (latitude 37°05'45" N., longitude 95°34'25" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the northeast by a line 5 miles southwest of and parallel to the Oswego, Kans., VOR 306° radial, on the south by V–516, and on the west by V–131, excluding the portion which overlies the Independence, Kans., and Parsons, Kans., transition areas.

[F.R. Doc. 68–1279; Filed, Feb. 1, 1968; 8:47 a.m.]

[Airspace Docket No. 67–CE–126]

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

Designation of Control Zone and Alteration of Transition Area

On pages 16102 and 16103 of the FEDERAL REGISTER dated November 23, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a control zone and alter the transition area at Williston, N. Dak.

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

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

The Sloulin International Airport longitude coordinate recited in the Williston, N. Dak., control zone designation and transition area alteration as "longitude 103°38'15" W." is changed to read "longitude 103°38'10" W.".

This amendment shall be effective 0001 e.s.t., March 28, 1968.

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

Issued in Kansas City, Mo., on January 18, 1968.

EDWARD C. MARSH,
Director, Central Region.

1. In § 71.171 (33 F.R. 2058), the following control zone is added:

WILLISTON, N. DAK.

Within a 5-mile radius of Sloulin International Airport (latitude 48°10'35" N., longitude 103°38'10" W.); within 2 miles each side of the Williston VOR 136° radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 127° bearing from Sloulin International Airport, extending from the 5-mile radius zone to 12 miles southeast of the airport.

2. In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

WILLISTON, N. DAK.

That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Sloulin International Airport (latitude 48°10'35" N., longitude 103°33'10" W.); and within 2 miles each side of the Williston VOR 316° radial, extending from the 9½-mile radius area to 8 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the Williston VOR 136° and 316° radials, extending from the 9½-mile radius area to 12 miles northwest of the VOR; and within 5 miles southwest and 8 miles northeast of the 127° bearing from Sloulin International Airport, extending from the 9½-mile radius area to 16 miles southeast of the airport.

[F.R. Doc. 68–1280; Filed, Feb. 1, 1968; 8:47 a.m.]

[Airspace Docket No. 67–CE–125]

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

Designation of Transition Area

On Page 15712 of the FEDERAL REGISTER dated November 15, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Elkhart, Ind.

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

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

The Elkhart Municipal Airport longitude coordinate recited in the Elkhart, Indiana transition area designation as "longitude 85°59'00" W." is changed to read "longitude 85°59'50" W.".

This amendment shall be effective 0001 e.s.t., March 28, 1968.

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

Issued in Kansas City, Mo., on January 16, 1968.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

ELKHART, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Elkhart Municipal Airport (latitude 41°43'00" N., longitude 85°59'50" W.); and within 2 miles each side of the South Bend, Ind., VORTAC 101° radial, extending eastward from the 5-mile radius area to 23 miles east of the VORTAC, excluding the portion which overlies the South Bend, Ind., 700-foot floor transition area.

[F.R. Doc. 68-1281; Filed, Feb. 1, 1968; 8:47 a.m.]

[Airspace Docket No. 67-SO-110]

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

Designation of Transition Area

On December 12, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 17675), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Laurinburg, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable except those submitted by the Aircraft Owners and Pilots Association (AOPA). The AOPA objected on the basis that the proposed 9-mile radius transition area is not justified for this airport; that a 5-mile radius would be adequate.

A review of the proposed amendment, in the light of the comments submitted, disclosed that a 9-mile radius transition area is required to provide adequate controlled airspace protection to accommodate departing jet type aircraft during climb to 1,200 feet above the surface.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 28, 1968, as hereinafter set forth.

In § 71.181 (33 F.R. 2137), the following transition area is added:

LAURINBURG, N.C.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Laurinburg-Maxton Airport (lat. 34°47'25" N., long. 79°21'55" W.).

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

Issued in East Point, Ga., on January 24, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-1282; Filed, Feb. 1, 1968; 8:47 a.m.]

[Airspace Docket No. 67-SW-88]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Airspace

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the time of designation of Restricted Area R-3802 Rabbit Island, La.

The Department of the Navy has requested the Federal Aviation Administration to change the time of designation of Restricted Area R-3802 Rabbit Island, La., from 0800 c.s.t. to sunset, Saturday and Sunday, and other times as activated by NOTAM, to be effective from sunrise to sunset, daily. Warning Area W-92 has been used to conduct air-to-ground gunnery crew training in the AC-47 aircraft; however, a substantial increase in the training activity to support Southeast Asia operations is scheduled. Due to the limited number of aircraft available for training and the long transit time to and from the practice firing area in W-92, the increased training activity requires the use of a range much closer to England Air Force Base, La. Restricted Area R-3802 is the only available area located within the desired distance from England Air Force Base and the use of it would reduce transit time by more than 50 percent. Additionally this area is remotely located with respect to airways and other nonparticipating air traffic so that extending the time of effectiveness of R-3802 will not increase its burden upon the public substantially.

Since there is a vital need for the target located in R-3802, to be available on a daily basis in support of Southeast Asia training operations and considering its remoteness, the Administrator has determined that notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., March 28, 1968, as hereinafter set forth.

In § 73.38 (33 F.R. 2318) the time of designation for Restricted Area R-3802, Rabbit Island, La., is amended to read:

Time of designation. Sunrise to sunset.

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

Issued in Washington, D.C., on January 25, 1968.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 68-1278; Filed, Feb. 1, 1968; 8:47 a.m.]

[Airspace Docket No. 67-CE-116]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration and Extension of Jet Routes

On October 17, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 14333) stating that the Federal Aviation Administration was considering amendments to Part 75 of the Federal Aviation Regulations that would realign Jet Route No. 84 segment from Wolbach, Nebr., direct to Dubuque, Iowa; and extend Jet Route No. 45 from Des Moines, Iowa, to Wolbach.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The Air Transport Association of America concurred with the proposed amendments. However, they objected to the discontinuance of the existing jet route segment between Des Moines and Dubuque which would result from the realignment of J-84 from Wolbach direct to Dubuque. The retention and utilization of the jet route segment between Des Moines and Dubuque would facilitate east bound turbojet departures from Omaha, Nebr., and Des Moines airports. Accordingly, action is taken herein to retain the jet route segment between Des Moines and Dubuque and renumber the jet route segment from Des Moines to Wolbach which was proposed as an extension of J-45 in the notice.

Since the retention of the jet route segment between Des Moines and Dubuque and the renumbering of the jet route segment from Des Moines to Wolbach will not alter the extent of controlled airspace, notice and public procedure are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 28, 1968, as hereinafter set forth.

1. Section 75.100 (33 F.R. 2349) is amended as follows:

a. In Jet Route No. 84 "Des Moines, Iowa;" is deleted.

b. Jet Route No. 144 is added:

Jet Route No. 144 (Wolbach, Nebr., to Dubuque, Iowa). From Wolbach, Nebr.; via Des Moines, Iowa; to Dubuque, Iowa.

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

Issued in Washington, D.C., on January 25, 1968.

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

[F.R. Doc. 68-1277; Filed, Feb. 1, 1968; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8671; Amdt. 579]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

ADF Standard Instrument Approach Procedure

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

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Holland Int	LOM	Direct	2200	T-dn	300–1	300–1	*200–½
Princeton Int	LOM	Direct	2200	C-dn	600–1	600–1	600–1½
EVV VOR	LOM	Direct	2200	S-dn-21	500–1	500–1	500–1
Mount Vernon Int	LOM	Direct	2200	A-dn	800–2	800–2	800–2
Augusta Int	LOM (final)	Direct	2200				
Booneville Int	LOM	Direct	2500				
Mackey Int	LOM	Direct	2200				

Procedure turn N side of crs, 035° Outbnd, 215° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 215°—6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing LOM, make left-climbing turn, climb to 2200′ on 180° crs to EVV R 080° and proceed to EVV VOR or when directed by ATC, make climbing right turn to 2200′ on 305° crs and proceed to Princeton Int via EVV VOR R 013.
*300–1 on Runways 9–27.
MSA within 25 miles of facility: 000°–090°—1900′; 090°–180°—2500′; 180°–270°—2500′; 270°–360°—2000′.

City, Evansville; State, Ind.; Airport name, Dress Memorial; Elev., 418′; Fac. Class., LOM; Ident., EV; Procedure No. NDB(ADF) Runway 21, Amdt. 4; Eff. date, 24 Feb. 68; Sup. Amdt. No. ADF 1, Amdt. 3; Dated, 4 Mar. 67

VOR Standard Instrument Approach Procedure

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

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 117°, EVV VOR clockwise	R 237°, EVV VOR	Via 8-mile Arc	2400	T-dn*	300–1	300–1	200–½
R 357°, EVV VOR counterclockwise	R 237°, EVV VOR	Via 8-mile Arc	2100	C-d	1100–1	1100–1	1100–1½
8-mile DME Fix, R 237°	EVV VOR (final)	Direct	2100	C-n	1100–2	1100–2	1100–2
				A-dn	1500–2	1500–2	1500–2
				Minimum with DME:			
				C-d	600–1	600–1	600–1½
				C-n	600–2	600–2	600–2

Procedure turn S side of crs, 237° Outbnd, 057° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′; over 10-mile DME Fix, 1518′.
Crs and distance, facility to airport, 057°—12.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 12.4 miles after passing EVV VOR, climb to 2500′ on EVV VOR R 057°, make right turn and return to EVV VOR or, when directed by ATC, climb to 2200′ and proceed to EV LOM.
*300–1 required on Runways 9–27.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—2500′; 180°–270°—1900′; 270°–360°—2700′.

City, Evansville; State, Ind.; Airport name, Dress Memorial; Elev., 418′; Fac. Class., H-BVORTAC; Ident., EVV; Procedure No. VOR-1, Amdt. 3; Eff. date, 24 Feb. 68; Sup. Amdt. No. 2; Dated, 28 Jan. 67

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bigelow Int	OTG VOR	Direct	3300	T-dn%¢	300–1	300–1	200–½
				C-d#	400–1	500–1	500–1¼
				C-n#	400–1½	500–1½	500–1¾
				S-dn–17#	400–1	400–1	400–1
				A-dn#	800–2	800–2	800–2

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 3300′ within 10 miles.
Minimum altitude over facility on final approach crs, *1974′ (*2274′ when control zone not effective).
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 3300′ on R 170° within 10 miles, return to VOR.
NOTES: (1) Use Sioux Falls, S. Dak., altimeter setting when control zone not effective. (2) Circling and straight-in ceiling minimums are raised 300′ and alternate minimums not authorized when control zone not effective.
These minimums apply at all times for air carriers with approved weather reporting service.
¢ 300–1 required for all takeoffs on Runway 17.
% When weather is below 800–1 aircraft departing southwestbound, flight below 2800′ beyond 1 mile from airport is prohibited between radials 210° and 290° inclusive of the OTG VOR due to 2307′ tower 4 miles southwest of airport.
CAUTION: Runways 8/26 and 14/32 unlighted.
MSA within 25 miles of facility: 000°–180°—2900′; 180°–360°—3400′.

City, Worthington; State, Minn.; Airport name, Worthington Municipal; Elev., 1574′; Fac. Class., L–BVOR; Ident., OTG; Procedure No. VOR Runway 17, Amdt. 3; Eff date, 24 Feb. 68; Sup. Amdt. No. Ter VOR–17, Amdt. 2; Dated, 26 Mar. 66

2. By amending § 97.15 of Subpart B to very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

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

PROCEDURE CANCELED, EFFECTIVE, 24 FEB. 1968.

City, Albany; State, N.Y.; Airport name, Albany County; Elev., 288′; Fac. Class., BVORTAC; Ident., ALB; Procedure No. 1, Amdt. 3; Eff. date, 9 Jan. 65; Sup. Amdt. No. 2; Dated, 2 Nov. 63

PROCEDURE CANCELED, EFFECTIVE 24 FEB. 1968.
City, Albany; State, N.Y.; Airport name, Albany County; Elev., 288′; Fac. Class., BVORTAC; Ident., ALB; Procedure No. 4, Amdt. 3; Eff. date, 9 Jan. 65; Sup. Amdt. No. 2; Dated, 2 Nov. 63

3. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lakewood Int	LOM (final)	Via OBK R 272° and NW crs OHA ILS.	2200	T-dn%	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1¼
				S-dn–14L#	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2
Niles Int	ORD VOR	Direct	3000	Category II special authorization required: TDZ elevation, 652′. Decision heights—S-dn-14L—DH 150′, RVR 1600′, 802′, MSL, RA 151. S-dn-14L DH 100′, RVR 1200′, 752′ MSL RA 104.			
ORD VOR	LOM	Direct	2500				
Warren Int	LOM	Direct	2500				
Deerfield Int	LOM	Direct	2500				
OBK VOR	LOM	Direct	2500				

Radar available.
Procedure turn W side of crs, 318° Outbnd, 138° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at LOM, 2090′—5.2 miles; at MM, 864′—0.6 mile.
Distance inner marker to 14L, 1190′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles of OM, turn left to a heading of 120° and climb to 1500′, then make left-climbing turn to 3500′ and proceed to Evanston Int via ORD R 075°.
Category II missed approach: Climb to 1500′, then make left-climbing turn to 3500′ and proceed to Evanston Int via ORD R 075°, if contact with visual guidance system not established at DH. Supplementary charting information: Distance DH 150′ to runway—2325′.
MSA within 25 miles of LOM: 000°–090°—2500′; 090°–180°—3000′; 180°–360°—2500′.

NOTE: Back crs unusuable.
CAUTION: Takeoffs Runway 32L when weather is below 1000–3 climb to 2000′ MSL on runway heading prior to making left turn. When conducting a parallel approach, Parallel ILS 14 R and L procedure must be used.
#400–¾ required when glide slope not utilized, 400–½ authorized with operative ALS except for 4-engine turbojets.
%Runway Visual Range 2400′ authorized for takeoff on Runway 14L and 14R, and 32L and 32R, and 27R.
*RVR 2000′ 4-engine turbojets; RVR 1800′ other aircraft descent below 867′ not authorized unless ALS visible.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I–OHA; Procedure No. ILS Runway 14L, Amdt. 13; Eff. date, 24 Feb. 68; Sup. Amdt. No. ILS Runway 14L, Amdt. 12; Dated, 30 Dec. 67

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Holland Int	LOM	Direct	2200	T–dn**	300–1	300–1	200–½
EVV VOR	LOM	Direct	2200	C–dn	600–1	600–1	600–1½
Princeton Int	LOM	Direct	2200	S–dn–21*	200–½	200–½	200–½
Mount Vernon Int	LOM	Direct	2200	A–dn	600–2	600–2	600–2
Augusta Int	Buckskin Int	Via 260° mc and LOC crs.	2200				
Holland Int	Buckskin Int	SAM, R 112	2200				
Buckskin Int	LOM (final)	Direct	2200				
Booneville Int	LOM	Direct	2500				
Mackey Int	LOM	Direct	2200				

Procedure turn N side of crs, 035° Outbnd, 215° Inbnd, 2200′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at OM, 2200—6 miles; at MM, 605–0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left-climbing turn, climb to 2200′ on 180° crs to R 080°, and proceed to EVV VOR or when directed by ATC, make climbing right turn, climb to 2200′ on 305° crs until intercepting R 013°, then proceed N on R 013° to Princeton Int.
NOTE: Back crs unusable.
*500–¾ required when glide slope not utilized, 500–½ authorized with operative ALS, except for 4-engine turbojets.
**300–1 on Runnways 9–27.
MSA within 25 miles of LOM: 000°–090°—1900′; 090°–180°—2500′; 180°–270°—2500′; 270°–360°—2000′.

City, Evansville; State, Ind.; Airport name, Dress Memorial; Elev., 418′; Fac. Class., ILS; Ident., I–EVV; Procedure No. ILS Runway 21, Amdt. 12; Eff. date, 24 Feb. 68; Sup. Amdt. No. ILS 21, Amdt. 11; Dated, 4 Mar. 67

4. By amending § 97.19 of Subpart B to amend radar procedures as follows:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
248°	180°	0–20 miles	***2000	T–dn %*	300–1	300–1	200–½
180°	248°	0–15 miles	***2000	Surveillance approach			
180°	248°	15–20 miles	***2300	C–dn–14 L & R, 32 L & R, 27R, 22,** 27L.**	500–1	500–1	500–1½
				C–dn–4	600–2	600–2	600–2
				C–dn–9R**	500–1	500–1	500–1½
				S–dn–9R**	500–1	500–1	500–1
				S–dn–14 L & R, 32 L & R, 27R,$ 22,** 27L.**	400–1	400–1	400–1
				S–dn–4	600–2	600–2	600–2
				A–dn	800–2	800–2	800–2
				Precision approach			
				C–dn	500–1	500–1	500–1½
				S–dn–14 R & L, 27R, 32 L & R.#	200–½	200–½	200–½
				S–dn–22, 4	300–¾	300–¾	300–¾
				A–dn	600–2	600–2	600–2

All bearings are from radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:
Runway 4—Climb straight ahead to 3500′ and proceed to Evanston Int via ORD VOR R 075° or, when directed by ATC, climb straight ahead to 2500′ and proceed to OBK VOR via R 170°.
Runway 9R—Climb to 3500′ and proceed to Evanston Int via ORD VOR R 075°.
Runways 27 R and L—Climb to 3500′ on a crs of 268° and proceed to DPA VOR via R 068° or, when directed by ATC, climb to 3500′ on crs of 268° and proceed to Elgin Int via ORD VOR R 271°.
Runway 22—Climb to 3500′ on a crs of 220° and proceed to DPA VOR via R 073° or, when directed by ATC, make left-climbing turn to 3500′ and proceed to Evanston Int via ORD VOR R 075°.
Runway 14R—Turn right to heading 155°, climb to 1500′, then make right-climbing turn to 3500′ and proceed to DPA VOR via R 085° or, when directed by ATC, turn right to heading 155°, climb to 1500′, make climbing right turn to 3500′ and proceed to Elgin Int via ORD VOR R 271°.
Runway 32R—Turn right to 335° heading, climb to 1500′, then make right-climbing turn to 3500′ and proceed to Evanston Int via ORD R 075°.
Runway 32L—Turn left to 300° heading, climb to 2000′, then make climbing left turn to 3500′ and proceed direct to DPA VOR.
Runway 14L—Turn left to heading of 120° and climb to 1500′, make left-climbing turn to 3500′ and proceed to Evanston Int via ORD R 075°.
CAUTION: 1460′ tower, 5.5 miles W, 1413′ tower, 4.9 miles W. Takeoffs on Runway 32L, when weather is below 1000–3, climb to 2000′ MSL on runway heading prior to making left turn.
**On ASR approach to Runway 22, do not descend below 1200′ until radar advises passing 3-mile Radar Fix from end of runway. On ASR approach to Runway 27L do not descend below 1300′ MSL until radar advises passing 2-mile fix from end of runway.
**On ASR approach to Runway 9R do not descend below 1700′ MSL until radar advises passing 4-mile fix from end of runway.

***Radar control will provide 1000' vertical clearance within a 3-mile radius of towers 1187', 15 miles NW, 1460', 5.5 miles W, 1413', 4.9 miles W, 1508', 7.2 miles SW, 1185', 4.8 miles SW, 1120', 3.5 miles SW, 1504', 14.2 miles SE, 1260', 10 miles SSW, 1080', 14.3 miles SSW, 1125', 8 miles SW, 1549', 13.9 miles SE, and 2049', 13.9 miles SE.
#RVR 2400' Runways 14R, 32 L and R and 27R. Descent below 867' not authorized unless approach lights are visible.
#Runway 14L RVR 2000' 4-engine turbojets; RVR 1800' other aircraft when TDZL and RCLS are available.
%RVR 2400' authorized Runways 14 L and R, 32 L and R and 27R.
§Runways 27R, 14 R and L, 32 R and L: 400—½ authorized with operative ALS, except for 4-engine turbojets. Runways 14 R and L, 32 R and L, and 27R, 400-¾ authorized with operative HIRL except for 4-engine turbojets.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667'; Fac. Class. and Ident., O'Hare Radar; Procedure No. 1, Amdt. 16; Eff. date, 24 Feb. 68; Sup. Amdt. No. 1, Amdt. 15; Dated, 16 Dec. 67

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on January 17, 1968.

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

[F.R. Doc. 68-929; Filed, Feb. 1, 1968; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-8229]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Insider Trading

Notice is hereby given that the Securities and Exchange Commission has adopted Rule 16b-11 (17 CFR 240.16b-11), under the Securities Exchange Act of 1934. The rule exempts from the operation of section 16(b) under the Act the sale of certain short-term subscription rights distributed by an issuer to a class of its security holders pro rata in the course of an offering to such security holders of additional securities of such issuer.

Section 16(b) of the Act was enacted for the purpose of discouraging the unfair use of information in short-term trading by beneficial owners of more than 10 percent of a class of equity security registered pursuant to section 12 of the Act and by officers and directors of the issuer of such a security. Section 16(b) provides that profits realized by such persons from the purchase and sale, or sale and purchase, of any equity security of the issuer, whether or not registered, within a period of less than 6 months, inure to and are recoverable by or on behalf of the issuer. The Commission is authorized to exempt from the provision of section 16(b) transactions not comprehended within the purpose of the section.

The Commission published notice of the proposed adoption of this rule in Securities Exchange Act Release No. 8204 on December 11, 1967 (F.R., Dec. 15, 1967, 32 F.R. 17983) and invited comments thereon. One comment was received which suggested that the extension of the exemptive provision of the rule to the receipt of a subscription right might lead to the erroneous impression that the receipt of a subscription right which did not qualify under the rule would involve the purchase of such right for the purpose of section 16(b). The rule was revised, therefore, in order to delete the word "receipt" from the title, and from the exemptive provision of the rule, since it is well established that the receipt of subscription rights distributed by an issuer to its shareholders pro rata without consideration does not involve a purchase of such rights.[1] In accordance with another suggestion the maximum allowable term of a subscription right under the rule has been increased from 30 to 45 days. In addition certain other minor technical revisions were made which have no material effect on the substance of the rule.

Rule 16b-11 (17 CFR 240.16b-11) was proposed by the Commission in response to inquiries from issuers and members of the Bar as to whether a sale of a right or a warrant to subscribe for a security could be matched against a prior or subsequent purchase of the underlying security within a 6-month period for the purpose of section 16(b). This question is quite complex and there is no judicial precedent precisely in point.[2] The Commission, therefore, is not prepared to express an opinion on the matter without further study, but is nevertheless of the view that the limited exemption afforded by Rule 16b-11 would not, in any event, be contrary to the purpose of section 16(b). Accordingly, Rule 16b-11 has been adopted in the form proposed with the modifications noted above.

The exemption afforded by the rule covers only the sale of subscription rights received from the issuer in the course of a pro rata distribution of such rights without consideration to a class of its security holders. Purchases of subscription rights for cash or other consideration, sales of subscription rights purchased for cash or other consideration, and the purchase of securities upon the exercise of subscription rights are not exempted. Further, the exemptive provision of the proposed rule excludes a sale of subscription rights by a person who has purchased subscription rights for cash or other consideration within the 6-month period preceding or following such to the extent of any such purchase.

Commission action. Section 240.16b-11 of Chapter II of Title 17 of the Code of Federal Regulations is herewith adopted to read as follows:

§ 240.16b-11 Exemption from section 16(b) of certain transactions involving the sale of subscription rights.

(a) Any sale of a subscription right to acquire any subject security of the same issuer shall be exempt from the provision of section 16(b) (of the act), to the extent prescribed in this section, as not comprehended within the purpose of said section of the act, if:

(1) Such subscription right is acquired, directly or indirectly, from the issuer without the payment of consideration;

(2) Such subscription right by its terms expires within 45 days after the issuance thereof;

(3) Such subscription right by its term is issued on a pro rata basis to all holders of the beneficiary security of the issuer; and

(4) A registration statement under the Securities Act of 1933 (15 U.S.C. 77) is in effect as to each subject security, or the applicable terms of any exemption from such registration have been met in respect to each subject security.

(b) When used within this section the following terms shall have the meaning indicated.

(1) The term "subscription right" means any warrant or certificate evidencing a right to subscribe to or otherwise acquire an equity security.

(2) The term "beneficiary security" means a security registered pursuant to section 12 (of the act) to the holders of which a subscription right is granted.

(3) The term "subject security" means a security which is the subject of a subscription right.

(c) Notwithstanding anything contained herein to the contrary, if a person purchases subscription rights for cash or other consideration, then a sale by such person of subscription rights otherwise exempted by this section will not be so exempted to the extent of such purchases within the 6-month period preceding or following such sale.

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[1] Shaw v. Dreyfus, 172 F. 2d 140 (1949), cert. den. 337 U.S. 907.

[2] In Shaw v. Dreyfus, supra, the defendant sold part of his subscription rights and exercised the remainder. It does not appear, however, that any claim for relief was based upon the sale of the rights and the purchase of the underlying shares within a 6-month period and the court's opinion makes no mention of this problem. Judge Clark, in his dissenting opinion, however, appears to have been of the view that the statutory purpose of section 16(b) might require the matching of the sale of subscription rights against prior or subsequent purchases of the underlying shares. In Silverman v. Landa, 306 F. 2d 422 (1962) the same court held that the issuance of a straddle (i.e., a matched put and call) did not involve a purchase and sale of the underlying security, notwithstanding the Commission's amicus curiae brief to the contrary.

(Secs. 16(b) and 23(a); 48 Stat. 896 and 901, as amended; 15 USC 78p and 78w)

Effective date. The Commission finds the transactions exempted by the foregoing section are not comprehended within the purpose of section 16(b) of the Securities Exchange Act of 1934 and has taken the foregoing action pursuant to such Act, particularly sections 16(b) and 23(a) thereof. Since the foregoing action grants an exemption from the requirements of section 16(b) of the Securities Exchange Act of 1934, the Commission finds that the procedures specified in section 4 of the Administrative Procedure Act as codified in 5 U.S.C. 553 are unnecessary. The foregoing section shall be effective January 17, 1968.

By the Commission, January 17, 1968.

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

[F.R. Doc. 68-1268; Filed, Feb. 1, 1968; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 166—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Listing of Additional Drug as Drug Subject to Control

In the matter of listing the drug DOM (STP) as a "depressant or stimulant" drug within the meaning of section 201(v) of the Federal Food, Drug, and Cosmetic Act because of its hallucinogenic effect:

No comments were received on the proposal in the above-identified matter published in the FEDERAL REGISTER of November 22, 1967 (32 F.R. 16048), and it is concluded that the amendment should be adopted as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority delegated by the Secretary of Health, Education, and Welfare to the Commissioner of Food and Drugs (21 CFR 2.120), § 166.3(c)(3) is amended by alphabetically inserting in the list of drugs a new item, as follows:

§ 166.3 **Listing of drugs defined in section 201(v) of the act.**

* * * * * * *

(c) * * *

(3) * * *

Established name or other nonproprietary designation	*Some trade or other names*
* * *	* * *
DOM (STP) ---	4-Methyl-2,5-dimethoxyamphetamine; 4-methyl-2,5-dimethoxy-α-methylphenethylamine; and "STP."
* * *	* * *

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

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371)

Dated: January 24, 1968.

WINTON B. RANKIN, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 68-1207; Filed, Feb. 1, 1968; 8:45 a.m.]

Title 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6945]

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Standards of Identity for Neutral Spirits and Domestic Whiskies

Correction

In F.R. Doc. 68-981, appearing at page 983 of the issue for Friday, January 26, 1968, the following changes should be made:

1. In the first column of page 984 in the paragraph captioned "Conclusion," the first sentence should read: "All proposals for amendments in the regulations with respect to domestic whiskies distilled at 160° proof or less are rejected."

2. In the third column of page 985, paragraph 2.B. should read:

B. By inserting in subparagraph (1) in the first sentence ", at not more than 125° proof," after "March 31, 1938, stored";

3. In the first column of page 986, paragraph 8.A. should read:

A. By inserting in the first sentence of subparagraph (1) "(14)," after "(13),"; and

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular 2239]

PART 2240—SALES AND EXCHANGES

Subpart 2244—Exchanges

MISCELLANEOUS AMENDMENTS

On pages 10799-10803 of the FEDERAL REGISTER of July 22, 1967, there were published a notice and text of proposed revision of 43 CFR 2244. The purpose of the revision is to establish uniform procedures for the handling of exchanges.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed revisions. Two suggestions, both relating to the citation of authority, were received and adopted. The proposed regulations are hereby adopted with the following changes, and are set forth below:

(1) In paragraph (c) of § 2244.1-2 the part number is changed to read "2410," this being the correct identification for the Part relating to Land Classification.

(2) Existing paragraph (a) of § 2244.4-5 of the proposed regulation is deleted. This paragraph cited as authority §§ 303 and 304 of the Act of June 15, 1935 (49 Stat. 382; 16 U.S.C. 715d-2, 715e-1). However, § 303 of the Act of June 15, 1935, was repealed by the Act of October 15, 1966 (80 Stat. 930), and § 304 is also now without effect.

(3) Existing paragraph (c) of § 2244.4-5 of the proposed regulation is redesignated paragraph (a).

(4) A new paragraph (c) is added to § 2244.4-5, to complete the citation of exchange authority relating to wildlife refuge exchanges:

"(c) Section 1 of the Act of August 22, 1957 (71 Stat. 412), as amended (16 U.S.C. 696) authorizes the Secretary of the Interior to acquire, for the National Key Deer Refuge, lands in designated areas in Florida which he finds suitable for the conservation and management of key deer and other wildlife by exchange for any Federally owned property in Florida which he classifies as suitable for exchange or other disposal. The values of the property so exchanged shall be approximately equal, or if they are not approximately equal, the values shall be

equalized by the payment of cash to the grantor or to the Secretary as required."

This amendment shall become effective at the beginning of the 30th day following the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 27, 1968.

Subpart 2244 is revised in its entirety to read as follows:

Subpart 2244—Exchanges

§ 2244.0–1 Purpose.

The regulations in this subpart provide procedures for processing exchanges of U.S. property for other property.

§ 2244.0–2 Objectives.

The discretionary authority of the Secretary of the Interior to make exchanges will be used to consolidate land holdings of the United States, and to establish land ownership and use patterns which will permit more effective administration of the public lands of the United States, the stability of communities and enterprises dependent on the public lands, and other program objectives described in Subpart 1725 of this chapter.

§ 2244.0–5 Definitions.

(a) As used in this part the term "person" includes any person or entity legally capable of conveying and holding real property under the laws of the States within which the property is located.

§ 2244.1 Provisions applicable to all exchanges.

Except where otherwise noted in the regulations of this Subpart 2244, the regulations in this § 2244.1 are applicable to all exchanges.

§ 2244.1–1 Basis for exchange.

The fair market value of the property conveyed to the United States in any exchange shall not be less than the fair market value of the United States property exchanged therefor.

§ 2244.1–2 Applications.

(a) Preliminary negotiations: Preliminary negotiations for exchanges must be conducted with the Federal bureau or agency which would administer the offered lands if the exchange were completed. Any person who holds an interest in property within the boundaries of the area of responsibility of such Federal bureau or agency and who desires to negotiate an exchange with the United States must file with the appropriate field officer of that bureau or agency an informal proposal, in writing, describing the property which is to be offered to the United States and the property which is desired in exchange. After consultation with the authorized officer of the bureau or agency which has jurisdiction over the property desired by the proponent, the appropriate field officer will notify the proponent in writing whether the proposal appears feasible and, if so, whether any adjustments appear necessary for its consummation.

(b) Formal application:

(1) Any person desiring to effect an exchange hereunder must file with the Bureau of Land Management an application, in duplicate, on a form approved by the Director, Bureau of Land Management, or its equivalent, properly describing the offered and selected property. If the selected property is surveyed, it must be described by legal subdivisions of the public land surveys. The documents must be filed in accordance with the provisions of § 1821.2 of this chapter. The application must be accompanied by the notice required by paragraph (a) of this section, stating that the proposal appears feasible.

(2) The application must also include a corroborated statement relative to springs and water holes on the selected property, in accordance with §§ 2321.1–1(a) to 2321.1–2(d) of this chapter.

(3) The application must state that the value of the selected property does not exceed the value of the offered property. In a case where, by statute, equalization of values is permitted by a cash payment, the amount of cash payment that must be made to equalize values shall be stated in the application.

(c) Classification of land: No preliminary negotiations will be conducted, and no application will be accepted for lands administered by the Bureau of Land Management which have not been classified as proper for disposal by exchange, consistent with the provisions of Part 2410 of this chapter. This does not, however, prevent an interested agency from requesting that the authorized officer of the Bureau of Land Management schedule classification action, in accordance with the provisions of Part 2410 of this chapter, for any lands which the interested agency considers may have value for exchanges.

(d) The applicant must be legally capable, under the laws of the State in which the offered property is located, of consummating the exchange. The application must state that the applicant is the owner of the interest in the property offered in exchange and that such offered interest is not the basis of any other exchange.

(e) Deed to the United States:

(1) Owners of private property will be required to submit a warranty deed of conveyance of the offered property to the United States, properly executed, acknowledged, and recorded in accordance with the laws of the State in which the property is situated. Revenue stamps required by Federal and State law must be affixed to the deed and canceled. A deed executed by an individual grantor must disclose his marital status. If married, the spouse of the grantor must join in the execution of the deed to bar any right of curtesy, dower, community interest, or any other claim to the property conveyed, or it must be fully shown that under the laws of the State in which the conveyed property is situated, the grantor's spouse has no interest, present or prospective, in the property. A deed executed by a corporation must recite that it was executed pursuant to a resolution or order of its board of directors, or other governing body, and a copy of such resolution or order must accompany the deed. The corporate seal must be affixed to both instruments.

(2) States will be required to submit a deed of conveyance of the offered property to the United States, properly executed, acknowledged, and duly recorded in accordance with the laws of the State making the exchange, together with a certificate of the proper State officer showing that the officer executing the conveyance was authorized to do so under the State law.

(3) Holders of unperfected claims and Indian trust patents will not be required to submit a deed of conveyance. In lieu thereof, they will be required to submit a relinquishment of the claim or trust patent to the United States, witnessed by two persons and acknowledged before a notary public or other official with a seal. The relinquishment must contain a statement that the applicant has not sold, assigned, mortgaged, or contracted to sell, assign, or mortgage the land covered by the unperfected claim or relinquished allotment.

(4) All deeds and relinquishments must state that they are made "for and in consideration of the exchange of certain lands, as authorized by" the appropriate act of the Congress.

(5) Where appropriate, the deed shall recite that the conveyance is made to the United States, "as grantee in trust" for the appropriate Indian tribe or group.

(f) Taxes and equalizing money: Where taxes which have been assessed or levied on the offered property constitute liens against the property although such taxes are not due and payable at the time of the recordation of the deed to the United States, the applicant may furnish a bond with a qualified surety for double the amount of taxes paid on the property for the previous year, or, in lieu of a bond, a cash deposit in like amount, to secure the payment of such taxes. When proper evidence of payment in full of such taxes is furnished by the applicant, liability under the bond will be terminated or the cash deposit will be returned to him. Cash deposit or bond for taxes and, where applicable, cash payment of the amount determined to be needed to equalize values, will be payable upon request of the authorized officer of the Bureau of Land Management.

(g) Evidence of title:

(1) Owners of private property offered in exchange must submit as evidence of title to the offered lands a policy of title insurance on the form prescribed by the Department of the Interior (Form 4–1202), or on the form approved by the Attorney General (See "Standards for the Preparation of Title Evidence in Land Acquisitions by the United States" issued by the Department of Justice, 1964 ed.); or a certificate of title issued by a title insurance company authorized by law to issue same, or an abstract of title prepared and authenticated by a licensed abstractor or abstract company or by the recorder of deeds or other

proper officer of the State under his official seal.

(2) States must submit satisfactory evidence of title to the offered property. (i) If the offered property was ever held in private ownership, certificate of title, or an abstract of title as prescribed in subparagraph (1) of this paragraph must be submitted. (ii) If the offered property was never held in private ownership the State must submit a certificate of the proper State officer showing that the offered property had not been sold or otherwise encumbered by the State, and a certificate by the recorder of deeds or other proper officer under his official seal or by an abstrator or abstract company that no instrument purporting to convey or in any way encumber title to the offered property is of record or on file.

(3) Holders of unperfected claims and Indian trust patents must file a certificate of the recorder of deeds or other proper officer under his official seal or of an abstractor or abstract company that no instrument purporting to convey or in any way encumber title to the offered land is of record or on file.

(h) Segregation of the land: The filing of a valid formal application for exchange under the regulations of this subpart will segregate the selected public lands to the extent that they will not be subject to appropriation under the public land laws, including the mining laws, and that any subsequently tendered application, allowance of which is discretionary, will not be accepted, will not be considered as filed, and will be returned to the applicant. The segregative effect of an application on the lands covered by the application will terminate at 10 a.m. on the 30th day from and after the date a notice of the withdrawal or rejection of the application is first posted in the land office having jurisdiction over said lands.

§ 2244.1–3 Publication.

Upon a determination by the authorized officer of the bureau or agency having jurisdiction over the selected property and the authorized officer of the bureau or agency which will administer the offered property, if the exchange is completed, that the exchange is consistent with the law and regulations and is otherwise in the public interest, notice of the proposed exchange will be published by the Bureau of Land Management. The notice of publication will give the name and post office address of the applicant, the serial number and date of the application, a reference to the statute authorizing the exchange, and the description of the offered and selected property. It will also state that all persons asserting a claim to the selected property or having bona fide objections to the exchange may file their protests or other objections in the office designated in the notice, together with evidence that a copy of such protest or objections has been served upon the applicant. The notice will be published once a week for 4 consecutive weeks in a designated newspaper of general circulation in the county or counties in which the offered property is situated, and in the same manner in a newspaper of general circulation in the county or counties in which the selected property is situated. Proof of publication of notice shall consist of a certificate by the publisher or foreman or other authorized employee of the newspaper, specifying the dates of publication, attached to a copy of the notice as published.

§ 2244.1–4 Approval of exchange; right to reject; unperfected claims.

(a) *Approval of exchange.* (1) The criteria in Parts 1720 and 2410 of this chapter and the provisions of appropriate law shall be used in determining whether an application for exchange should be approved.

(2) After examination of the title and other evidence required of the applicant, if all be found regular and in conformity with the law and regulations, and there are no objections, the authorized officer may accept title to the property offered and conveyed to the United States. He will then issue a patent or other instrument of transfer for the property selected in exchange and, where authorized by law, will transmit to the applicant the cash payment, if any, necessary to equalize the values.

(b) *Right to reject.* (1) An application may be rejected at any time prior to the issuance of patent or other instrument of transfer. Exchanges will not be consummated, in the discretion of the authorized officer when, for example, after public notice—

(i) An appropriate public requirement for the selected property is identified, or

(ii) Information is received which establishes that the exchange is not in the public interest.

(2) Changes in values, after publication of the notice required by § 2244.1–3, will ordinarily not be a basis for rejection of an application, all other factors being equal.

(3) Prior to issuance of patent, no action taken shall establish any contractual or other rights against the United States, or create any contractual or other obligation of the United States.

(c) *Unperfected claims.* When the offered lands are embraced in unperfected claims, patents will not issue for the selected lands until the applicant complies with all the requirements of the law and regulations under which the unperfected claims have been held. The applicant will be credited with all acts of compliance whether earned in connection with the offered lands or selected lands or both.

§ 2244.1–5 Removal of improvements; return of title evidence.

(a) When any buildings, fencing, or other movable improvements owned or erected by an applicant on the land relinquished or conveyed are not a part of the offer to relinquish or convey, the applicant may remove such improvements from the land upon receipt of notice that the exchange has been approved, provided that such removal is accomplished within the time period specified in said notice.

(b) If an applicant has submitted deed and title evidence in connection with an exchange and his application is rejected, the evidence of title will be returned to the applicant. If the deed was recorded, a quitclaim deed for the land conveyed to the United States will be issued under section 6 of the Act of April 28, 1930 (46 Stat. 257; 43 U.S.C. sec. 872).

§ 2244.1–6 Costs and fees.

Whenever the law permits, the bureau or agency which will administer the offered lands if the exchange is consummated will be required to do the following:

(a) *Appraisals.* At the request and with the approval of the authorized officer of Bureau of Land Management, arrange, by contract or otherwise, for the services of appraisers, for the purpose of appraising both the offered and selected property.

(b) *Publication and securing title evidence.* Pay for costs of publication of the exchange and of securing title evidence for the offered property, except as provided otherwise in other sections of this subpart.

(c) *Processing.* At the request of authorized officers of Bureau of Land Management, reimburse the Bureau of Land Management and the bureau having jurisdiction over the selected lands, if other than the Bureau of Land Management, for any costs incurred by them in processing an exchange filed pursuant to the regulations in this subpart.

(d) *Service or filing fees.* Where the law permits, no service or filing fees shall be required in connection with an application for exchange.

§ 2244.2 Exchanges with States under the Taylor Grazing Act.

§ 2244.2–1 Authority.

(a) Subsections (c) and (d) of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. sec. 315g), authorize exchanges of lands between the United States and a State, upon the application of the State, and provide for the issuance of patent for the selected lands upon acceptance of title to the lands conveyed to the United States in exchange therefor.

(b) Lands offered in exchange by a State may be State-owned lands within or without the boundaries of a grazing district, and the selected lands may be surveyed grazing district lands not otherwise appropriated or reserved, or unappropriated and unreserved surveyed public lands of the United States, within the same State. If, however, the selected lands are within a grazing district, the lands offered by the State must be within the same grazing district and the selected lands must lie in a reasonably compact body which is so located as not to interfere with the administration or value of the remaining lands in the district for grazing purposes.

(c) Unsurveyed school sections within or without the boundary of a grazing district may be offered by the State in an exchange based upon equal areas, but the Secretary of the Interior will

consider and determine whether the values of the offered and selected lands are aproximately equal for the purpose of the exchanges. No mineral reservations to the State may be made in such unsurveyed sections, the identification of which will be determined by protraction or otherwise, the State by such selections waiving all rights to the unsurveyed sections.

(d) State-owned lands, as well as school sections surveyed and unsurveyed, the title to which has not yet vested in the State, located within national forests, national parks and monuments, Indian or other reservations or withdrawals, may be offered as a basis for an exchange under said section 8 of the Taylor Grazing Act as amended, where the selected lands are not within a grazing district. Where the selected lands are within a grazing district, lands within the exterior boundaries of the grazing district and also within such reservations or withdrawals may be offered as a basis for an exchange only if the authorized officer, Bureau of Land Management, determines that the exchange would not interfere with the administration or value of the remaining lands in the grazing district for grazing purposes.

(e) Either party to an exchange may make reservations of minerals, easements, or rights of use. The right to enjoy reservations made in lands conveyed to or by the United States shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the lands as the authorized officer deems necessary.

(f) Lands conveyed to the United States pursuant to a State exchange under this section, upon acceptance of title thereof, become public lands. If the lands are located within the exterior boundaries of a grazing district, they become a part of that district.

(g) Where a State exchange under this section involves lands embraced in outstanding grazing leases under section 15 of the Taylor Grazing Act (43 U.S.C., sec. 315m) issued prior to the filing of the State exchange application, the Secretary of the Interior, upon the request of the State, may issue patent to the State, subject to such outstanding lease, in accordance with the Act of August 24, 1937 (50 Stat. 748; 43 U.S.C. sec. 315p).

(h) The State is responsible for payment of one-half the cost of publication.

§ 2244.2–2 Program.

The program of the Secretary of the Interior is to cooperate with the States to effect mutually advantageous exchanges and to process State proposals for exchange as rapidly as possible, consistent with the law and the regulations of this subpart.

§ 2244.2–3 Applicable regulations.

All the provisions of § 2244.1 apply to State exchanges except:

(a) States may file applications for exchanges without meeting the requirements for preliminary negotiations.

(b) State exchanges are not subject to the classification requirements of Parts 2410 and 2411 of this chapter.

§ 2244.3 National forest exchanges.

§ 2244.3–1 Authority.

The Act of March 20, 1922 (42 Stat. 465), as amended (16 U.S.C., sec. 485), and other acts authorize the United States to convey Federal lands or timber and in exchange therefor to accept title to non-Federal lands which thereupon become a part of the national forest system administered by the Secretary of Agriculture.

§ 2244.3–2 Applicable regulations.

All proposals for exchange for the consolidation or extension of national forests shall be filed with the appropriate officer of the Forest Service, U.S. Department of Agriculture in compliance with the regulations of the Secretary of Agriculture. In addition, when an application involves the selection of public lands outside of national forests and under the administrative jurisdiction of the Bureau of Land Management, the proponents must comply with the regulations in § 2444.1.

§ 2244.4 Other exchanges.

The following exchanges are subject to the provisions of § 2244.1.

§ 2244.4–1 O&C exchanges.

(a) *Authority.* The Act of July 31, 1939 (53 Stat. 1144), authorizes and empowers the Secretary of the Interior, in his discretion, in the administration of the act approved August 28, 1937 (50 Stat. 874), to exchange any nonmineral land formerly granted to the Oregon and California Railroad Co., title to which was revested in the United States pursuant to the provisions of the Act of June 9, 1916 (39 Stat. 218), and any land granted to the State of Oregon, title to which was reconveyed to the United States by the Southern Oregon Co. pursuant to the provisions of the Act of February 26, 1919 (40 Stat. 1179), for lands of approximately equal aggregate value held in private, or State, or county ownership, either within or contiguous to the former limits of such grants, when by such action the Secretary of the Interior will be enabled to consolidate advantageously the holdings of lands of the United States. The act further provides that all lands and timber secured by the United States pursuant to any such exchange shall be administered in accordance with the same provisions of law as the revested and reconveyed lands exchanged therefor, and that parties to the exchange may make reservations of easements, rights-of-way, and other interests and rights. Both the offered and selected lands in Coos Bay Wagon Road exchanges must be in the same county.

(b) *Program*—(1) *Forest management.* The Act of August 28, 1937 (50 Stat. 874), provides for the conservation of land, water, forest, and forage on a permanent basis; the prudent utilization of these resources for the purposes to which they are best adapted; and the realization of the highest current values consistent with undiminished future returns. It seeks, through the application of the policy of sustained-yield management, to provide perpetual forests which will serve as a foundation for continuing industries and permanent communities.

(2) *Exchanges.* (i) Lands and timber to be acquired under authority of the Act of July 31, 1939, will be of a character and so located that the acquisition thereof will promote the conservation principles laid down by the Act of August 28, 1937. Lands and timber which will be disposed of by exchange will be of such a type and so located that the transfer of these resources will not interfere with those principles. Exchanges will not be authorized where the exchange would create a serious disturbance of existing economic conditions; or in cases where the exchange would operate materially to reduce the revenues which should accrue to the counties under authority of the Act of August 28, 1937. Neither can approval be given to the exchange of lands which would prevent the free and ready access of the Government in the development of the resources under its jurisdiction, nor the passing of title to which would in any way interfere with the policy of sustained-yield forest management which governs the administration of the O. and C. lands.

(ii) The primary objectives sought by the Act of July 31, 1939, include the following:

(*a*) Simplification of administration, improvement, and protection through the consolidation of holdings.

(*b*) The development of a balanced distribution of age classes of timber with a view to promoting the policy of sustained-yield forest management provided for in the Act of August 28, 1937.

(*c*) The establishment of sustained-yield management units, with a view to sustaining dependent industry, dependent labor and dependent communities.

(*d*) The effective administration of forest units.

(*e*) Aid in establishing economic operating units for combined agricultural and grazing enterprises, where such enterprises appear to provide the most desirable use of the land.

(*f*) The protection of recreational, open space, and natural beauty values against impairment or destruction.

§ 2244.4–2 Private exchanges under Taylor Grazing Act.

(a) *Authority.* Subsections (b) and (d) of section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C., sec. 315g), authorize the Secretary of the Interior, when the public interests will be benefited thereby, to accept on behalf of the United States title to any privately owned land within or without the boundaries of a grazing district and in exchange therefor to issue a patent for not to exceed an equal value of surveyed grazing district land or of unreserved surveyed public land in the same State or within a distance of not more than 50 miles within the adjoining State nearest the privately owned land. Either party to an exchange may make reservations of minerals, easements, or rights of use. The applicant must pay one-half the cost of publication.

§ 2244.4–3 Indian reservation exchanges.

(a) *Executive order reservations.* The Act of April 21, 1904 (33 Stat. 211; 43 U.S.C., sec. 149), authorizes the Secretary of the Interior to exchange any vacant, nonmineral, nontimbered, surveyed public lands located in the same State as the offered lands for any privately owned lands over which an Indian reservation has been extended by Executive order. The offered and selected lands must be approximately equal both in value and area. The applicant must pay all costs of consummating the exchange.

(b) *San Juan, McKinley, and Valencia Counties, N. Mex.* Section 13 of the Act of March 3, 1921 (41 Stat. 1239), authorizes the Secretary of the Interior to exchange any vacant, surveyed public lands, including any lands reconveyed under this act, in San Juan, McKinley, and Valencia Counties, N. Mex., for any privately owned lands, State school lands (except those granted by the act of January 25, 1927, 44 Stat. 1026, as amended (43 U.S.C. 870)), and lands covered by valid unperfected claims, and by Indian allotments and Indian allotment selections in such counties. The exchange must serve to consolidate the holdings of the applicant, who must own land in the same township in which the selected lands are located.

(c) *Apache, Coconino, and Navajo Counties, Ariz.* Section 2 of the Act of June 14, 1934 (48 Stat. 961), as supplemented by the Act of May 9, 1938 (52 Stat. 300), authorizes the Secretary of the Interior to exchange (1) any vacant, nonmineral, surveyed public lands in Apache, Navajo, and Coconino Counties, Ariz., for any privately owned lands in Apache and Coconino Counties and in that portion of Navajo County north of the townships line between Townships 20 North and 21 North, Gila and Salt River Meridian, and (2) any available lands within the reservation described in the above-mentioned act of 1934 for any lands covered by Indian allotments and Indian allotment selections in the three mentioned counties. Applicants may select public lands containing springs or other living waters only if the offered lands contain similar waters. If an applicant reserves oil, gas, and other minerals in the offered lands, a like reservation will be made in the selected lands.

(d) *Reservations established by statute.* Exchanges and lieu selections involving lands within Indian reservations occur infrequently. Regulations covering such transactions are, therefore, not codified. Any such transactions will be handled in a manner consistent with the authorizing laws and with the general regulations of § 2244.1 for exchanges, and of § 2244.2 for State lieu selections.

§ 2244.4–4 National Park System exchanges.

(a) *General.* Exchanges to eliminate private holdings from national parks and national monuments for which no specific provisions are made in this section have generally reached the limits allowed by enabling legislation. Regulations covering such transactions are, therefore, not codified. Any such transactions will be handled in a manner consistent with the authorizing laws and with the regulations in § 2244.1.

(b) *Point Reyes National Seashore, Calif.* The Act of September 13, 1962 (76 Stat. 538; 16 U.S.C., secs. 459c–459c–7), providing for the establishment of the Point Reyes National Seashore in the State of California, authorizes the Secretary of the Interior, when the public interest will be benefited thereby, to acquire land, waters, and other property within the boundaries of the Point Reyes National Seashore by exchange. He may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within Arizona, California, Nevada, and Oregon, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value, provided that when such values are not equal the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the value of the properties exchanged.

(c) *Fire Island National Seashore.* The Act of September 11, 1964 (78 Stat. 928; 16 U.S.C., secs. 459e–459e–9), authorizes the Secretary of the Interior to establish an area to be known as the "Fire Island National Seashore" and to acquire by exchange lands within the boundaries of the seashore as specified in the act. When acquiring land by exchange the Secretary may accept title to any nonfederally owned land located within the boundaries of the national seashore and may convey to the grantor any federally owned land under his jurisdiction. The properties so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from or pay cash to a grantor in order to equalize the values of the lands exchanged.

(d) *Lake Mead National Recreational Area.* The Act of October 8, 1964 (78 Stat. 1039, 16 U.S.C., secs. 460n–460n–9) authorizes the Secretary of the Interior to revise the boundaries of the Lake Mead National Recreation Area and to procure property within the exterior boundaries of such area in such manner as he shall consider to be in the public interest. In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within the boundaries of the recreation area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary. The properties so exchanged shall be approximately equal in fair market value, provided that the Secretary may accept cash from or pay cash to the grantor in an exchange in order to equalize the values of the properties exchanged.

(e) *Whiskeytown-Shasta-Trinity National Recreation Area, Calif.* The Act of November 8, 1965 (79 Stat. 1295) authorizes the Secretary of the Interior to administer the Whiskeytown unit of the Whiskeytown-Shasta-Trinity National Recreation Area. The Secretary is authorized to accept title to any non-Federal property within any part of the recreation area and in exchange therefor to convey to the grantor any federally owned property under his jurisdiction within the State of California which he classifies as suitable for exchange or disposal. The properties so exchanged shall be approximately equal in fair market value, provided that the Secretary may accept cash from or pay cash to the grantor in an exchange in order to equalize the value of the properties exchanged.

§ 2244.4–5 Wildlife refuge exchanges.

(a) Section 4(b)(3) of the Act of October 15, 1966 (80 Stat. 926), authorizes the Secretary of the Interior to acquire lands or interests therein by exchange (1) for acquired lands or public lands under his jurisdiction which he finds suitable for disposition, or (2) for the right to remove, in accordance with such terms and conditions as the Secretary may prescribe, products from the acquired or public lands within the National Wildlife Refuge System. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(b) Section 2(b) of the Act of October 15, 1966 (80 Stat. 926), authorizes the Secretary of the Interior to acquire by purchase, donation, or otherwise, lands or interests therein necessary for the conservation, protection, restoration, and propagation of selected species of native fish that are threatened with extinction.

(c) Section 1 of the Act of August 22, 1957 (71 Stat. 412), as amended (16 U.S.C. 696) authorizes the Secretary of the Interior to acquire, for the National Key Deer Refuge, lands in designated areas in Florida which he finds suitable for the conservation and management of key deer and other wildlife by exchange for any Federally owned property in Florida which he classifies as suitable for exchange or other disposal. The values of the property so exchanged shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as required.

§ 2244.4–6 Miscellaneous State exchanges.

Because of the infrequency of transactions involving State exchanges under the Acts of May 7, 1932 (47 Stat. 150), section 3 of the Act of June 14, 1934 (48 Stat. 962), Act of December 7, 1942 (56 Stat. 1042), and the Act of June 29, 1936 (49 Stat. 2026), regulations covering these transactions are not codified. Any such transaction will be handled in a manner consistent with the authorizing laws and with the regulations in § 2244.1.

§ 2244.5 Reclamation exchanges.

§ 2244.5–1 Applicable regulations.

(a) Regulations for exchange under the Act of August 13, 1953 (67 Stat. 566; 43 U.S.C. 451–451K), are in Part 406 of this title and for exchanges under the Act of May 25, 1926 (44 Stat. 648; 43 U.S.C. 423c), are in §§ 403.6–403.11 of this title.

(b) Applications for new entry under the provisions of the Act of March 4, 1915 (38 Stat. 1215; 43 U.S.C. 447), must be on the form provided for homestead applications, must refer to the serial number, and give the description of the former entry and a statement by the applicant showing the facts upon which he claims to come within the provisions of this act.

[F.R. Doc. 68–1267; Filed, Feb. 1, 1968; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 173, 175, 194, 200, 201, 250, 251]

ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

Manufacture, Sale, Use, and Reuse of Liquor Bottles

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol and Tobacco Tax Division, within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to (1) relax controls over manufacturers of liquor bottles, including elimination of the requirement for permit to manufacture; (2) simplify requirements for markings to be placed on liquor bottles; (3) eliminate permits to traffic in liquor bottles; (4) eliminate specific provisions for the reuse of liquor bottles for packaging distilled spirits; (5) liberalize provisions as to the disposition of used liquor bottles; (6) liberalize provisions for the use of liquor bottles for display and testing purposes; (7) add provisions which would permit control over bottles found to be deceptive; (8) relocate the modified requirements respecting the receipt, use, disposition, and labeling of liquor bottles, as they relate to bottlers and importers, in other regulations which cover operations in liquor by such persons; (9) relocate the modified requirements as they relate to bottle manufacturers and to prohibitions against reuse and refilling of liquor bottles in Part 173; (10) provide a means whereby containers other than of glass or metal may be used for certain packaging purposes; and (11) make other conforming and clarifying changes, the regulations in 26 CFR Part 175 are revoked and the regulations in 26 CFR Parts 173, 194, 200, 201, 250, and 251 are amended as follows:

PARAGRAPH A. Title 26 CFR Part 173 is amended as follows:

1. Section 173.1 is amended to include the manufacture and disposition of liquor bottles. As amended, § 173.1 reads as follows:

§ 173.1 Returns of substances, articles, or containers.

This part relates to the returns and records of the disposition of articles from which distilled spirits may be recovered, of substances of the character used in the manufacture of distilled spirits, and of containers of the character used for the packaging of distilled spirits; and to the manufacture and disposition of liquor bottles.

2. Section 173.2 is amended by deleting words no longer needed by reason of definition of "Director" in § 173.5. As amended, § 173.2 reads as follows:

§ 173.2 Forms prescribed.

The Director is authorized to prescribe all forms required by this part, including demand letters, reports, and returns. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

3. Section 173.5 is amended to include definitions of "Bottler" and "CFR," immediately following the existing definition of "Assistant Regional Commissioner;" to include definitions of "Director," "Importer," "Liquor bottle," and "This chapter," immediately following existing definitions of "Denatured spirits," "Distilled spirits or spirits," "Internal revenue officer," and "Substance," respectively; to eliminate the reference to Part 216 in the definition of "Denatured spirits;" and to redefine "United States." These added and amended definitions read as follows:

§ 173.5 Meaning of terms.

* * * * *

Bottler. A proprietor of a distilled spirits plant authorized to bottle spirits, a proprietor of a class 8 bonded warehouse qualified under customs laws, or an agency of the United States or any State or political subdivision thereof.

CFR. The Code of Federal Regulations.

* * * * *

Denatured spirits. Spirits to which denaturants have been added pursuant to formulas prescribed in Part 212 of this chapter.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

* * * * *

Importer. A person authorized to import distilled spirits into the United States.

* * * * *

Liquor bottle. A bottle made of glass or earthenware, or of other suitable material approved by the Director, designed or intended for use as a container for distilled spirits for sale for beverage purposes.

* * * * *

This chapter. Chapter I, Title 26, Code of Federal Regulations.

United States. The several States and the District of Columbia.

* * * * *

4. A new Subpart F is added to provide requirements concerning liquor bottles as they relate to manufacturers and to the prohibited reuse or refilling of such bottles. As added, Subpart F reads as follows:

Subpart F—Manufacture, Sale, and Use of Bottles for Packaging Distilled Spirits

Sec.

AUTHORITY: The provisions of this Subpart F issued under sec. 7805 of the Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805. Interpret or apply sec. 5301 of the Internal Revenue Code, 72 Stat. 1374; 26 U.S.C. 5301.

§ 173.31 Scope of subpart.

The provisions of this subpart shall apply only to liquor bottles having a capacity of ½ pint or more except where expressly applied to liquor bottles of less than ½-pint capacity.

§ 173.32 Notice and request by bottle manufacturer.

Any person intending to engage in the manufacture of domestic liquor bottles shall file Form 4328 with the assistant regional commissioner of the region in which the manufacturing premises are located, giving notice of intent and requesting assignment of a bottle manufacturer's number: *Provided*, That where a

bottle manufacturer operates manufacturing premises at more than one location, he may file one notice covering two or more such premises and be assigned one bottle manufacturer's number for use at such premises. Where manufacturing premises covered by a single notice are located in more than one region, the Form 4328 shall be filed with the assistant regional commissioner of the region in which the principal business office is located. The number of copies of Form 4328 to be prepared shall be as specified in the instructions on the form. If a bottle manufacturer who has been assigned a bottle manufacturer's number desires to manufacture liquor bottles at an additional location but under the same number, or moves the manufacturing premises to a new location, he shall file an amended notice on Form 4328 to cover such additional or changed location. Domestic liquor bottles shall not be manufactured until the manufacturer has received from the assistant regional commissioner a copy of Form 4328, with Part II executed by the assistant regional commissioner, covering the premises at which liquor bottles are to be manufactured.

§ 173.33 Indicia for domestic liquor bottles.

There shall be legibly blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director, on each liquor bottle (a) the words "Liquor Bottle" and (b) the bottle manufacturer's number assigned under § 173.32: *Provided*, That distinctive liquor bottles not bearing the indicia required by this section may be manufactured on receipt from a bottler or importer of a copy of approved Form 4329. Additional information, such as the bottler's or importer's permit number, may also be permanently placed on the liquor bottles by the manufacturer thereof provided such information does not conflict with information required to be placed on labels and is so located as not to obscure indicia required by this section or interfere with the labeling or stamping of the bottle, when filled, as provided in Parts 201, 250, and 251 of this chapter.

§ 173.34 Indicia for imported liquor bottles.

(a) *Empty liquor bottles.* There shall be legibly blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any other method approved by the Director, on each imported empty liquor bottle (1) the words "Liquor Bottle" and (2) the city or country of address of the bottle manufacturer (either in the language of such country or in English): *Provided*, That empty distinctive liquor bottles not bearing such indicia may be released from customs custody, as expected from the marking requirements of this paragraph, on receipt by the customs officer at the port of entry of a copy of approved Form 4329 covering the use of such bottles.

(b) *Filled liquor bottles.* There shall be legibly blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director, on each imported filled liquor bottle (1) the words "Liquor Bottle" and (2) the city or country of address of the manufacturer of the spirits, or of the exporter abroad, or the city of address of the importer in the United States; or, in the case of domestic bottles exported and filled abroad, the indicia required under § 173.33: *Provided*, That filled distinctive liquor bottles not bearing such indicia may be imported pursuant to an approved Form 4329 filed by the importer, as excepted from the marking requirements of this paragraph. The city or country of address of the manufacturer of the spirits or of the exporter abroad may be in the language of such country or in English.

(c) *Additional information permanently marked on liquor bottles.* Additional information, such as the name of the foreign manufacturer of the spirits or of the exporter abroad, or the symbol and permit number of the domestic bottler, as applicable, may be permanently marked on liquor bottles provided such information does not conflict with information required to be placed on labels and is so located as not to obscure indicia required by this section or interfere with the labeling or stamping of the bottle, when filled, as provided in Parts 201, 250, and 251 of this chapter.

§ 173.35 Bottles manufactured with previously prescribed indicia.

Notwithstanding the provisions of §§ 173.33 and 173.34, bottles may continue to be manufactured from existing molds which contain the indicia prescribed by regulations in effect on the day preceding the effective date of this subpart: *Provided*, That only molds bearing the indicia prescribed in § 173.33 or § 173.34, as applicable, shall be used after December 31, 1970. Bottles manufactured on or before December 31, 1970, as provided in this section shall be deemed to be liquor bottles for purposes of this subpart and Parts 194, 201, 250, and 251 of this chapter.

§ 173.36 Persons authorized to receive liquor bottles.

Except as otherwise provided in this subpart, liquor bottles may be sold consigned, or shipped only to a bottler or, where the bottles will be filled abroad and imported into the United States as provided in Parts 250 and 251 of this chapter, to an importer: *Provided*, That empty liquor bottles may be exported for other use abroad, but when so exported bottles bearing indicia as provided in this subpart will be denied entry into the United States if they contain a product other than distilled spirits.

§ 173.37 Shipment of liquor bottles for further processing.

A bottle manufacturer may ship liquor bottles to another person for additional processing, such as coloring or cutting, where legal title to the bottles remains with the bottle manufacturer until delivered to a person authorized to receive liquor bottles under § 173.36.

§ 173.38 Liquor bottles for testing purposes.

A bottle manufacturer may, on notice to the assistant regional commissioner of the region in which his manufacturing premises are located, ship a reasonable number of liquor bottles for bona fide testing purposes, such as the testing of bottling machinery by the manufacturer thereof. The notice shall show the name and address of the person to whom the bottles are shipped, and the number of bottles shipped. Such shipments shall be reflected in the commercial records of the bottle manufacturer.

§ 173.39 Manufacturer's records.

A manufacturer shall keep commercial records covering the manufacture and disposition of liquor bottles (including any liquor bottles returned to him). Such records shall be available for inspection, during regular business hours of the manufacturer, by any internal revenue officer. He shall also make available for inspection, at such times and by any such officer, all stocks of liquor bottles on hand, regardless of where stored. The assistant regional commissioner may, by demand letter, require the filing of returns and the keeping of records as required in Subparts C and D, respectively, of this part. All records referred to in this section shall be retained as provided in § 173.15: *Provided*, That the assistant regional commissioner may, pursuant to application, in duplicate, authorize such records to be maintained at a location other than the manufacturing premises of the bottle manufacturer, if he finds that such maintenance will not cause undue inconvenience to internal revenue officers desiring to examine the records.

§ 173.40 Discontinuance of business.

When a bottle manufacturer discontinues the manufacture of liquor bottles at any location covered by a notice on Form 4328, he shall so notify the assistant regional commissioner of the region in which the discontinued manufacturing premises are located, in writing, in duplicate. Stocks of liquor bottles on hand at such premises must be destroyed (including disposition for purposes which will render them unusable as bottles), transferred to other manufacturing premises operated by the same manufacturer, or disposed of as authorized in § 173.36: *Provided*, That, on approval by the assistant regional commissioner of a written application submitted in duplicate, liquor bottles may be otherwise disposed of.

§ 173.41 Possession of used liquor bottles.

The possession of used liquor bottles, including liquor bottles of less than ½-pint capacity, by any person other than the person who empties the original contents thereof, is prohibited, except that this shall not prevent the owner or occupant of any premises on which such bottles have been lawfully emptied from assembling the same on such premises for disposition as authorized in § 194.263 of this chapter, or prevent any person

from possessing, offering for sale, or selling unusual or distinctive used liquor bottles as collectors' items, or for other purposes not involving the packaging of any product for sale.

§ 173.42 **Possession of refilled liquor bottles.**

No person who sells, or offers for sale, distilled spirits, or agent or employee of such person, shall (a) possess any liquor bottle in which any distilled spirits have been placed in violation of section 5301 (c) of the Internal Revenue Code or § 173.43, or (b) possess any liquor bottle, any portion of the contents of which has been altered or increased in violation of section 5301(c) of the Internal Revenue Code or § 173.43. The provisions of this section are applicable to all liquor bottles, including those of less than ½-pint capacity.

§ 173.43 **Refilling of liquor bottles.**

No person who sells, or offers for sale, distilled spirits, or any agent or employee of such person, shall (a) place in any liquor bottle any distilled spirits whatsoever other than the distilled spirits contained in such bottle at the time such bottle was filled and stamped under the provisions of Chapter 51 of the Internal Revenue Code, or (b) by the addition of any substance whatsoever to any liquor bottle, in any manner alter or increase the original contents or any portion of the original contents contained in such bottle at the time such bottle was filled and stamped under the provisions of Chapter 51 of the Internal Revenue Code. The provisions of this section are applicable to all liquor bottles, including those of less than ½-pint capacity.

PAR. B. Part 175 of Chapter I of Title 26 of the Code of Federal Regulations is revoked.

PAR. C. Title 26 CFR Part 194 is amended as follows:

1. Section 194.11 is amended by redefining "Liquor bottle." The amended definition reads as follows:

§ 194.11 **Meaning of terms.**

* * * * *

Liquor bottle. A bottle made of glass or earthenware, or of other suitable material approved by the Director, designed or intended for use as a container for distilled spirits for sale for beverage purposes.

* * * * *

2. Section 194.261 is amended by deleting the reference to Part 175, and to make clarifying changes. As amended, § 194.261 reads as follows:

§ 194.261 **Refilling of liquor bottles.**

No person who sells, or offers for sale, distilled spirits, or agent or employee of such person, shall (a) place in any liquor bottle any distilled spirits whatsoever other than those contained in such bottle at the time of stamping under the provisions of Chapter 51, I.R.C., or (b) by the addition of any substance whatsoever to any liquor bottle, in any manner alter or increase any portion of the original contents contained in such bottle at the time of stamping under the provisions of Chapter 51, I.R.C.

(72 Stat. 1374; 26 U.S.C. 5301)

3. Section 194.263 is amended by deleting the reference to Part 175, eliminating the provision for delivery of used liquor bottles to bottlers and importers, providing other means of disposing of such bottles, and adding a statutory citation. As amended, § 194.263 reads as follows:

§ 194.263 **Possession of used liquor bottles.**

The possession of used liquor bottles by any person other than the person who empties the contents thereof is prohibited, except that this shall not (a) prevent the owner or occupant of any premises on which such bottles have been lawfully emptied from assembling the same on such premises (1) for destruction, either on the premises on which the bottles are emptied or elsewhere, including disposition for purposes which will result in the bottles being rendered unusable as bottles; or (2) in the case of unusual or distinctive bottles, for disposition as collectors' items or for other purposes not involving the packaging of any product for sale; or (b) prevent any person from possessing, offering for sale, or selling such unusual or distinctive bottles for purposes not involving the packaging of any product for sale.

PAR. D. Title 26 CFR Part 200 is amended as follows:

1. Section 200.17 is amended by deleting paragraph (b) and redesignating paragraphs (c) through (f) as paragraphs (b) through (e), respectively.

§ 200.47 **[Revoked]**

2. Section 200.47 is revoked.

3. Section 200.49 is amended by deleting references to container permits. As amended, § 200.49 reads as follows:

§ 200.49 **Applications for basic permits.**

If, upon examination of any application (including a renewal application) for a basic permit, the assistant regional commissioner has reason to believe that the applicant is not entitled to such permit he shall issue a citation for the contemplated disapproval of the application.

PAR. E. Title 26 CFR Part 201 is amended to read as follows:

1. Section 201.4 is amended by deleting the reference to 26 CFR Part 175 and by inserting in lieu thereof a reference to 26 CFR Part 173. The added reference reads as follows:

§ 201.4 **Related regulations.**

* * * * *

26 CFR Part 170 * * *

26 CFR Part 173—Returns of Substances, Articles, or Containers.

* * * * *

2. Section 201.11 is amended by redefining "Liquor bottle." The amended definition reads as follows:

§ 201.11 **Meaning of terms.**

* * * * *

Liquor bottle. A bottle made of glass or earthenware, or of other suitable material approved by the Director, designed or intended for use as a container for distilled spirits for sale for beverage purposes.

* * * * *

3. Section 201.328 is amended by deleting the reference to Part 175 and adding a reference to Subpart Pa, and by adding clarifying language. As amended, § 201.328 reads as follows:

§ 201.328 **Liquor bottles.**

The proprietor shall comply with the provisions of Subpart Pa of this part respecting the use of liquor bottles. Spirits may be bottled in bond for domestic purposes only in the sizes provided in 27 CFR Part 5. Spirits may be bottled in bond for export in bottles of any size less than 5 gallons. Bottles bearing the indicia required under Part 173 of this chapter may be used, but need not be used, in bottling spirits in bond for export.

(72 Stat. 1360, 1366, 1374; 26 U.S.C. 5206, 5233, 5301)

4. Section 201.329 is amended by deleting current text and inserting in lieu thereof reference to label requirements in Subpart Pa. As amended, § 201.329 reads as follows:

§ 201.329 **Label requirements.**

The proprietor shall comply with the applicable provisions of Subpart Pa of this part respecting certificates of label approval, exemptions from label approval, and information to be shown on labels to be used on bottles of distilled spirits bottled in bond for domestic use.

5. Paragraph (a) of § 201.343 is amended to refer to Subpart Pa in lieu of Part 175. As amended, § 201.343(a) reads as follows:

§ 201.343 **General.**

(a) *Bottled alcohol.* Alcohol of 190 degrees or more of proof may be bottled and cased in the bonded warehouse under the direct supervision of the assigned officer. Alcohol may be bottled in containers of 1 gallon or less, or in bottles complying with the provisions of § 201.504; however, the proprietor is required to comply with the provisions of Subpart Pa of this part where applicable. The proprietor shall prepare Form 1515 for alcohol to be bottled in the bonded warehouse. The heading of Form 1515 shall be prominently marked with the word "Alcohol," and the form shall be further modified to show only the size of bottles, the number of cases filled, and the disposition of such cases; on completion of the bottling of the lot, Form 1515 shall be noted to show the quantity withdrawn from the tank and shall be delivered to the assigned officer. Form 1620 shall be prepared by the proprietor for each lot of alcohol bottled.

* * * * *

6. Section 201.344 is amended by deleting the reference to Part 175 and by adding a reference to Subpart Pa. As amended, § 201.344 reads as follows:

§ 201.344 Stamps and labels.

The proprietor shall affix to each bottle of alcohol filled by him an alcohol strip stamp which shall be procured and affixed as provided in Subpart Q of this part. All bottles of alcohol shall have securely affixed thereto a label showing (a) alcohol and (b) the name, address, and plant number of the bottler. In addition, bottled alcohol to be withdrawn on tax determination shall be labeled in accordance with the provisions of Subpart Pa of this part or 27 CFR Part 5, as applicable. The proprietor may place on the label any additional information that he may desire if it is not inconsistent with the required information.

(72 Stat. 1358, 1369; 26 U.S.C. 5205, 5235)

7. Section 201.349 is amended by deleting the reference to § 201.329 and by inserting a reference to Subpart Pa. As amended, § 201.349 reads as follows:

§ 201.349 Stamp, bottle, and label requirements.

The strip stamps on bottles of spirits to be rebottled shall be destroyed at the time of dumping the bottles, and new strip stamps, overprinted with exactly the same data as the original stamps, in regard to the name of the producer, and the seasons and years of production and bottling, shall be affixed to the bottles in which the spirits are rebottled. Liquor bottles used for rebottling shall comply with the provisions of § 201.328. Where spirits are relabeled, the proprietor shall comply with § 201.330, and Subpart Pa of this part. Bottled-in-bond spirits which have been rebottled, relabeled, or restamped shall be returned to original cases, or placed in new cases. Such cases shall be marked in accordance with Subpart P of this part; rebottled spirits shall show the plant number of the rebottler.

8. Section 201.457 is amended by deleting the reference to Part 175 and by inserting a reference to Subpart Pa. As amended, § 201.457 reads as follows:

§ 201.457 Liquor bottles.

Liquor bottles may not be used for wines containing 24 percent alcohol by volume or less or for products manufactured with such wines unless such products contain spirits other than wine spirits used in wine production. Liquor bottles may be used, but need not be used, in bottling spirits for export. (See Subpart Pa of this part for provisions respecting liquor bottles.)

(72 Stat. 1374; 26 U.S.C. 5301)

9. Section 201.458 is amended by changing the present text to make it applicable to wine only, and by designating it as paragraph (a); and by adding a new paragraph (b). As amended, § 201.458 reads as follows:

§ 201.458 Certificate of label approval or exemption.

(a) *Wine.* Proprietors are required by 27 CFR Part 4 to obtain approval of labels, or exemption from label approval, for any label to be used on bottles or packages of wine for domestic use, and are required to exhibit evidence of label approval, or of exemption from label approval, on request of an internal revenue officer. Labels, covered by a certificate of exemption from label approval, to be affixed to bottles and packages in which wines are packaged for sale shall conform to the provisions of Part 240 of this chapter.

(b) *Distilled spirits.* Requirements for label approvals or exemptions from label approval for labels to be used on bottles of distilled spirits bottled for domestic use are contained in § 201.5401.

(72 Stat. 1381, 1386; 26 U.S.C. 5363, 5368, 5386)

10. Section 201.501 is amended to provide for the approval and use of containers made of materials other than those specified, for certain purposes, and to make other clarifying and conforming changes. As amended, § 201.501 reads as follows:

§ 201.501 General.

Proprietors shall use for any purpose of containing, storing, transferring, conveying, removing, or withdrawing spirits or denatured spirits under this part only containers which are authorized by, or under the provisions of this part for such purpose, and a container so authorized will be deemed to be an approved container for such purpose. In addition to the types of containers specifically authorized by this part for a particular purpose, a container of another type may be authorized for that purpose by the Director on a finding by him that the use of such container will afford protection to the revenue equal to or greater than that afforded by the containers specifically authorized by this part, and that the use will not cause administrative difficulty. Where another container is so authorized by the Director, he shall prescribe the detail and manner in which such container shall be constructed, protected, marked, and branded, consistent with the provisions of this part and the extent of such use. Similarly, where a container authorized for a particular purpose is required by this subpart to be made of specified materials, the Director may authorize the use of containers made of other materials which he has found to be suitable for the intended purpose. This subpart does not regulate or prohibit the use on plant premises of any container for purposes other than containing alcoholic substances.

(72 Stat. 1315, 1360, 1362, 1374; 26 U.S.C. 5002, 5206, 5212, 5213, 5214, 5301)

11. Section 201.502 is amended by including a reference to Subpart Pa, in lieu of to Subpart K, for bottling spirits in bond for domestic use. As amended, § 201.502 reads as follows:

§ 201.502 Containers of 1 gallon or less.

The provisions of Subpart K of this part govern the containers to be used in bottling spirits in bond for export under section 5233, I.R.C., and bottling alcohol on bonded premises under section 5235, I.R.C. The provisions of Subpart Pa of this part govern the containers to be used in bottling spirits in bond for domestic use under section 5233, I.R.C. The provisions of Subpart N of this part govern the bottling of spirits and wines on bottling premises. Denatured spirits may be filled on bonded premises into metal or glass containers of a capacity of 1 gallon or less. Liquor bottles shall not be used for bottling denatured spirits. Spirits in bottles of a capacity of 1 gallon or less, except anhydrous spirits and spirits to be withdrawn from bond free of tax, are deemed to be for nonindustrial use.

(72 Stat. 1315, 1360, 1374; 26 U.S.C. 5002, 5206, 5301)

12. Section 201.504 is amended by deleting the reference to Part 175. As amended, § 201.504 reads as follows:

§ 201.504 Containers holding from 1 gallon to 10 gallons.

Spirits in bond, including denatured spirits, for industrial use, may be filled into glass containers of a capacity greater than 1 gallon but not greater than 10 gallons, and metal containers of a capacity of 1 gallon but not greater than 10 gallons. Spirits in bond, for nonindustrial use, may be filled into metal containers holding 10 gallons and, if for export, such spirits may be filled into metal containers holding 5 gallons. Spirits or wines on bottling premises may be filled into glass containers of a capacity greater than 1 gallon but not greater than 5 gallons and into metal containers of a capacity greater than 1 gallon but not greater than 10 gallons. Pursuant to the provisions of this part, and of 27 CFR Part 5, containers filled in bond under this section may be stored on bonded premises, transferred in bond, or withdrawn from bonded premises, and containers filled on bottling premises under this section may be received in, stored on, and removed from such premises.

(72 Stat. 1315, 1360; 26 U.S.C. 5002, 5206)

13. A new Subpart Pa is added to provide requirements concerning liquor bottles as those requirements relate to domestic bottlers of distilled spirits, including bottling in bond. As added, Subpart Pa reads as follows:

Subpart Pa—Liquor Bottle and Label Requirements

Sec.

Sec.
201.540n Statements required on labels under an exemption from label approval.
201.540o Brand name, class, and type, and alcohol content.
201.540p Net contents.
201.540q Name and address of bottler.
201.540r Age of whisky not blended or rectified.
201.540s Age of whisky blended or rectified.
201.540t Age of brandy.
201.540u Coloring matter.

AUTHORITY: The provisions of this Subpart Pa issued under sec. 7805 of the Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805. Interpret or apply sec. 5301 of the Internal Revenue Code, 72 Stat. 1374; 26 U.S.C. 5301. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 201.540a Scope of subpart.

The provisions of §§ 201.540b through 201.540k of this subpart shall apply only to liquor bottles having a capacity of ½ pint or more except where expressly applied to liquor bottles of less than ½-pint capacity. The provisions of §§ 201.540l through 201.540u shall apply to all liquor bottles, regardless of size.

LIQUOR BOTTLE REQUIREMENTS

§ 201.540b Bottles authorized.

Liquor bottles shall conform to the applicable standards of fill provided in Subpart H of 27 CFR Part 5, including those for liquor bottles of less than ½-pint capacity. The use of any bottle size other than as authorized in Subpart H of 27 CFR Part 5 is prohibited for the packaging of distilled spirits for domestic purposes, except that 4-ounce liquor bottles may be used for packaging any distilled spirits on bottling premises for sale in intrastate commerce only. Bottles bearing the indicia required under Part 173 of this chapter may be used, but need not be used, in bottling spirits for export.

§ 201.540c Indicia for bottles.

Except as provided in § 201.540d, liquor bottles used for packaging spirits for domestic use shall bear the indicia prescribed in § 173.33 or 173.34 of this chapter. Additional information may, as provided in Part 173 of this chapter, be permanently marked on such liquor bottles.

§ 201.540d Distinctive liquor bottles.

On application, on Form 4329, the assistant regional commissioner of the region in which the plant is situated may authorize a proprietor to use imported or domestic liquor bottles not bearing the indicia required under Part 173 of this chapter, provided such bottles, because of their unique or distinctive shape or design, have been found by the Director not to afford a jeopardy to the revenue, and to be suitable for the intended purpose.

§ 201.540e Approval of distinctive liquor bottles.

Application, in letter form, in duplicate, for the approval of any distinctive liquor bottle, accompanied by a specimen bottle or an authentic model or other representation acceptable to the Director, and nine photographs thereof, size 5" x 7", shall be submitted to the Director. The application shall include a statement of the cost to the applicant of each such bottle, and shall specify whether the bottles are to be used for packaging liqueurs, cordials, bitters, cocktails, and other specialties, or for packaging other distilled spirits. Approval of the distinctive bottle must be obtained prior to the submission of an application on Form 4329 to the assistant regional commissioner.

§ 201.540f Receipt and storage of liquor bottles.

No proprietor shall accept shipment or delivery of liquor bottles except from the manufacturer thereof, a supplier abroad, or another proprietor. Liquor bottles, including those of less than ½-pint capacity, shall be stored in a safe and secure place, either on the proprietor's qualified premises or at another location.

§ 201.540g Bottles to be used for display purposes.

Liquor bottles may be furnished to liquor dealers for display purposes: *Provided*, That each bottle is marked to show that it is to be used for such purpose. Any paper strip used to seal the bottle shall be of solid color and without design or printing, except that the use of a border or a design, formed entirely of the legend "not genuine—for display purposes only" is permissible. The disposition of such bottles, showing names and addresses of consignees, dates of shipment, and size, quantity, and description of bottles, shall be included in the records required under § 201.630a.

§ 201.540h Bottles for testing purposes.

A proprietor may, on notice to the assistant regional commissioner of the region in which his premises are located, ship a reasonable number of liquor bottles for bona fide testing purposes, such as the testing of bottling machinery by the manufacturer thereof. The notice shall show the name and address of the person to whom the bottles are shipped, and the number of bottles shipped. Such shipments shall be reflected in the records required under § 201.630a.

§ 201.540i Bottles not constituting approved containers.

The Director is authorized to disapprove any bottle, including a bottle of less than ½-pint capacity, for use as a liquor bottle which he determines to be deceptive. Any such bottle, whether or not it bears the indicia required under Part 173 of this chapter, is not an approved container for the purposes of § 201.501 of this part, and shall not be used for packaging distilled spirits for domestic purposes.

§ 201.540j Disposition of stocks of liquor bottles.

When a proprietor discontinues business, or permanently discontinues the use of a particular size or type of liquor bottle, the stocks of such bottles on hand shall either be disposed of to another person authorized to receive liquor bottles, or destroyed (including disposition for purposes which will render them unusable as bottles): *Provided*, That, on approval by the assistant regional commissioner of the region in which the proprietor's premises are located of a written application submitted in duplicate, liquor bottles may be otherwise disposed of.

§ 201.540k Use and resale of liquor bottles.

No proprietor shall use any liquor bottle except for packaging distilled spirits, or resell any empty liquor bottle except to another person authorized to receive liquor bottles. Bottles may be furnished to others for display and testing purposes as provided in §§ 201.540g and 201.540h, respectively.

BOTTLE LABEL REQUIREMENTS

§ 201.540l Certificate of label approval or exemption.

Proprietors are required by 27 CFR Part 5 to obtain approval of labels, or exemption from label approval, for any label to be used on bottles of spirits for domestic use and shall exhibit evidence of label approval, or of exemption from label approval, on request of the assigned officer.

§ 201.540m Caution notice, spirits bottled in bond.

Each bottle of spirits bottled in bond under section 5233, I.R.C. (except for export) shall have affixed thereto a caution notice (clearly legible) reading as follows:

> This bottle has been filled and stamped under the provisions of sections 5205 and 5233, Internal Revenue Code. Any person who shall reuse the stamp affixed to this bottle or remove the contents of this bottle without so breaking the stamp affixed thereto as to prevent reuse, or who shall sell this bottle, or reuse it for distilled spirits, will be liable to the penalties prescribed by law.

Bottles containing spirits bottled for export may have affixed thereto such caution notice.

(72 Stat. 1366; 26 U.S.C. 5233)

§ 201.540n Statements required on labels under an exemption from label approval.

All labels to be used on bottles of spirits for domestic use under an exemption from label approval shall contain the applicable information required in §§ 201.540o through 201.540u. Where a statement of age is required, it shall have the meaning given, and be stated in the manner provided, in 27 CFR Part 5.

§ 201.540o Brand name, class, and type, and alcohol content.

The brand name, class, and type, and alcohol content of the distilled spirits, by proof, shall be shown on the label, except that the alcohol content may be stated in percentage, by volume, in the case of liqueurs, cordials, bitters, cocktails, gin fizzes, or other such specialties.

§ 201.540p Net contents.

The net contents of liquor bottles shall be shown on the label, unless the statement of the net contents is permanently marked on the side of the bottle.

§ 201.540q Name and address of bottler.

There shall be stated on the label the phrase "Bottled by," immediately followed by the name of the bottler or the trade name under which the spirits are bottled, and the place where such spirits are bottled. If the bottler is the actual bona fide operator of more than one bottling plant engaged in bottling the same brand of distilled spirits, there may be stated immediately following the name (or trade name) of such bottler the addresses of the plants at which such product is bottled: *Provided,* That on labels of whisky and straight whisky there shall be stated the State of distillation of such whisky, if such whisky is not distilled in the State given in the address on the brand label: *Provided further,*

(a) That, where distilled spirits are bottled by or for the distiller thereof, there may be stated, in lieu of the phrase "Bottled by," following by the bottler's name (or trade name) and address, the phrase "Distilled by," followed by the name (or trade name) under which the particular spirits were distilled, and the address (or addresses) of the distiller;

(b) That, where distilled spirits are bottled by or for the rectifier thereof, there may be stated, in lieu of the phrase "Bottled by," followed by the bottler's name (or trade name) and address, the phrase "Blended by," "Made by," "Prepared by," "Manufactured by," or "Produced by" (whichever may be appropriate to the act of rectification involved), followed by the name (or trade name) under which the distilled spirits were rectified, and the address (or addresses) of the rectifier; and

(c) That, on labels of distilled spirits bottled for a retailer or other person who is not the actual distiller or rectifier of such distilled spirits, there may also be stated the name and address of such retailer or other person, immediately preceded by the words "Bottled for," or "Distributed by," or other similar statement.

For the purpose of this section, the term "bottler" shall include the proprietor of a distilled spirits plant qualified to bottle distilled spirits in bond.

§ 201.540r Age of whisky not blended or rectified.

If whisky is not blended or rectified, the age thereof shall be shown on the label, but this statement shall not be required as to whisky bottled in bond or foreign or domestic whisky 4 years or more old.

§ 201.540s Age of whisky blended or rectified.

If whisky is blended or rectified, the age of the whisky therein and the respective percentage, by volume, of whisky or whiskies and neutral spirits shall be shown on the label: *Provided,* That this statement shall not be required in the case of blended foreign or domestic whiskies containing no neutral spirits, all of which are 4 years or more old.

§ 201.540t Age of brandy.

If brandy is aged for a period of less than 2 years, the age thereof shall be shown on the label.

§ 201.540u Coloring matter.

A statement of the percentage, by volume, of coloring matter, if such coloring matter is present in the distilled spirits in excess of 2½ percent by volume, shall be shown on the label, except that this requirement shall not apply to liqueurs, cordials, bitters, cocktails, gin fizzes, or other such specialties.

14. A new section, § 201.630a, is added, immediately following § 201.630, to provide recordkeeping requirements respecting liquor bottles, as follows:

§ 201.630a Records of liquor bottles.

Proprietors having facilities for bottling in bond or bottling premises shall keep records covering the receipt, use, and disposition of liquor bottles in such manner as to enable any internal revenue officer to verify and trace the receipt and disposition of such bottles.

(72 Stat. 1374; 26 U.S.C. 5301)

PAR. F. Title 26 CFR Part 250 is amended as follows:

1. Section 250.11 is amended to include a definition of "Liquor bottle," immediately following the existing definition of "I.R.C." The added definition reads as follows:

§ 250.11 Meaning of terms.

* * * * *

Liquor bottle. A bottle made of glass or earthenware, or of other suitable material approved by the Director, Alcohol and Tobacco Tax Division, designed or intended for use as a container for distilled spirits for sale for beverage purposes.

* * * * *

2. Section 250.38 is amended by deleting the reference to Part 175 and by adding a reference to Subpart P. As amended, § 250.38 reads as follows:

§ 250.38 Containers of distilled spirits.

Containers of distilled spirits brought into the United States from Puerto Rico, having a capacity of not more than 1 gallon, shall conform to the requirements of Subpart P of this part.

(72 Stat. 1374; 26 U.S.C. 5301)

3. Section 250.203 is amended by deleting the reference to Part 175 and by inserting a reference to Subpart P. As amended, § 250.203 reads as follows:

§ 250.203 Containers of 1 gallon or less.

Containers of distilled spirits brought into the United States from the Virgin Islands, having a capacity of not more than 1 gallon, shall conform to the requirements of Subpart P of this part.

(72 Stat. 1374; 26 U.S.C. 5301)

4. A new Subpart P is added to provide requirements concerning liquor bottles brought into the United States from Puerto Rico and the Virgin Islands. As added, Subpart P reads as follows:

Subpart P—Requirements for Liquor Bottles

Sec.

AUTHORITY: The provisions of this Subpart P issued under sec. 7805 of the Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805. Interpret or apply sec. 5301 of the Internal Revenue Code, 72 Stat. 1374; 26 U.S.C. 5301.

§ 250.311 Scope of subpart.

The provisions of this subpart shall apply only to liquor bottles having a capacity of ½ pint or more except where expressly applied to liquor bottles of less than ½-pint capacity.

§ 250.312 Standards of fill.

Distilled spirits brought into the United States from Puerto Rico or the Virgin Islands in containers of 1 gallon or less for sale shall be in liquor bottles, including liquor bottles of less than ½-pint capacity, which conform to the applicable standards of fill provided in Subpart H of 27 CFR Part 5. Empty liquor bottles, including liquor bottles of less than ½-pint capacity, which conform to the provisions of Subpart H of 27 CFR Part 5 or § 201.540b of this chapter, may be brought into the United States for packaging distilled spirits as provided in Part 201 of this chapter.

§ 250.313 Indicia for bottles.

Except as provided in § 250.314, only liquor bottles bearing the indicia prescribed by § 173.34 of this chapter may be used for bringing distilled spirits into the United States from Puerto Rico or the Virgin Islands. Additional information may, as provided in Part 173 of this chapter, be permanently marked on such bottles.

§ 250.314 Distinctive liquor bottles.

On application, Form 4329, the assistant regional commissioner may authorize distilled spirits to be brought into the United States from Puerto Rico or the Virgin Islands in liquor bottles not bearing the indicia required under Part 173 of this chapter, provided such bottles, because of their unique or distinctive shape or design, have been found by the Director, Alcohol and Tobacco Tax Division, not to afford a jeopardy to the revenue and to be suitable for the intended purpose.

§ 250.315 Approval of distinctive liquor bottles.

Application, in letter form, in duplicate, for the approval of any distinctive

liquor bottle, accompanied by a specimen bottle or an authentic model or other representation acceptable to the Director and nine photographs thereof, size 5" x 7", shall be submitted to the Director, Alcohol and Tobacco Tax Division. The application shall include a statement of the cost to the applicant of each such bottle, and shall specify whether the bottles are to be used for packaging liqueurs, cordials, bitters, cocktails, and other specialties, or for packaging other distilled spirits. Approval of the distinctive bottle must be obtained prior to the submission of an application on Form 4329 to the assistant regional commissioner.

§ 250.316 Bottles not constituting approved containers.

The Director, Alcohol and Tobacco Tax Division, is authorized to disapprove any bottle, including a bottle of less than ½-pint capacity, for use as a liquor bottle which he determines to be deceptive. The customs officer at the port of entry shall deny entry of any such bottle containing distilled spirits, whether or not it bears the indicia required under Part 173 of this chapter, upon advice from the Director that such bottle is not an approved container for distilled spirits for consumption in the United States.

§ 250.317 Bottles to be used for display purposes.

Empty liquor bottles may be brought into the United States and may be furnished to liquor dealers for display purposes, provided each bottle is marked to show that it is to be used for such purpose. Any paper strip used to seal the bottle shall be of solid color and without design or printing, except that a border or a design, formed entirely of the legend "not genuine—for display purposes only" is permissible. Records shall be kept of the receipt and disposition of such bottles, showing the names and addresses of consignees, dates of shipment, and size, quantity, and description of bottles.

§ 250.318 Liquor bottles denied entry.

Filled liquor bottles not conforming to the provisions of this subpart shall be denied entry into the United States: *Provided*, That, upon letterhead application, in triplicate, the assistant regional commissioner of the region in which the port of entry is situated may, in nonrecurring cases, authorize the release from customs custody of distilled spirits in bottles, except those coming under the provisions of § 250.316, which, through unintentional error, do not conform to the provisions of this subpart, if he finds that such release will not afford jeopardy to the revenue.

PAR. G. Title 26 CFR Part 251 is amended as follows:

1. Section 251.11 is amended to include a definition of "Liquor bottle," immediately following the existing definition of "I.R.C." The added definition reads as follows:

§ 251.11 Meaning of terms.

* * * * *

Liquor bottle. A bottle made of glass or earthenware, or of other suitable material approved by the Director, designed or intended for use as a container for distilled spirits for sale for beverage purposes.

* * * * *

2. Section 251.56 is amended by deleting references to Part 175 and by adding references to Subpart N, and by making a clarifying change. As amended, § 251.56 reads as follows:

§ 251.56 Distilled spirits containers of a capacity of not more than 1 gallon.

Bottled distilled spirits imported into the United States for sale shall be bottled in liquor bottles which conform to the requirements of Subpart N of this part and 27 CFR Part 5, and shall be stamped in accordance with this part. Empty bottles imported for the packaging of distilled spirits shall conform to the requirements of Subpart N of this part. (For Customs requirements as to marking, see 19 CFR Parts 11 and 12.)

3. Section 251.58 is amended by deleting the reference to Part 175 and by inserting a reference to Part 201; and by making editorial changes. As amended, § 251.58 reads as follows:

§ 251.58 Containers of 1 gallon or less.

Labels on imported containers of distilled spirits, and on containers of imported distilled spirits bottled in customs custody, for sale at retail, are required to be covered by a certificate of label approval (Form 1649) issued pursuant to 27 CFR Part 5. Containers of imported distilled spirits bottled after taxpayment and withdrawal from customs custody are required to be covered by a certificate of label approval (Form 1649) or a certificate of exemption from label approval (Form 1650) issued pursuant to 27 CFR Part 5. When distilled spirits are to be labeled under a certificate of exemption from label approval, the labels affixed to containers are required to conform to the provisions of Part 201 of this chapter.

4. Section 251.74 is amended by deleting the reference to Part 175, inserting a reference to Subpart N, making editorial changes, and correcting the citation. As amended, § 251.74 reads as follows:

§ 251.74 Exemption from stamping, marking, bottling, and labeling requirements.

The provisions of this part relating to the affixing of red strip stamps, the indicia requirements for containers prescribed by Subpart N of this part, and the labeling of containers as prescribed by 27 CFR Part 5 are not applicable to imported distilled spirits (a) not for sale or for any other commercial purpose whatever; (b) on which no internal revenue tax is required to be paid or determined on or before withdrawal from customs custody; (c) for use as ship stores; or (d) for personal use. Samples of distilled spirits, other than those provided for in § 251.49, imported for any purpose are not exempt from the stamping, marking, bottling, and labeling requirements. Samples of wine and beer brought into the United States pursuant to § 251.49 are exempt from the labeling requirements of 27 CFR Parts 4 and 7, respectively. Exceptions from the requirement that imported distilled spirits, wines, and beer be marked to indicate the country or origin are set forth in customs regulations (19 CFR Part 11).

(72 Stat. 1358, 1374; 26 U.S.C. 5205, 5301)

5. Section 251.121 is amended by deleting the reference to Part 175 and inserting a reference to Subpart N, and by changing the citation. As amended, § 251.121 reads as follows:

§ 251.121 Containers.

Imported distilled spirits may be bottled in either domestic or imported containers conforming to the provisions of Subpart N of this part.

(72 Stat. 1374; 26 U.S.C. 5301)

6. A new Subpart N is added to provide requirements concerning liquor bottles imported into the United States. As added, Subpart N reads as follows:

Subpart N—Requirements for Liquor Bottles

Sec.

AUTHORITY: The provisions of this Subpart N issued under sec. 7805 of the Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805. Interpret or apply sec. 5301 of the Internal Revenue Code, 72 Stat. 1374; 26 U.S.C. 5301.

§ 251.201 Scope of subpart.

The provisions of this subpart shall apply only to liquor bottles having a capacity of ½ pint or more except where expressly applied to liquor bottles of less than ½-pint capacity.

§ 251.202 Standards of fill.

Distilled spirits imported into the United States in containers of 1 gallon or less for sale shall be imported only in liquor bottles, including liquor bottles of less than ½-pint capacity, which conform to the applicable standards of fill provided in Subpart H of 27 CFR Part 5. Empty liquor bottles, including liquor bottles of less than ½-pint capacity, which conform to the provisions of Subpart H of 27 CFR Part 5 or § 201.540b of this chapter, may be imported for packaging distilled spirits in the United States as provided in Part 201 of this chapter.

§ 251.203 Indicia for bottles.

Except as provided in § 251.204, only liquor bottles bearing the indicia prescribed by § 173.34 of this chapter may be used for the importation of distilled spirits for sale. Additional information may, as provided in Part 173 of this chapter, be permanently marked on the bottles.

§ 251.204 Distinctive liquor bottles.

On application, Form 4329, the assistant regional commissioner may authorize the importation of distilled spirits in liquor bottles not bearing the indicia required under Part 173 of this chapter, provided such bottles, because of their unique or distinctive shape or design, have been found by the Director not to afford a jeopardy to the revenue and to be suitable for the intended purpose.

§ 251.205 Approval of distinctive liquor bottles.

Application, in letter form, in duplicate, for the approval of any distinctive liquor bottle, accompanied by a specimen bottle or an authentic model or other representation acceptable to the Director and nine photographs thereof, size 5" x 7", shall be submitted to the Director. The application shall include a statement of the cost to the importer of each such bottle, and shall specify whether the bottles are to be used for packaging liqueurs, cordials, bitters, cocktails, and other specialties, or for packaging other distilled spirits. Approval of the distinctive bottle must be obtained prior to the submission of an application on Form 4329 to the assistant regional commissioner.

§ 251.206 Bottles not constituting approved containers.

The Director is authorized to disapprove any bottle, including a bottle of less than ½-pint capacity, for use as a liquor bottle which he determines to be deceptive. The customs officer at the port of entry shall deny entry of any such bottle containing distilled spirits, whether or not it bears the indicia required under Part 173 of this chapter, upon advice from the Director that such bottle is not an approved container for distilled spirits for consumption in the United States.

§ 251.207 Bottles to be used for display purposes.

Empty liquor bottles may be imported and furnished to liquor dealers for display purposes, provided each bottle is marked to show that it is to be used for such purpose. Any paper strip used to seal the bottle shall be of solid color and without design or printing, except that a border or a design, formed entirely of the legend "not genuine—for display purposes only" is permissible. The importer shall keep records of the receipt and disposition of such bottles, showing the names and addresses of consignees, dates of shipment, and size, quantity, and description of bottles.

§ 251.208 Liquor bottles denied entry.

Filled liquor bottles, not conforming to the provisions of this subpart, shall be denied entry into the United States: *Provided*, That, upon letterhead application, in triplicate, the assistant regional commissioner of the region in which the port of entry is situated may, in nonrecurring cases, authorize the release from customs custody of distilled spirits in bottles, except those coming under the provisions of § 251.206, which, through unintentional error, do not conform to the provisions of this subpart, if he finds that such release will not afford a jeopardy to the revenue.

[F.R. Doc. 68-1298; Filed, Feb. 1, 1968; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 911, 915]

[Docket Nos. AO-267-A3, AO-254-A4]

LIMES GROWN IN FLORIDA AND AVOCADOS GROWN IN SOUTH FLORIDA

Determinations on Basis of Results of Referendum on Proposed Amendment and as to Handler Sign-up

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act," and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Homestead, Florida, June 20, 1967, pursuant to a notice thereof which was published in the FEDERAL REGISTER (32 F.R. 7715, 7858) upon proposed further amendments to the marketing agreements and Order Nos. 911 and 915, as amended (7 CFR Parts 911 and 915), regulating the handling of limes grown in Florida and avocados grown in south Florida, respectively (hereinafter at times collectively referred to as "orders"). The recommended decision (32 F.R. 14560), and decision and referendum order (32 F.R. 17431) of the Deputy Assistant Secretary of Agriculture setting forth the proposed amendments of the orders, were published in the FEDERAL REGISTER on October 19, 1967, and December 5, 1967, respectively. Such decision and referendum order directed that referenda be conducted among the respective producers of limes grown in Florida and avocados grown in south Florida to determine whether the requisite majorities of such producers favor or approve issuance of the applicable amendments.

It is hereby determined (a) that handlers (excluding cooperative associations specified in section 8c(9) of the act) of more than 50 percent of the volume of limes covered by Order No. 911, as amended, refused or failed to sign the proposed amended marketing agreement, and (b) on the basis of the results of the referendum conducted December 15-23, 1967, pursuant to the aforementioned referendum order, among the producers of limes grown in the production area (as defined in 7 CFR Part 911), that issuance of the proposed amendment of Order No. 911, as amended, regulating the handling of limes grown in Florida, is approved or favored by only 58 percent of the producers who participated in such referendum and who, during the determined representative period (Apr. 1, 1966, through Mar. 31, 1967), were engaged, in the production area, in the production of limes for market.

It is hereby determined (a) that handlers (excluding cooperative associations specified in section 8c(9) of the act) of more than 50 percent of the volume of avocados covered by Order No. 915, as amended, refused or failed to sign the proposed amended marketing agreement, and (b) on the basis of the results of the referendum conducted December 15-23, 1967, pursuant to the aforementioned referendum order, among the producers of avocados grown in the production area (as defined in 7 CFR Part 915), that issuance of the proposed amendment of Order No. 915, as amended, regulating the handling of avocados grown in south Florida, is approved or favored by only 38 percent of the producers who participated in such referendum and who, during the determined representative period (Apr. 1, 1966, through Mar. 31, 1967), were engaged, in the production area, in the production of avocados for market.

It is hereby further determined that the proposed amendments of the order, as set forth in the Deputy Assistant Secretary's decision of December 5, 1967 (32 F.R. 17431), will not be made effective, and that each of the orders currently effective (7 CFR Parts 911 and 915) tends to effectuate the declared policy of the act and continues in effect.

Dated: January 30, 1968.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 68-1315; Filed, Feb. 1, 1968; 8:49 a.m.]

[7 CFR Part 953]

[Docket No. AO-189-A1]

IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Notice of Hearing Regarding Proposed Amendments to Marketing Agreement and Order

Pursuant to applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Virginia Truck Experiment Station, Norfolk, Va., beginning at 9:30 a.m., February 15, 1968, with respect to proposed amendments to Marketing Agreement No. 104 and Order No. 953 (7 CFR 953), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of potatoes grown in certain designated counties in Virginia and North Carolina. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the

economic, marketing and other conditions relating to the proposed amendments, hereinafter set forth, and to any appropriate modifications thereof.

The proposed amendments to the marketing agreement and order were submitted by the Southeastern Potato Committee, the administrative agency established pursuant to the marketing agreement and order, with a request for a hearing thereon. The proposals are as follows:

Section 953.4 is revised to read as follows:

§ 953.4 Production area.

"Production area" means and includes the counties of Accomack, Northampton, Nansemond, James City, the cities of Chesapeake and Virginia Beach in the State of Virginia and the counties of Northampton, Halifax, Nash, Edgecombe, Pitt, Lenoir, Jones, and Onslow, and all counties east thereof in the State of North Carolina.

Section 953.9 is revised to read as follows:

§ 953.9 Fiscal period.

"Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

Section 953.11 is revised to read as follows:

§ 953.11 District.

"District" means, describes, and refers to each of the geographic divisions of the production area hereby established as follows:

District No. 1. Accomack County in the State of Virginia.

District No. 2. Northampton County in the State of Virginia.

District No. 3. James City and Nansemond Counties and the cities of Chesapeake and Virginia Beach in the State of Virginia.

District No. 4. Northampton, Gates, Hertford, Bertie, Chowan, Perquimans, Pasquotank, Currituck, and Camden Counties in the State of North Carolina.

District No. 5. Halifax, Nash, Edgecombe, Pitt, Lenoir, Jones, Onslow, Carteret, Pamlico, Craven, Beaufort, Martin, Washington, Tyrrell, Hyde, and Dare Counties in the State of North Carolina.

Section 953.12 is added as follows:

§ 953.12 Reapportionment and redistricting.

The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to:

(a) Shifts in potato acreage within the districts and within the production area during recent years;

(b) The importance of new production in its relation to existing districts;

(c) The equitable relationship of committee membership and districts;

(d) Economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and

(e) Other relevant factors.

Section 953.15 (a) is revised to read as follows:

§ 953.15 Establishment and membership.

(a) The Southeastern Potato Committee, consisting of 12 members of whom seven shall be producers and five shall be handlers is hereby established. For each member of the committee, there shall be an alternate member, who shall have the same qualifications as the member.

Section 953.16 is revised to read as follows:

§ 953.16 Term of office.

(a) The term of office for committee members and alternates shall be for 1 year. The dates on which such term of office shall begin and end shall be established by the Secretary pursuant to the committee's recommendation.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified. § 953.17 is deleted because it is no longer applicable pursuant to § 953.19.

Section 953.18 is revised to read as follows:

§ 953.18 Nominations.

The Secretary may select members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and handlers shall be held for each district to nominate members and alternates for the committee;

(b) At least one nominee shall be designated for each position as member and for each position as alternate member on the committee;

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than September 15 of each year, or by such other dates which may be specified by the Secretary;

(d) Only producers may participate in designating producer nominees and only handlers may participate in designating handler nominees. Any person engaged in producing and handling potatoes, or who operates in more than one district or both, shall elect the classification (i.e., producer or handler); and/or the district within which he may participate in designating nominees;

(e) Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

Section 953.19 is revised to read as follows:

§ 953.19 Selection.

The Secretary shall select one producer member each in Districts 1, 2, and 3 and two producer members each in Districts 4 and 5. In addition he shall select one handler member from each district. The respective alternates shall be selected on the same basis of representation as the members.

Section 953.21 is revised to read as follows:

§ 953.21 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within the time specified by the Secretary.

Section 953.25 is revised to read as follows:

§ 953.25 Expenses and compensation.

Committee members and alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of committee powers under this subpart. In addition, they may receive reasonable compensation at a rate to be determined by the committee and approved by the Secretary.

Section 953.35 is revised to read as follows:

§ 953.35 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately and to the extent practical to the persons from whom it was collected: *Provided,* That each handler may be credited with such refund, for the operations of the following fiscal period, unless he demands payment thereof, in which event such proportionate refund shall be paid to him;

(2) The committee, with the approval of the Secretary, may establish an operating monetary reserve, and may carry over into subsequent fiscal periods such excess in a reserve so established: *Provided,* That funds in the reserve shall not exceed approximately one fiscal period's expenses. Such reserve funds may be used by the committee (i) to defray expenses authorized pursuant to § 953.33, (ii) to defray expenses during any fiscal period, prior to the time assessment income is sufficient to cover such expenses, (iii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iv) to defray expenses incurred during any period when any or all provisions of this

part are suspended or are inoperative, and (v) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation and after reasonable effort by the committee it is found impracticable to return such remaining funds to handlers from whom collected, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

(b) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purpose specified in this subpart and shall be accounted for in the manner provided for in this subpart. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary and appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this subpart.

(d) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect; and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

Section 953.40 is revised to read as follows:

§ 953.40 Marketing policy.

Prior to or at the same time initial recommendations in any fiscal period are made pursuant to § 953.41, and as the Secretary may require, the committee shall prepare a marketing policy statement. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available at the committee office to all interested parties.

Section 953.45 is added as follows:

§ 953.45 Minimum quantities.

The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to: Regulations § 953.42, Inspection and certification § 953.50, and Assessments § 953.34.

§§ 953.55–953.58 [Deleted]

Sections 953.55 through 953.58 are deleted because they are no longer necessary in the order.

Section 953.75 is revised to read as follows:

§ 953.75 Reports.

(a) Upon the request of the committee, with the approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its duties under this subpart. The Secretary shall have the right to modify, change, or rescind requests for any reports pursuant to this section.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employee thereof, so that the information contained therein, which may adversely affect the competitive position of any handler in relation to other handlers shall not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records and documents on potatoes received and potatoes disposed of by him as may be necessary to verify reports submitted to the committee pursuant to this section.

The Secretary shall make such changes as may be necessary for the entire marketing agreement and order to conform with any amendments thereto that may result from the hearing pursuant to this notice.

Copies of this notice may be obtained from the Vegetable Branch, Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated: January 30, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-1316; Filed, Feb. 1, 1968; 8:49 a.m.]

[7 CFR Part 966]

[Docket No. AO-265-A1]

TOMATOES GROWN IN FLORIDA

Notice of Recommended Decision and Opportunity To File Exceptions With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to the proposed amendment of Marketing Agreement No. 125 and Order No. 966 (7 CFR Part 966), hereinafter referred to collectively as the "order," regulating the handling of tomatoes grown in the Florida production area. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business on the 15th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the proposed amendments to the order were formulated, was held in Orlando, Fla., December 1, 1967, pursuant to notice thereof published in the November 18, 1967, issue of the FEDERAL REGISTER (32 F.R. 15884). The notice set forth the proposed amendments to the order which were submitted with a request for a hearing thereon by the Florida Tomato Committee, the administrative agency established pursuant to the order.

Material issues. The material issues presented on the record of hearing are as follows:

(1) The need for amending the order to update it;

(2) The deletion of District No. 5 (North Florida) from the production area, with a corresponding reduction in the membership on the committee as well as in the number required for a quorum or to pass any committee action;

(3) The regulation of only those tomatoes produced in the production area and shipped out of the regulation area rather than of all tomatoes moving within the production area as well as to points outside thereof;

(4) The addition of authority to establish an operating reserve to cover up to 1 year's expenses;

(5) The clarification of present authority in the order to regulate the handling of tomatoes by maturities, i.e., "mature-green" and/or "ripe" tomatoes; and

(6) The authority to extend the final dates for nomination meetings, to reduce the number of nominees required for each position on the committee, and to permit extending the time for supplying the names of nominees to the Secretary.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence presented at the hearing and the record thereof, are as follows:

(1) The need for amending the order to update it was supported by several witnesses, including the present Chairman of the Committee and the immediate past Chairman.

The Florida Tomato Marketing Order program became effective on October 8, 1955, following a public hearing and a referendum of producers. It operated during four marketing seasons until the end of the 1958–59 season. During that period the industry worked together in establishing uniform size designations,

standardized containers and weights. Also, during periods of overproduction, lower grades and discounted sizes were withheld from the markets outside the production area. As a result of these regulations producers' returns were materially increased.

During the period of operation a controversy began between vine-ripe tomato producers and mature-green producers which developed to a point that the members of the committee were unable to agree on the regulations to be recommended. As a result, regulations were terminated and the program remained inactive from 1959 until the present time. Several attempts to reactivate it during the inactive period were unsuccessful.

During the past year, however, tomato producers and handlers, including several committeemen, tried to find some method of bringing the Florida tomato industry together to eliminate the controversy which had developed and to reactivate their marketing order in the hope of solving some of their marketing problems. At the organizational meeting of the committee held in Belle Glade, Fla., October 24, 1967, it was found that there was no hope of reactivating the program without amending it. Important in this connection was a lack of interest on the part of committee members from District No. 5 where tomato production has declined since 1955. For this and other reasons that will be discussed herein, District 5 committeemen opposed reactivation.

Marketing problems cited by various witnesses include a recurrence of certain price depressing practices, such as the packing of extra weight in containers at the expense of the growers, the sale of No. 1 tomatoes as combination grade or even as No. 2's, rebates with no recourse, and actual theft of tomatoes. Also, cited were the sales of poor quality and small sizes which depress prices and returns to producers for all tomatoes, especially during periods of heavy supplies. In addition, the sharp yearly increases in the volume of tomato imports were causing great concern.

Witnesses indicated that one of the advantages which might accrue to the Florida Tomato industry from reactivating the order would be the requirement that imports comply with the same grade, size, quality, and maturity regulations which the Florida industry places on itself.

A recent study, summarized by the Florida Fruit and Vegetable Association and introduced as evidence, indicates that during periods of the 1966–67 season when exporters of tomatoes to the United States voluntarily withheld shipments of smaller size tomatoes (7 x 7's), the tomato market in the United States reacted favorably with better prices to growers for both imported and domestic tomatoes. Witnesses testified that exporters of tomatoes to the United States would welcome Florida industry regulations and would cooperate with Florida growers in an attempt to bring about more orderly marketing and higher prices to producers.

Opposition witnesses testified that twice in the past, Dade County tomato producers were the recipients of unfair treatment by the committee under the order. Once after a freeze, the Chairman of the Committee, although urged to do so by one of the important producers in Dade County at the request of growers whose tomatoes were damaged, did not promptly call a meeting to consider recommendations for removal of grade restrictions. It was alleged that there was a delay of some 3 weeks before the meeting was called, during which time some growers lost a substantial volume of tomatoes that could have been shipped at profitable prices to growers. It was noted, however, that the affected producers did not attempt to contact the required number of members on the committee who could have arranged for calling such a meeting.

On another occasion the committee recommended regulations to become effective for only part of the production area. However, when the regulations were issued by the Department the same requirements were made applicable to the entire production area. Some Dade County producers resented, and continue to resent, this action which was necessitated at the time by the order's provisions.

As a result of these past misunderstandings, some producers in Dade County still hesitate to trust the committee to treat them fairly and justly. For that reason they opposed reactivation of the program. Opponents at the hearing did, however, indicate in their testimony that they hoped the producing districts would get together to solve their problems and that if selfishness could be overcome, they would be for a proper marketing order. The opponents also stated that there is no doubt that the Florida tomato farmers need some kind of a marketing order.

(2) At the time this order was promulgated in 1955, the whole of Florida below the Suwannee River and the Georgia State line was included in the production area. North Florida, presently designated as District No. 5, did not produce a large volume of tomatoes at that time but was included in the production area because it was considered to have a potential for increased tomato production.

However, instead of increasing, tomato acreage in District No. 5 has been materially reduced during the past several years until it is now less than 3 percent of the total for the State.

As reflected in the Vegetable Summary of Florida Agricultural Statistics, tomato acreage in Marion and Sumpter Counties, the major producing counties in this district, totaled 4,950 acres in the 1953–54 season, or 9 percent of State's total. Comparable figures for the 1965–66 season show 1,260 acres in tomatoes for these two counties, or 2.3 percent of the 54,000 acres planted, and 2.4 percent of the 51,600 acres harvested in Florida during the season.

Witnesses stated that tomato shipments from North Florida generally do not move in any volume until the month of June, depending on seasonal weather conditions, when shipments are beginning in other southeastern States, and after the major Florida tomato producing sections have about completed their harvest. Also, regulations under the marketing order previously had been terminated about the time volume shipments from North Florida began.

Methods of marketing tomatoes in District No. 5 were stated to be different from marketing practices prevalent in the other four districts, in that this district has smaller farms and its tomato growers do not generally move their tomatoes through a packing house for grading, sizing and packaging as is customarily done in the other districts. Instead, most District 5 growers usually do their own grading and packing in the fields by removing tomatoes with serious defects and dumping the field boxes of tomatoes into containers owned by buyers, who usually are itinerant truckers.

Because of their comparatively small production, the lateness of their marketing period, and the differences in their marketing practices, growers in District No. 5 did not wish to remain in the production area. There was apathy and a lack of interest on their part to do anything to enhance the marketing practices of the Florida tomato industry. For these reasons it is hereby found that the deletion of District No. 5 from the production area will reduce the size of the production area in accordance with the declared policy of the act to the smallest practicable area, and yet retain in it over 97 percent of the State's acreage and production of tomatoes.

With the deletion of District No. 5 from the production area and a corresponding reduction in the membership of the 15-member committee by the three members who presently represent this district, it is logical that the number required to constitute a quorum and to pass any committee action should also be reduced.

Under the present order two-thirds of of the 15-member committee, or 10 members, are necessary to constitute a quorum and the same number of concurring votes are required to approve any committee action. Similarly, two-thirds of the proposed new 12-member committee would be eight members. This is the number proposed by proponents to be necessary for a quorum or to pass any committee action. Witnesses testified that these changes are logical and will be in the best interests of Florida tomato producers.

Opposing witnesses testified against the deletion of District No. 5 from the production area. They claimed there is no difference in the manner of production and marketing or competition in that district. They also indicated that additional members should be given to District No. 1 in proportion to that district's percentage of the State's production of tomatoes. Opponents also indicated that if District 5 is deleted, the

number of members required to pass committee action should remain unchanged at 10 members. This would, in effect, allow three members to veto actions proposed by a majority of nine members on the committee. Regulations recommended could, they argued, be more restrictive on mature-green tomatoes than on ripe tomatoes, which action would be unfair to mature-green producers.

When this order was originally promulgated, districts were worked out by the industry to represent the best basis which could be devised for providing fair and equitable representation on the committee. The districts constitute what are generally known and recognized by the tomato trade as separate and distinct producing sections. They provide a geographical basis, related to the number of producers and to the production of tomatoes, for the selection of the committee membership representative of both small and large producers in an equitable manner. While some districts may not have as much production as others, they may have a greater number of producers.

If there should be a need to redistrict or to reapportion membership among the districts, the order provides a method for doing so with the approval of the Secretary.

The 1965 and 1966 issues of Florida Agricultural Statistics, Vegetable Summary, presented in evidence, show that District No. 1 produced 31.8 percent of the State's production of fresh tomatoes during the 1964–65 season and 27.1 percent of the State's production during the 1965–66 season. Under the proposed reduced membership on the committee, District No. 1 would have 25 percent of the members on the 12-member committee.

With respect to the committee's recommending more restrictive regulations on mature-green tomatoes, the evidence shows that mature-green tomato production in each district, as well as for the production area, still constitutes the largest percentage both by acreage as well as by volume of sales. In the 1965–66 season, mature-green sales represented 65 percent of all fresh tomato sales in the State. Also, since the majority of members on the current committee produce mature-green tomatoes and represent mature-green producers, they would not likely discriminate against mature-green tomatoes in their recommendations.

With respect to future committees, it is incumbent upon tomato growers to choose capable and conscientious members to represent them. The Department relies heavily on their choices in selecting members and on the committee's recommendations in issuing regulations. If, however, the committee were to recommend unfair or discriminatory regulations, the Department could not, and would not, knowingly issue regulations contrary to the declared policy of the act.

Hence, it is hereby found that § 966.32, *Procedure*, should be amended as hereinafter set forth.

(3) The changes proposed in the definition of "handler" are very minor. They consist mainly in restricting the commodity covered thereby to "fresh tomatoes" instead of the general term "tomatoes." This was proposed so as to make this definition consistent with the definition of "handle" which is also proposed to cover only "fresh tomatoes." No opposition to the change in this definition was indicated.

The definition of "handle" in the present order authorizes regulation of tomatoes moving within the production area as well as tomatoes moving between the production area and any point outside thereof, with certain exceptions, such as shipments within the production area to a registered handler and to auction markets designated by the committee.

During the period of operation under this program, only the first regulation issued applied to shipments of tomatoes moving both within the production area and to points outside thereof. This was amended after 28 days to regulate only shipments between the production area and any point outside thereof. After that, all regulations recommended and issued applied only to fresh tomatoes moving out of the production area.

The proposed new provisions would regulate only fresh tomatoes produced in the production area which are sold, transported or placed in the current of commerce between the "regulation area" and any point outside thereof in the United States, Canada, or Mexico.

"Regulation area" is a new term proposed in the amendment of this order which is necessary to facilitate program operations. It would include all of the territory now included in the present order, which extends northward to the Suwannee River and the Georgia State line. The "regulation area" is proposed as a practical and reasonable means of achieving compliance with the provisions of the amended order at the least expense. Since the State road guard stations are already located on this northern boundary, enforcement problems under the amended order would be minimized by continuing the Suwannee River and the boundary of the State of Georgia as the line beyond which tomatoes may not move unless they comply with the applicable regulations of the order.

Tomatoes produced in present District No. 5 would not be regulated under the amended order but would move freely within the regulation area as well as to points outside thereof. Tomatoes produced in the production area would also move freely within the whole regulation area. However, if tomatoes produced in present District 5 are transported to the production area for grading and packaging, they would be subject to regulations under the definition of "handle" unless their identity can be maintained. If, for any reason their identity cannot be maintained, they would be subject to the same "handling" regulations as for tomatoes produced in the production area.

Witnesses indicated that the committee could establish methods of checking tomato shipments when they reach the boundary line to ascertain whether or not they were produced in the production area. Such methods could include the presentation of bills of lading, manifests or other evidence of identification at the check points. The committee and the Secretary should have authority to devise other means, as the situation may warrant, to obtain compliance.

(4) Section 966.44 of the present order provides that excess funds remaining at the end of each fiscal period, or other representative period, shall be credited or paid to the handlers from whom they were collected, or they may be carried over into following periods as a reserve for possible liquidation of the committee's affairs in the event of termination of the order. It further provides that any funds remaining after liquidation shall be returned to all persons from whom such funds were collected.

This section should be amended to authorize the establishment of an operating reserve to be used for any expenses authorized under this order, as well as for possible liquidation expenses of the affairs of the committee in the event of termination of the order. In addition, provision should be made to authorize the distribution of any funds remaining after liquidation in such manner as the Secretary may direct, provided, that to the extent practical, they should be returned to the persons from whom they were collected.

Good business management, based on past experience, requires that provision should be made for contingencies. Emergency financial needs can arise for a marketing order committee the same as for any business. Without such an operating reserve the committee could be seriously handicapped in its operations. According to the record evidence, an operating reserve is needed by the Florida Tomato Committee for several purposes in addition to meeting emergencies. It would provide funds to finance the committee's operations early in each fiscal year before income becomes available from the current year's assessments. Methods of meeting such early expenses in the past have included borrowing money from the bank on a short-term basis or asking handlers to advance payment of assessments to meet the financial needs of the committee. Having an operating reserve would be a more businesslike method of meeting these early obligations each year and could result in savings for the committee.

In the event of a short crop or a partial crop failure, assessment income could drop below the requirements for expenses of the committee. Without an operating reserve, it would be necessary to increase the rate of assessment to meet the deficit. This would constitute an extra burden on the industry at a time when the industry's income is reduced because of a poor crop. It would be less burdensome to the industry to contribute to the establishment of an operating reserve during years of normal production rather than be required to

pay a higher rate of assessment occasioned by a deficit during a year when the crop is materially reduced.

The reserve fund could also be used to defray expenses of the committee during any period when the provisions of the order are suspended or inoperative, such as during the present period of inoperation of the program.

Finally, the reserve fund should be available to defray the necessary expenses of liquidation of the affairs of the committee in the event of termination of the order. Any funds remaining after termination of the order should be distributed in such manner as the Secretary may direct upon recommendation of the committee, provided, that to the extent practical, they should be returned to the persons from whom they were collected.

It would be appropriate for the committee to credit each handler with his pro rata share of the refund against the operations of the following fiscal period. However, if a handler should demand payment rather than a credit to his account, it will be proper for the committee to pay to him his appropriate refund.

The reserve should not exceed approximately 1 fiscal year's operating expenses based upon an average of recent years' expense budgets. This provision is considered necessary not only to set a limit on the size of the reserve by keeping it within reasonable limits, but also to allow a degree of flexibility. A fixed figure limitation which might be adequate for a year or two could possibly be inadequate in 5 or more years due to a change in the committee's activities. If the reserve funds should appear to be accumulating beyond the acceptable limitations, it would be advisable for the committee to recommend a reduction in the rate of assessment for the following year to keep the reserves down to the level of approximately 1 year's operating expenses.

In view of the foregoing, it is concluded that the authority for the committee to establish an operating reserve is necessary to effectuate the other provisions of the order and is not inconsistent with the act or any of the provisions of the order. Therefore, section 966.44, *Refunds*, of the present order, should be deleted and a new section 966.44, titled "Excess funds," as a more descriptive heading for the revised provisions, should be inserted in lieu thereof as hereinafter set forth.

(5) Authority in the present order, among others, permits the regulation of any or all varieties of tomatoes during any period. It also permits different regulations for different varieties and for different stages of maturity. Maturity is a factor of grade or quality; and the degree of color is an indication of relative maturity or ripeness. Evidence was presented to authorize the committee to recommend, and the Secretary to issue, regulations for the handling of tomatoes by maturity.

While it may be preferable most times to regulate the grade, size, quality, and maturity of all tomatoes grown in the production area, there may be times when it will be more practical and beneficial to producers to regulate only the handling of so-called "ripe" tomatoes. There may be other times when it will be more practical and beneficial to producers to regulate only mature-green tomatoes. Also, at times it may be best to regulate all maturities but with different requirements for each maturity.

The Florida tomato industry has experienced several changes since 1955 when this order was issued. At that time production consisted mainly of mature-green tomatoes. Vine-ripe production was just beginning and was not of any commercial significance. Since then, however, vine-ripe production has increased rapidly to approximately a third of the total fresh sales in the 1965–66 season.

Vine-ripe tomatoes are typically grown on stakes and they are left on the plant until they begin to show color. They are then harvested, graded, packed, and distributed as vine-ripened tomatoes.

Most of the production, however, still consists of mature-green tomatoes which are generally grown on the ground. They are harvested in the mature-green stage, graded, packed, and shipped to repackers in the terminal markets where they are ripened in ripening rooms and repackaged in consumer sized packages for distribution to the retail stores.

Some growers in Dade County are now experimenting with polyethelene plastic to cover the tomatoes which are on the ground to permit them to ripen under more favorable conditions than tomatoes exposed to weather hazards.

Another recent development is a process of ripening mature-green tomatoes under ethylene gas, either prior to or after packaging, in the production area.

The inspector may not be able to distinguish between vine-ripened tomatoes and those ripened in a ripening room, however, inspection can be based on color and other factors specified in the grade standards.

Regulations for maturity could be based on the various stages of maturity as set forth in the U.S. Standards for Grades of Fresh Tomatoes, or variations based thereon as recommended by the committee and approved by the Secretary.

It is practical to have inspection performed at the time the tomatoes are being packed in the shipping containers, or after the tomatoes are packed in the shipping containers, which will carry them out of the regulation area.

If the inspection takes place before mature-green tomatoes begin to show color and as they are placed in the shipping containers, regulations applicable to mature-green tomatoes will apply. On the other hand, if mature-green tomatoes are ripened in field containers and then placed in shipping containers, it will be necessary that such tomatoes comply with regulations applicable to ripe tomatoes.

The committee, with the approval of the Secretary, may prescribe appropriate requirements for inspection which shall be fair to producers of all stages of maturity and which will assure compliance with the regulations.

Among the different varieties and types of tomatoes produced in the production area, witnesses listed cherry-type and plum-type tomatoes which constitute a small percentage of the volume produced in Florida. Also, a small quantity of hydroponically grown tomatoes is produced in Florida. These specialized types of tomatoes were generally exempted from regulations during the 4 years of operation under the program and may be exempted, with proper safeguards, upon recommendation of the committee.

Because it is not possible to contemplate the various changes that may occur in the future, or their impact on the industry, it is appropriate that the order should contain sufficient authority to meet the needs of the future. Such authority should be sufficiently flexible for the committee to recommend, and the Secretary to issue, different regulations for the handling of different varieties and of different maturities of tomatoes, as hereinafter set forth.

(6) The amendment of § 966.27 was proposed along with the other amendments to this order so as to provide some flexibility with respect to nominations for membership on the committee.

According to the provisions of the present order nomination meetings should be held prior to June 15 of each year, and the names of nominees designated should be supplied to the Secretary not later than July 15 of each year.

If, for some reason, nomination meetings are not held prior to June 15, the committee should not be deprived of holding nomination meetings at a later date. With the adoption of the proposed changes, the committee could hold nomination meetings at a later date upon approval of the Secretary.

Similarly, if the nomination meetings are delayed beyond June 15, it would be appropriate to permit an extension of the final date for submitting the names of the nominees to the Secretary. The proposed amendment would permit such delay with the approval of the Secretary.

Paragraph (b) of § 966.27 of the present order provides that at least two nominees shall be designated for each position for appointment on the committee. This provision was made so the Secretary would have some choice in designating the membership on the committee. However, experience has shown that this provision of nominating two persons for each position is not necessary in order to allow the Secretary a choice. It is proposed that this paragraph be amended to require at least one nominee to be designated for each position as member and for each position as alternate on the committee. At the nomination meetings, the tomato producers usually will indicate by their votes their first, second, and third choices, and the Secretary will still have a choice, but he will be assisted in making the selections by the desires of the industry.

Proponents believe that the proposed revised wording of this section will provide more flexibility for the committee and will result in better operation of the program. There was no opposition to these changes in evidence at the hearing.

Rulings on proposed findings and conclusions. December 23, 1967, was set by the presiding officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. Within the prescribed time, a brief was filed by Louis F. Rauth, Delray Beach, Fla. Each point in this brief was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that any suggested findings and conclusions contained in the brief are inconsistent with the findings and conclusions contained herein they are denied on the basis of the facts found and stated in connection with this decision.

General findings. Upon the basis of evidence introduced at the hearing and the record thereof it is found that:

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

(2) The marketing agreement and order, as hereby proposed to be amended, regulate the handling of tomatoes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The marketing agreement and order, as hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of tomatoes grown in the production area which make necessary different terms applicable to different parts of such area; and

(5) All handling of tomatoes grown in the production area and in the current of commerce between the regulation area, as defined in the marketing agreement and order as hereby proposed to be amended, and any point outside thereof, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Delete § 966.4, *Production area*, and in lieu thereof insert a new § 966.4 as follows:

§ 966.4 Production area and regulation area.

(a) "Production area" means the Counties of Pinellas, Hillsborough, Polk, Osceola, and Brevard in the State of Florida, and all the counties of that State situated south of such counties.

(b) "Regulation area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

2. Delete § 966.6, *Handler*, and in lieu thereof insert a new § 966.6 as follows:

§ 966.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting tomatoes for another person) who, as owner, agent, or otherwise, handles fresh tomatoes or causes fresh tomatoes to be handled.

3. Delete § 966.7, *Handle*, and in lieu thereof insert a new § 966.7 as follows:

§ 966.7 Handle.

"Handle" or "ship" means to sell, transport or in any other way to place fresh tomatoes, produced in the production area, in the current of commerce between the regulation area and any point outside thereof in the United States, Canada, or Mexico.

4. Amend § 966.22, *Establishment and membership*, to read as follows:

§ 966.22 Establishment and membership.

(a) The Florida Tomato Committee, consisting of 12 producer members, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a committee member or alternate shall be an individual who is a producer, or an officer or an employee of a corporate producer, in the district for which selected and a resident of the production area.

5. Amend § 966.24, *Districts*, by deleting District No. 5, to read as follows:

§ 966.24 Districts.

For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1. The counties of Broward and Dade in the State of Florida;

District No. 2. The counties of Brevard, Glades, Indian River, Martin, Osceola, Okeechobee, Palm Beach, and St. Lucie in the State of Florida;

District No. 3. The counties of Charlotte, Collier, Hendry, Lee, and Monroe in the State of Florida; and

District No. 4. The counties of De Soto, Hardee, Highlands, Hillsborough, Manatee, Pinellas, Polk, and Sarasota in the State of Florida.

6. In § 966.27, *Nomination*, amend paragraphs (a), (b), and (c) to read as follows:

§ 966.27 Nomination.

* * * * *

(a) A meeting or meetings of producers shall be held in each district to nominate members and alternates for the committee. The committee shall hold such meetings or cause them to be held prior to June 15 of each year or by such other date as may be approved by the Secretary pursuant to recommendation of the committee.

(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate on the committee.

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15 of each year, or by such other date as may be approved by the Secretary pursuant to recommendation of the committee.

* * * * *

7. In § 966.32, *Procedure*, amend paragraph (a) to read as follows:

§ 966.32 Procedure.

(a) Eight members of the committee shall be necessary to constitute a quorum and the same number of concurring votes shall be required to pass any motion or approve any committee action.

* * * * *

8. Delete § 966.44, *Refunds*, and in lieu thereof insert a new § 966.44 as follows:

§ 966.44 Excess funds.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, to the extent practical it shall be refunded proportionately to the persons from whom it was collected.

(2) The committee, with the approval of the Secretary, may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established: *Provided*, That funds in the reserve shall not exceed approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray any expenses authorized under this part, (ii) to defray expenses during any fiscal period prior to the time assessment income is sufficient to cover such expenses, (iii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iv) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, and (v) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination any funds not required to defray the necessary expenses of liquidation, and after reasonable effort by the committee it is found impracticable to return such remaining funds to handlers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

9. In § 966.52, *Issuance of regulations*, amend paragraph (a) by including maturity as a factor of grade or quality, so as to read as follows:

§ 966.52 **Issuance of regulations.**

* * * * *

(a) Limit, in any or all portions of the production area, the handling of particular grades, sizes, qualities (including maturity as a factor of grade or quality), or packs of any or all varieties of tomatoes, during any period; or

* * * * *

Copies of this notice of recommended decision may be obtained from the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, or may be there inspected.

Dated: January 30, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-1317; Filed, Feb. 1, 1968; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Ch. II]

SUBSIDIZED OPERATORS

Guidelines for Payment

In F.R. Doc. 67-14066 (32 F.R. 16436, Nov. 30, 1967) comments by interested parties were invited to be submitted relative to the guidelines set forth therein for payment of operating-differential subsidy to subsidized operators.

In F.R. Doc. 67-14669 (32 F.R. 17980, Dec. 15, 1967) the time within which comments might be submitted was extended from December 18, 1967 to "close of business on February 5, 1968."

Notice is hereby given that said date of February 5, 1968, is enlarged to April 1, 1968.

Dated: January 31, 1968.

By Order of the Maritime Subsidy Board.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 68-1375; Filed, Feb. 1, 1968; 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 8300]

AIRWORTHINESS DIRECTIVES

BAC 1-11 Model 212AR, 401AK, and 410AQ Series Airplanes

Amendment 39-522 (32 F.R. 17515), AD 67-32-1, requires the inspection for leaks and modification of the center fuel tank pump installations on BAC 1-11 Model 212AR, 401AK, and 410AQ Series airplanes fitted with Thompson Ramo fuel pump P/N 248800/4 or pumps manufactured under license by Plessey which includes additional part No. 570/1/21221/004. The FAA believes that failure or disengagement of a fuel pump retaining screw in center fuel tank installations fitted with Thompson Ramo fuel pump P/N 248800/5 may also permit movement of the pump unit and fuel leakage. Therefore, the FAA is considering amending Amendment 39-522 to make the AD applicable to Thompson Ramo fuel pump P/N 248800/5, and to update the reference to the BAC 1-11 Alert Service Bulletin.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before March 4, 1968, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-522 (32 F.R. 17515), AD 67-32-1, as follows:

1. By amending the applicability statement by inserting the reference ", P/N248800/5" after the reference "P/N 248800/4" and before the words "or pumps".

2. By amending paragraph (a) by striking the words "Issue 1" and inserting the words "Issue 2" in place thereof.

Issued in Washington, D.C., on January 26, 1968.

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

[F.R. Doc. 68-1283; Filed, Feb. 1, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-168]

CONTROL AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area from St. Louis, Mo., with a 4,500-foot MSL floor direct to Kirksville, Mo. This proposed additional control area would provide controlled airspace for instrument flight rule air traffic operating 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, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. 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 January 25, 1968.

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

[F.R. Doc. 68-1284; Filed, Feb. 1, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-115]

FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate V-333 from Crossville, Tenn., 1,200 feet AGL to Lexington, Ky. This action would designate controlled airspace within which to provide air traffic service for aircraft operating in accordance with Instrument Flight Rules 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, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. 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 January 25, 1968.

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

[F.R. Doc. 68-1285; Filed, Feb. 1, 1968; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR 204]

[Reg. D]

RESERVES OF MEMBER BANKS

Computation of Reserve Requirements

The Board of Governors is considering amending § 204.3 (a) and (b) to read as follows:

§ 204.3 Deficiencies in reserves.

(a) *Computation of deficiencies.* (1) Reserve requirements of all member banks shall be determined on the basis of average daily net deposit balances and average daily currency and coin covering 7-day computation periods which shall end at the close of business on Wednesday of each week.

(2) In determining whether a member bank has a deficiency or an excess in its required reserve balance for any computation period, the required reserve balance of such bank shall be based upon the average daily net deposit balances and average daily currency and coin held by the member bank at the close of business of each day during the second computation period prior to the computation period for which the computation is made.

(3) Any excess or deficiency in a member bank's required reserve balance for any computation period, determined as provided in subparagraph (2) above, will be carried forward to the next following computation period to the extent that such excess or deficiency does not exceed 2 percent of such required reserves, except that any portion of such excess or deficiency not offset in the next period may not be carried forward to additional computation periods.

(b) *Penalties.* (1) Deficiencies in reserve balances remaining after the application of subparagraph (3) of paragraph (a) above will be subject to penalties, assessed monthly on the basis of average daily deficiencies during each of the computation periods ending in the preceding calendar month.

(2) Any such penalty will be assessed at a rate of 2 percent per annum above the lowest rate applicable to borrowings by each member bank from its Federal Reserve Bank on the first day of the calendar month in which the deficiencies occurred.

* * * * *

The proposed changes are designed to provide for (1) establishment of coincident 1-week reserve periods for reserve city and country banks; (2) calculation of weekly average required reserves based upon average deposits 2 weeks earlier; (3) calculation of weekly average reserves held in satisfaction for requirements based upon average vault cash held 2 weeks earlier; and (4) carrying forward to the next reserve week of either excesses or deficiencies averaging up to 2 percent of required reserves. The changes are expected to reduce uncertainties as to the amount of reserves required during the course of any reserve period and to moderate pressures for reserve adjustments within the banking system that sometimes develop near the close of a reserve period and can produce sharp fluctuations in the availability of day-to-day funds.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit, in writing, relevant data, views, or arguments. Such material should be sent to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 1, 1968. Under the Board's rules regarding availability of information (12 CFR 261), such materials will be made available for inspection and copying to any person upon request unless the person submitting the material asks that it be considered confidential.

Dated at Washington, D.C., this 29th day of January 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-1264; Filed, Feb. 1, 1968; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Countervailing Duties ATS 644]

CANNED TOMATO PASTE FROM FRANCE

Notice of Countervailing Duty Proceedings

JANUARY 29, 1968.

Information has been received pursuant to the provisions of § 16.24(b) of the Customs Regulations (19 CFR 16.24(b)) which appears to indicate that certain payments or bestowals granted by France on the exportation of canned tomato paste constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or exportation of the merchandise to which the payments apply. It has been alleged that the amount of the payment or bestowal is 0.216 francs per kilo.

After the expiration of the time limits set forth in this notice, a determination will be made whether a bounty or grant is being paid or bestowed in connection with any such manufacture, production, or export. If it is determined that a bounty or grant is being paid or bestowed, an appropriate countervailing duty order will be issued and published in accordance with § 16 24 of the Customs Regulations (19 CFR 16.24).

Before a determination is made consideration will be given to any relevant data, views, or arguments submitted in writing with respect to the existence or nonexistence, and the net amount of a bounty or grant. Such submissions should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

This notice is published pursuant to § 16.24(d) of the Customs Regulations (19 CFR 16.24(d)).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: January 29, 1968.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 68-1295; Filed, Feb. 1, 1968; 8:48 a.m.]

[Antidumping ATS 643.3-G]

FROZEN HADDOCK FILLETS FROM EASTERN CANADIAN PROVINCES

Antidumping Proceeding Notice

JANUARY 29, 1968.

On October 31, 1967, information was received in proper form pursuant to the provisions of § 14.6(b) of the Customs Regulations indicating a possibility that frozen haddock fillets imported from Eastern Canadian provinces are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

The information was submitted by the Atlantic Fishermen's Union, Boston, Mass.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made for differences in quantity and circumstances of sale.

Having conducted a summary investigation, and having determined on this basis that there are grounds for so doing, the Bureau of Customs is instituting an inquiry pursuant to the appropriate provisions of the Customs Regulations to determine the validity of the information.

A summary of information received from all sources is as follows:

Frozen haddock fillets from Eastern Canadian provinces are being sold in the United States at prices substantially lower than those received for sales in the home market.

This notice is published pursuant to § 14.6(d)(1)(i) of the Customs Regulations (19 CFR 14.6(d)(1)(i)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 68-1296; Filed, Feb. 1, 1968; 8:48 a.m.]

[Antidumping ATS 643.3-v]

TMTD AND ZDC FROM THE NETHERLANDS

Determination of Sales at Not Less Than Fair Value

JANUARY 25, 1968.

On October 13, 1967, there was published in the FEDERAL REGISTER a "Notice of Intent to Discontinue Investigation and of Tentative Determination That No Sales Exist Below Fair Value" with respect to tetramethylthiuram disulfide (TMTD) and zinc diethyldithiocarbamate (ZDC) from the Netherlands.

TMTD and ZDC are chemicals used in the rubber industry. TMTD is used as an ultra accelerator for curing rubber manufactured products. ZDC is used as an ultra accelerator for curing rubber and latex manufactured products.

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded until November 13, 1967, to make written submissions or to request in writing an opportunity to present views in connection with the tentative determination.

No written submissions objecting to the tentative determination or requests having been received, I hereby determine that for the reasons stated in the tentative determination tetramethylthiuram disulfide (TMTD) and zinc diethyldithiocarbamate (ZDC) from the Netherlands are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 68-1297; Filed, Feb. 1, 1968; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report 86]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through January 23, 1968, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total, all flags (206 ships)	1, 494, 554
British (59 ships)	463, 819
Antarctica	8, 785
Arctic Ocean	8, 791
Ardrossmore	5, 820
Ardrowan	7, 300

Flag of Registry and Name of Ship	Gross tonnage
British—Continued	
Athelcrown (tanker)	11,149
Athelmere (tanker)	7,524
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Baxtergate	8,813
*Changpaishan	8,929
Cheung Chau	8,566
*Chiang Kiang	10,481
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,696
Glaisdale	6,854
Glenmoor	7,792
Hazelmoor	7,792
Hemisphere	8,718
Ho Fung	7,121
Huntsfield	9,483
Huntsland	9,353
Huntsmore	5,678
Huntsville	9,486
Inchstuart	7,043
**Jeb Lee (trip to Cuba under ex-name Garthdale—British)	7,542
Jollity	8,819
**Kali Elpis (trips to Cuba under ex-name Ardmore—British)	4,664
**Kelso (trips to Cuba under ex-name Ardgem—British)	6,981
Kinross	5,388
La Hortensia	9,486
Linkmoor	8,155
Magister	2,239
Nancy Dee	6,597
Nebula	8,907
Newglade	7,368
Newheath	7,643
Newlane	7,043
Newmoat	7,151
Oceantramp	6,185
Oceantravel	10,419
Peony	9,037
Red Sea (previous trip to Cuba under ex-name Grosvenor Mariner—British)	7,026
**Rosetta Maud—(trips to Cuba under ex-name Ardtara—British)	5,795
Ruthy Ann	7,361
Sandsend	7,236
Santa Granda	7,229
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
Shienfoon	7,127
Southgate—(previous trips to Cuba under ex-name Arlington Court—British)	9,662
Venice	8,611
Vercharmian	7,265
Vergmont	7,381
Yungfutary	5,388
Yunglutaton	5,414
Cypriot (30 ships)	216,226
Acme	7,173
Agenor	7,139
**Aiolos II—(trips to Cuba—Lebanese)	7,256
Akamas (previous trips to Cuba—Lebanese)	7,285
**Alice (trips to Cuba—Greek)	7,189
Amfithea (previous trip to Cuba under ex-name Antonia—Greek)	5,171
Amon	7,227
Angeliki	8,482
*Anka	7,314
Antonia II (previous trip to Cuba under ex-name Stylianos N. Vlassopulos—Greek)	7,281

See footnotes at end of table.

Flag of Registry and Name of Ship	Gross tonnage
Cypriot—Continued	
Apollonian	7,229
Areti (previous trips to Cuba—Lebanese)	7,176
Artemida	7,247
Claire (previous trips to Cuba—Lebanese)	5,411
Dorine Papilios (previous trips to Cuba under ex-name Formentor—British)	8,424
E. D. Papalios	9,431
El Toro	5,949
Free Enterprise (previous trips to Cuba—British)	6,805
Free Navigator (previous trips to Cuba under ex-name Newdene—British)	7,165
Free Trader (previous trips to Cuba—Lebanese)	7,061
Katerina (previous trips to Cuba—Lebanese)	9,357
**Marika (trip to Cuba—Lebanese)	7,290
Newforest (previous trips to Cuba—British)	7,189
Newgate (previous trips to Cuba—British)	6,743
Newmoor (previous trips to Cuba—British)	7,168
**Olga (trips to Cuba—Lebanese and Greek)	7,265
Protoklitos	6,154
Sunrise (previous trips to Cuba under ex-name Anatoli—Greek)	7,216
Vassiliki (previous trips to Cuba—Lebanese)	7,192
Zela M. (previous trips to Cuba—British)	7,237
Lebanese (23 ships)	162,767
Alaska	6,989
Antonis	6,259
Astir	5,324
Atticos	7,257
Giannis	5,270
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Mantric	7,255
Marichristina	7,124
Mousse	9,307
Nictric	7,296
Noelle	7,251
Panagos	7,134
Rio	7,194
San Spyridon	7,260
Stevo	7,066
Tertric	7,045
Tony	7,176
Toula	6,426
Vergolivada	6,339
Yanxilas	10,051
Greek (16 ships)	117,327
Agios Therapon	7,205
**Aliartos (trip to Cuba under ex-name Loradore—British)	8,078
Andromachi (previous trips to Cuba under ex-name Penelope—Greek)	6,712
**Anna Maria (trips to Cuba under ex-name Helka—British)	2,111
Barbarino	7,084
Calliopi Michalos	7,249
Eftyhia	9,844
Irena	7,232
**Lambros M. Fatsis (trip to Cuba under ex-name—Western Trader—Greek)	9,268
Mery	7,258
Nicolaos F. (previous trip to Cuba under ex-name Nicolaos Frangistas—Greek)	7,199
Nikolis M	7,176

Flag of Registry and Name of Ship	Gross tonnage
Greek—Continued	
Redestos	5,911
Roula Maria (tanker)	10,606
Sophia	7,030
Tina	7,362
Polish (20 ships)	143,525
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Italian (12 ships)	107,428
Achille	6,950
Agostino Bertani	8,380
Atria (tanker)	12,845
Caprera	7,189
Elia (tanker)	11,021
Geremia (previous trips to Cuba under ex-name Mariasusanna—Italian)	2,479
Giuseppe Giulietti (tanker)	17,519
**Graziella Zeta (trips to Cuba under ex-name Montiron—Italian	1,595
Nino Bixio	8,427
San Francesco	9,284
San Nicola (tanker)	12,461
Santa Lucia	9,278
Finnish (8 ships)	50,131
**Aleksi (trip to Cuba under ex-name Amfred—Swedish)	2,828
Atlas	3,916
Augusta Paulin	7,096
Isomeri	3,576
Jytte Paulin	7,010
Margrethe Paulin	7,251
Ragni Paulin	6,823
Sword (tanker)	11,631
Panamanian (8 ships)	48,821
**Avranchoise (trips to Cuba under ex-name Avranches—French)	7,199
**Cathay Trader (trips to Cuba under ex-name Suva Breeze—British)	4,996
**Chung Thai (trip to Cuba under ex-name Somalia—Italian)	3,352
**Thalie (trip to Cuba under ex-name Maroudio—Greek)	7,369
**Tung Yih (trip to Cuba under ex-name Aristefs—Lebanese)	6,995
**Tynlee (trip to Cuba under ex-name Ardenode—British)	7,036
**White Daisey (trips to Cuba under ex-name Anacreon—Greek)	6,935
**Yu Lee (trips to Cuba under ex-name Dairen—British)	4,939
French (7 ships)	33,975
**Atlanta (trip to Cuba under ex-name Enee—French)	1,232
Circe	2,874
Foulaya	3,739

Flag of Registry and Name of Ship	Gross tonnage
French—Continued	
Mungo	4,820
Nelee	2,874
Penja	3,777
Senanque (tanker)	14,659
Yugoslav (8 ships)	58,063
*Bar	8,776
Cetinje	7,220
Kolasin	7,217
Mojkovac	7,142
Piva	7,519
Plod	3,657
Subicevac	9,033
Tara	7,499
Maltese (4 ships)	27,097
Amalia (previous trips to Cuba—British)	7,304
Ispahan	7,169
Socivve (previous trips to Cuba—British)	7,291
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Moroccan (4 ships)	32,746
Atlas	10,392
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115
Pakistani (2 ships)	15,762
**Haringhata (trip to Cuba under ex-name Ardpatrick—British)	7,054
**Maulabaksh (trip to Cuba under ex-name Phoenician Dawn and East Breeze—British)	8,708
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba under ex-name Neve—French)	852
Somali (2 ships)	14,400
Aragon	7,201
Erato (previous trips to Cuba under ex-name Eretria—Greek)	7,199

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry and Name of Ship
a. Since last report: None.
b. Previous Reports:

Flag of Registry (total)	Number of ships
	108
British	41
Cypriot	3
Danish	1
Finnish	2
French	1
German (West)	1
Greek	29
Israeli	1
Italian	5
Japanese	1
Kuwaiti	1
Lebanese	9
Norwegian	5
Spanish	6
Swedish	1
Yugoslav	1

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, etc.

Flag of registry	Broken up, sunk or wrecked
British	11
Cypriot	10
French	1
Greek	12
Italian	3
Lebanese	22
Maltese	1
Monaco	1
Moroccan	1
Norwegian	1
South African	2
Swedish	1
Yugoslav	4
Total	70

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through January 23, 1968.

Flag of registry	Number of trips										Total
	1963	1964	1965	1966	1967					1968	
					Jan.–Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	
British	133	180	126	101	52	3	12	4	7	1	619
Lebanese	64	91	58	25	12	2		1	1	1	255
Greek	99	27	23	27	22	2	1	3	1		205
Italian	16	20	24	11	7	2	1		1		82
Cypriot		1	17	27	27	4	6	3	2	2	89
Yugoslav	12	11	15	10	8	2			3		61
French	8	9	9	10	5	1	1	2	1		46
Finnish	1	4	5	11	9	2			1		33
Spanish	8	17									25
Norwegian	14	10									24
Moroccan	9	13	1								23
Maltese		2	6	1	3	1				1	14
Netherlands		4	2								6
Swedish	3	3									6
Kuwaiti		2	1								3
Israeli			2								2
Danish	1										1
German (West)	1										1
Haitian			1								1
Japanese	1										1
Monaco				1							1
Somali						1	1				2
Subtotal	370	394	290	224	145	20	22	13	17	5	1,500
Polish	18	16	12	10	7	1		1	2		67
Grand total	388	410	302	234	152	21	22	14	19	5	1,567

NOTE: Trip totals in this section exceed ship totals in secs. 1 and 2 because some of the ships made more than 1 trip to Cuba. Monthly totals subject to revision as additional data become available.

*Added to Rep. No. 85, appearing in the FEDERAL REGISTER issue of January 4, 1968.
#Ships appearing on the list which have made no trips to Cuba under the present registry.

Dated: January 26, 1968.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-1299; Filed, Feb. 1, 1968; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-192]

UNIVERSITY OF TEXAS

Notice of Proposed Issuance of Facility License Amendment

The Atomic Energy Commission ("the Commission") is considering the issuance of Amendment No. 3, in the form set forth below, to Facility License No. R-92. The license authorizes The University of Texas to operate its TRIGA Mark I pool-type nuclear reactor on the campus at Austin, Tex., at power levels up to 10 kwt. The amendment would authorize the university to operate the reactor at power levels up to 250 kwt, in accordance with technical specifications to be incorporated into the amended license.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person

whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for hearings and petitions to intervene shall be filed in accordance with the provisions of the Commission's Regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated August 9, 1967, and (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 25th day of January 1968.

For the Atomic Energy Commission.

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

PROPOSED AMENDED FACILITY LICENSE

[License No. R-92, Amdt. 3]

The Atomic Energy Commission (hereinafter "the Commission") has found that:

A. The application for license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

B. The reactor has been constructed in conformity with Construction Permit No. CPRR-70 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

C. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

D. The University of Texas is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

E. The possession and operation of the reactor and the receipt, possession and use of special nuclear and byproduct material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

F. The University of Texas is a nonprofit educational institution and will use the reactor for the conduct of educational activities, and is therefore exempt from the financial protection requirement of subsection 170a of the Act. The university has executed an indemnity agreement pursuant to 10 CFR Part 140.

Facility License No. R-92, as amended, is hereby amended in its entirety to read as follows:

1. This license applies to the TRIGA Mark I pool-type nuclear reactor (hereinafter "the reactor") which is owned by The University of Texas and located on the University's campus at Austin, Tex., and described in the University's application for license dated October 31, 1961, and amendments thereto, including the application for amendment dated August 9, 1967 (hereinafter referred to as "the application"), and authorized for construction by Construction Permit No. CPRR-70.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses The University of Texas (hereinafter "the licensee").

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate the reactor as a utilization facility at the designated location in Austin, Tex., in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material," to receive, possess and use up to 2.500 kilograms of contained uranium 235 for use in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, Chapter 1, CFR, Part 30—"Rules of General Applicability to Licensing of Byproduct Material," to receive, possess and use a 7-curie sealed polonium-beryllium neutron source and a 2-curie sealed americium-beryllium neutron source, either of which may be used for reactor startup; and to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70, and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. *Maximum Power Level.* The licensee may operate the reactor at steady state power levels up to a maximum of 250 kilowatts (thermal).

B. *Technical Specifications.* The technical specifications for operation at power levels up to 250 kilowatts (thermal) contained in Appendix A hereto are hereby incorporated into this license. The licensee shall operate the reactor in accordance with these Technical Specifications. No changes shall be made in the technical specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

C. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

1. Reactor operating records, including power levels and periods of operation at each power level.

2. Records showing reactivity released or discharged into the air or water beyond the effective control of the licensee as measured at or prior to the point of such release or discharge.

3. Records of emergency shutdowns and inadvertent scrams, including reasons for emergency shutdowns.

4. Records of maintenance operations involving substitution or replacement of reactor equipment or components.

5. Records of experiments installed including description, reactivity worths, locations, exposure time, total irradiation and any unusual events involved in their handling.

6. Records of tests and measurements performed pursuant to the technical specifications.

D. *Reports.* In addition to reports otherwise required by applicable regulations:

1. The licensee shall inform the Commission of any incident or condition related to the operation of the reactor which prevented a nuclear system from performing its safety function as described in the technical specifications. For each such occurrence, the licensee shall promptly notify by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR Part 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter, "Director, DRL") with a copy to the Regional Compliance Office.

2. The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence, any substantial variance disclosed by operation of the reactor from performance specifications contained in the Safety Analysis Report or the Technical Specifications.

3. The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence, any significant change in the transient or accident analysis, as described in the Safety Analysis Report.

4. This amendment is effective as of the date of issuance, and shall expire at midnight February 12, 1972.

For the Atomic Energy Commission.

Date of issuance:

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

[F.R. Doc. 68-1259; Filed, Feb. 1, 1968; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 68-90]

LICENSEES AND CANDIDATES

Notice Regarding Election Complaints

JANUARY 26, 1968.

The Commission will give prompt attention to all inquiries and complaints involving the fairness doctrine and equal opportunities for political candidates in connection with 1968 primary and general elections.

The Commission has found in the past that good faith negotiations between licensees and those seeking use of broadcast facilities have frequently led to mutually agreeable resolution of disputes based on section 315 of the Communications Act and the fairness doctrine. Accordingly, it again urges licensees and candidates to engage in such negotiations before appealing to the Commission.

The Commission also recommends review by all parties of its Public Notices of April 27, 1966—"Use of Broadcast Facilities by Candidates for Public Office"—and of July 1, 1964—"Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance." In order to expedite the handling of complaints, a complete statement of facts should be furnished to the Commission as quickly as possible by both the complainant and the licensee and each should send to the other a copy of all communications directed to the

Commission, including the initial complaint and response thereto.

The Commission also wishes to advise licensees that they will be requested to answer a questionnaire concerning political broadcast activities during the primary and general election campaigns of 1968. Thus, licensees should retain not only the records regarding political broadcasts which are specified in the Commission's rules, but other information as well which will enable them to supply the information requested by the questionnaire. As in the past, information will be requested on charges for political broadcasts, amount of time purchased, amount of sustaining time, number of political announcements, and editorializing in support of or against political candidates.

Action by the Commission January 24, 1968. Commissioners Hyde (Chairman), Bartley, Cox, Loevinger, Wadsworth and Johnson.

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

[F.R. Doc. 68-1302; Filed, Feb. 1, 1968; 8:48 a.m.]

[Docket Nos. 17977—17979; FCC 68-95]

COURT HOUSE BROADCASTING CO. AND FAMILY BROADCASTING CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues and Notices of Apparent Liability

In re applications of the Court House Broadcasting Co., for renewal of license of standard broadcast station WCHO, Washington Court House, Ohio, Docket No. 17977, File No. BR-2697; the Court House Broadcasting Co., for renewal of license of standard broadcast station WCHI, Chillicothe, Ohio, Docket No. 17978, File No. BR-3305; the Family Broadcasting Co., Inc., for renewal of standard broadcast station WKOV, license of standard broadcast station WKOV, Wellston, Ohio, Docket No. 17979, File No. BR-2174.

1. The Commission has before it for consideration the above-captioned applications, and the Commission's issuances of official notices of violations to Stations WCHO, WCHI, and WKOV and the licensees' responses thereto.

2. The issuance of the official notices of violations, the licensees' responses thereto, and information before the Commission raise a number of serious questions bearing upon whether the above-described licensees possess the qualifications to remain licensees of their respective stations. In view of these questions, the Commission is unable to find that a grant of the above-captioned applications would serve the public interest, convenience and necessity and must, therefore, designate the applications for hearing.

3. In part because of continuing violations of the rules, no renewal of license for WCHO has been granted since November 25, 1968. Although the licenses for WCHI and WKOV were renewed on October 13, 1964 (after being deferred since October 1, 1961, because of outstanding violations), grant of the renewals was based upon the licensees' representations that all outstanding violations had been corrected or would be corrected as quickly as possible. However, subsequent inspection of these stations has revealed a continuing pattern of violation. In the light of the above facts, it would be appropriate to include in the issues herein all matters pertaining to violations by WKOV occurring since October 8, 1958 (the last time the license of WKOV was renewed prior to 1964); since July 27, 1960, for WCHI, when its license was assigned to Court House Broadcasting Co.; and since November 25, 1958, for WCHO.

4. The Court House Broadcasting Co., licensee of standard broadcast stations WCHO and WCHI, owns all of the authorized stock in Family Broadcasting Co., Inc., licensee of standard broadcast station WKOV. W. N. Nungesser owns 68 percent of the stock in Court House Broadcasting Co. and votes all of the stock in Family Broadcasting Co. The foregoing indicates that W. N. Nungesser owns the controlling interest in all of the licensees herein, and in view of this fact, we believe that the orderly dispatch of the Commission's business would be served by having the above-captioned applications heard at one time in a consolidated proceeding with all parties participating. Miss Lou Broadcasting Corp., FCC 67-698; Image Radio, Inc., FCC 68-15.

5. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications for renewal of licenses are designated for hearing in a consolidated proceeding to be held at the Commission's offices in Washington, D.C., at a time to be specified in a subsequent order, upon the following issues:

(1) To determine the nature and extent of violations of the Commission's rules and regulations committed by each of the above-captioned applicants for which official notices of violations have been issued since October 8, 1958, for WKOV, November 25, 1958, for WCHO, and July 27, 1960, for WCHI.

(2) To determine the nature of and circumstances surrounding the applicants' responses to the official notices of violations set forth in Issue (1).

(3) To determine whether the applicant for renewal of license of WCHO falsified or ordered falsification of the operating logs of WCHO.

(4) To determine whether, in light of the evidence adduced pursuant to Issues (1)-(3), above, any or all of the applicants herein, in operation of their stations, engaged in conduct which reflected such negligence, carelessness, ineptness, or disregard of the Commission's processes that the Commission cannot rely upon any or all of the applicants to fulfill the duties and responsibilities of a licensee.

(5) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the applications for renewal of the licenses of Stations WCHO, WCHI, and WKOV would serve the public interest, convenience and necessity.

6. *It is further ordered,* That the Chief, Broadcast Bureau, is directed to serve upon each of the applicants within 10 days of the release of this order a bill of particulars setting forth the basis for adoption of the above hearing issues.

7. *It is further ordered,* That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to Issues (1), (2), and (3), and that each of the applicants then proceed with its evidence and have the burden of establishing that each possesses the requisite qualifications to be a licensee of the Commission and that a grant of its application would serve the public interest, convenience and necessity.

8. *It is further ordered,* That if the Hearing Examiner shall determine that the entire hearing record does not warrant an order denying the applications for renewal of licenses for WCHO, WCHI, and WKOV, he shall make findings of fact as to whether any willful or repeated violations of the Communications Act or the rules thereunder (as specified above and in the bill of particulars) have taken place within 1 year of the issuance of this order and, if so, shall recommend to the Commission whether or not a forfeiture shall be issued against any of the licensees in the amount of $10,000 or less pursuant to section 503(b) of the Communications Act.

9. *It is further ordered,* That for the purposes above stated, this order is to be considered as a notice of apparent liability pursuant to section 503(b)(2) of the Communications Act.

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

11. *It is further ordered,* That each of 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 within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594 of the rules.

Adopted: January 24, 1968.

Released: January 30, 1968.

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

[F.R. Doc. 68-1303; Filed, Feb. 1, 1968; 8:48 a.m.]

[1] Commissioner Lee absent.

[Docket No. 10834 etc.; FCC 68M-168]

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

Order Continuing Hearing

In re applications of Florida-Georgia Television Co., Inc., Jacksonville, Fla., Docket No. 10834, File No. BPCT-1624; Community First Corp., Jacksonville, Fla., Docket No. 17582, File No. BPCT-3681; the New Horizons Telecasting Co., Inc., Jacksonville, Fla., Docket No. 17583, File No. BPCT-3731; Florida Gateway Television Co., Jacksonville, Fla., Docket No. 17584, File No. BPCT-3732; for construction permits.

The Hearing Examiner having under consideration the informal request for continuance of hearing filed on January 25, 1968 by New Horizons Telecasting Co., Inc.;

It appearing, that all parties have consented to immediate consideration and grant of the said request and good cause for grant is present in that a conflict in the calendar of counsel for petitioner with another Commission proceeding has arisen due to it being scheduled for oral argument in the U.S. Court of Appeals for the District of Columbia Circuit;

It is ordered, That the said request is granted and the date for commencement of hearing herein is continued from February 5, 1968, to February 8, 1968, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Issued: January 26, 1968.

Released: January 30, 1968.

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

[F.R. Doc. 68-1304; Filed, Feb. 1, 1968; 8:48 a.m.]

[Docket Nos. 17144, 17145; FCC 68M-169]

GENERAL ELECTRIC CABLEVISION CORP.

Order Continuing Hearing

In re petitions of General Electric Cablevision Corp., Peoria, Ill., Docket No. 17144, File No. CATV 100-25; General Electric Cablevision Corp., Peoria Heights and Bartonville, Ill., Docket No. 17155, File No. CATV 100-59; For authority pursuant to § 74.1107 of the rules to operate CATV systems in the Peoria television market.

It is ordered, That the unopposed letter-request of counsel for General Electric Cablevision Corp., dated January 10, 1968, is granted to the extent that (1) the additional statement furnished by GE on January 24, 1968, is considered to have been seasonably delivered; (2) the date for receipt of notification of GE witnesses for cross-examination is extended from January 24 to February 7, 1968; and the hearing is rescheduled from February 19 to April 1, 1968 (the new hearing date proposed by GE, March 11, conflicts with the Hearing Examiner's schedule).

Issued: January 25, 1968.

Released: January 30, 1968.

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

[F.R. Doc. 68-1305; Filed, Feb. 1, 1968; 8:49 a.m.]

[Docket No. 17976; FCC 68-86]

WEST MICHIGAN TELECASTERS, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In the matter of West Michigan Telecasters, Inc., Battle Creek, Mich., Docket No. 17976, File No. BPTT-1337; for construction permit for UHF television broadcast translator station.

1. The Commission has before it for consideration the above-captioned application of West Michigan Telecasters, Inc. (West Michigan), licensee of Television Broadcast Station WZZM-TV, Channel 13, Grand Rapids, Mich. (ABC), requesting a construction permit for a new 100-watt UHF television broadcast translator station to serve Battle Creek, Mich., by rebroadcasting Station WZZM-TV on output Channel 74; a Petition for reconsideration, filed November 20, 1967, pursuant to section 405 of the Communications Act of 1934, as amended, by BCU-TV, permittee of Television Broadcast Station WWWU-TV, Channel 41, Battle Creek, Mich., requesting reconsideration of the action of October 13, 1967, by the Chief, Broadcast Bureau, granting the above-captioned application without hearing, pursuant to delegated authority, and various pleadings filed in connection therewith.[1]

2. On September 29, 1965, West Michigan filed the above-captioned application and on November 1, 1965, BCU-TV filed an application (BPCT-3654) for a construction permit for a new UHF television station to serve Battle Creek. On September 27, 1967, the Commission granted the BCU-TV application (Mary Jane Morris, et al., d/b as BCU-TV, 10 FCC 2d 190)[2] and on October 13, 1967, the Chief, Broadcast Bureau, acting pursuant to delegated authority, granted the unopposed application of West Michigan for the Battle Creek UHF translator.

3. Petitioner alleges standing in this proceeding as a "person aggrieved or whose interests are adversely affected" within the meaning of section 405 of the Communications Act of 1934, as amended, on the grounds that grant of the application would cause petitioner's station economic injury. We find that petitioner has standing, Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 60 S. Ct. 693, 9 RR 2008, since both stations will be in the same community. West Michigan contends that BCU-TV has not met the higher standard of pleading required of a petitioner who comes in for the first time with a petition for reconsideration, Valley Telecasting Co., Inc. v. Federal Communications Commission, 118 U.S. App. D.C. 410, 336 F. 2d 914, 2 RR 2d 2064, but BCU-TV insists that, as a mere applicant during the time the West Michigan application was pending, it would have had no standing to file a petition to deny pursuant to section 309(d) of the Communications Act. Although BCU-TV could have filed a pregrant informal objection pursuant to § 1.587 of the Commission's rules, we agree that it was not required to perform a useless act, i.e., filing a formal petition to deny when it had no standing. There was insufficient time between grant of the BCU-TV application and grant of the translator application for BCU-TV to file a petition to deny, but on November 20, 1967, it filed a timely petition for reconsideration. We do not believe that, under these particular circumstances, a higher standard of pleading is required.

4. Station WZZM-TV is an ABC affiliate and the Battle Creek translator would rebroadcast ABC network programing in Battle Creek, BCU-TV's principal community. BCU-TV contends that it has been negotiating for an ABC network affiliation and alleges that the prospects for obtaining the affiliation are good. The basic thrust of the petition is the contention that, should BCU-TV acquire an ABC affiliation, operation of the West Michigan translator in Battle Creek would divert viewership, impairing the ability of the newly authorized UHF television station to attract advertisers and jeopardizing its chances to survive. BCU-TV also contends that its network rate may be reduced if a translator were operating in its principal community carrying the same network programing.

5. Battle Creek is approximately 15 miles beyond Station WZZM-TV's predicted Grade B contour and is within the principal city contours of Stations WOOD-TV, Channel 8, Grand Rapids, and WKZO-TV, Chanel 3, Kalamazoo. Battle Creek is also within the predicted Grade A contour of Station WILX-TV, Channel 10, Lansing, and the predicted Grade B contour of Station WJIM-TV, Channel 6, Lansing. Thus, the fledgling Battle Creek UHF television station must compete for audience and revenues with four VHF stations, two of which place field intensity signals of approximately the same strength over Battle Creek as would the UHF station. We have repeatedly expressed our concren for fostering optimum conditions for the development and successful operation of UHF television stations and where, as here, a difficult competitive situation

[1] The Commission also has before it for consideration an opposition, filed Dec. 5, 1967, by West Michigan, and a reply thereto, filed Dec. 15, 1967, by BCU-TV.

[2] The Commission's grant of the BCU-TV application is presently on appeal before the U.S. Court of Appeals for the District of Columbia Circuit, Case No. 21,396, West Michigan Telecasters, Inc. v. Federal Communications Commission.

exists at best, we believe that we must determine the extent, if any, to which our authorization of a translator, albeit a UHF translator, in Battle Creek repeating the same network programing as that proposed by the UHF television station would imperil the chances of the UHF to survive and compete successfully. We recognize that BCU–TV may not yet have obtained an ABC affiliation, but it may well be that authorization of the translator would jeopardize BCU–TV's chances for success in its efforts. We think that, in the particular circumstances of this case, grant of the translator application must be set aside and the application designated for hearing.

6. BCU–TV contends that West Michigan has not demonstrated a need for the translator. We said, in Newhouse Broadcasting Corporation, 8 FCC 2d 1122, 10 RR 2d 937:

> We do not hold that every such (translator) applicant must make a showing of need; we do believe, however, that where the question is put into issue by a party who makes at least a prima facie showing of lack of need, it is incumbent upon the applicant to show that there is a need for the service it proposes.

Although BCU–TV has not made the requisite showing, the need for this particular translator is the heart of the matter. Since we have determined that the application must be designated for hearing in any event, we think that we should ascertain, initially, whether there exists a real public need for the translator. We will, therefore, upon our own motion, specify an issue on this question.

7. We think that one further observation is appropriate in this case. The Commission has been informed of various actions by the applicant (exclusive of the court appeal noted in footnote 2, supra) which, if successful, would effectively delay or defeat BCU–TV's efforts to obtain an ABC network affiliation and activate its station at an early date. Although the information presently available is not sufficient to enable us to determine whether any action by the Commission is indicated, we wish to make it clear that the Hearing Examiner is authorized to receive and evaluate, under the issues specified, evidence relating to tactics employed by the applicant which may have been designed or intended to frustrate the early construction and activation of Station WWWU–TV. This evidence will be considered and weighed in arriving at a decision on the ultimate issue.

8. Upon reconsideration, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity and is of the opinion that the application must be designated for hearing upon specific issues.

Accordingly, it is ordered, That the petition for reconsideration filed herein by BCU–TV is granted to the extent indicated and grant of the above-captioned application of West Michigan Telecasters, Inc., is set aside.

It is further ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of West Michigan Telecasters, Inc., is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether there is a need for the proposed television broadcast translator station.

2. To determine whether grant of the application would impede or impair the opportunities for Station WWWU–TV, Battle Creek, Mich., to compete sucessfully.

3. To determine whether grant of the application would tend to frustrate the intent of the Commission to promote the early activation of a viable UHF television broadcast station in Battle Creek, Mich.

4. To determine, in the light of the evidence adduced in this proceeding, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That BCU–TV, permittee of Station WWWU–TV, Battle Creek, Mich., is made a party respondent in this proceeding.

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

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

Adopted: January 24, 1968.

Released: January 29, 1968.

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

[F.R. Doc. 68–1306; Filed, Feb. 1, 1968; 8:49 a.m.]

[Docket Nos. 17571—17573; FCC 68R–36]

WHAT THE BIBLE SAYS, INC., ET AL.

Memorandum Opinion and Order Amending Designation Order

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

1. This proceeding involves the mutually exclusive applications of "What The Bible Says, Inc." (WTBS); Oxbow Broadcasting Corp. (Oxbow); and John B. Weeks (Weeks). Each seeks a license for a standard broadcast station in its respective community to operate on 1140 kHz. The Commission by order (FCC 67–789, released July 19, 1967), designated this proceeding for hearing on financial, coverage, and suburban community[1] issues directed to WTBS; and areas and populations, section 307(b), and contingent comparative issues directed to all applicants. Subsequent to designation, on July 31, 1967, WTBS by its president, filed a "Notice of Appearance."[2] On August 25, 1967, Oxbow filed a motion to dismiss the WTBS application, contending that WTBS was not represented by legal counsel.[3] At the prehearing conference of October 4, 1967, the Examiner, by oral ruling, denied the motion to dismiss but struck the notice of appearance, stating: "I'm going to accept that notice of appearance as a statement of intention to appear at the hearing." In addition, the Examiner, relying on Charles B. Pinson, Inc., FCC 60–1107, 20 RR 793, accepted WTBS counsel's proper notice of appearance, filed September 1, 1967; accepted the WTBS petition for simplified publication because it was unopposed; and struck the petitions for leave to amend and for departure from strict conformity to the rules "without prejudice to the right of counsel for (WTBS) to refile those pleadings within 15 days of the release date of (the) orders incorporating (these) rulings * * *." (Tr. pp. 6 and 7.) The oral order was formalized in the Examiner's memorandum of ruling of October 12, 1967 (FCC 67M–1704). Presently before the Review Board is a petition to change and delete issues, filed by WTBS on October 27, 1967.[4]

2. Petitioner initially contends that good cause is shown "respecting the lateness of the instant petition." The Examiner's order, it argues, should be interpreted to allow the filing of any pleading by it, within 15 days after the release of the order (Oct. 12, 1967), which, under the rules, could have been filed up to the time of the stricken notice of appearance (July 31, 1967).[5] In petitioner's view, the Examiner's reliance on the Pinson case, supra, compels this result. Specifically, petitioner reasons that since WTBS was without legal counsel, all of its pleadings filed before the Examiner's

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[1] Commissioner Bartley voting to deny reconsideration. Commissioner Lee absent.

[1] See note 9, infra.

[2] Several other pleadings were also filed by the president, including a petition for simplified publication, a petition for leave to amend, and a petition for departure from strict conformity to the rules.

[3] Sections 1.21 and 1.23(a) of the Commission's rules.

[4] Also before the Review Board are the following related pleadings: (a) Broadcast Bureau's comments, filed Nov. 24, 1967; and (b) reply to Broadcast Bureau's comments, filed Dec. 5, 1967, by WTBS.

[5] No petitions to change or delete issues were filed by or on behalf of the petitioner prior to the instant petition.

ruling are null, and that even if the WTBS president had previously filed a petition similar to the instant one, it would have been a nullity. Therefore, petitioner argues, "the practical effect of striking of this petition had it been under section 1.229 by the president of WTBS during July, 1967 would have produced exactly the same net result as will obtain by permitting WTBS, through its legal counsel, to timely file under section 1.229 during the 15-day period set between October 12–27, 1967." As to the alleged procedural infirmity of this petition, the Broadcast Bureau asserts that "the Examiner did not authorize or open the door to any petitions that newly engaged legal counsel would deem necessary." The Bureau asserts that the petition is unreasonably filed without justification and should therefore be dismissed.

3. The Review Board is of the opinion that, under the circumstances of this case, the instant petition can properly be considered on its merits. It is quite clear that the Commission in the Pinson case permitted the corporate applicant to acquire the services of legal counsel, to refile a notice of appearance, and to submit "any pleading filed by such counsel within [15 days of the release of the order], which might properly have been filed up to and including the date of the filing of the 'notice of appearance' herein stricken." (Emphasis supplied.) The Board is of the opinion that the instant case presents circumstances similar to those in Pinson, and that the Examiner correctly relied on that case in his order (see paragraph 2, supra). Additionally, the Examiner stated at the prehearing conference:

> I think that disposes of the outstanding pleadings affecting the [WTBS] application and any subsequent pleadings filed after the application affecting this application or relating thereto.

In light of the Pinson case, and the fact that none of the other parties have alleged that acceptance of the instant petition would prejudice them in any way, the Board is of the view that the petition should not be denied on procedural grounds.

4. As to the merits of the instant petition, WTBS first argues that Issue No. 2 should be revised. The issue, as presently worded, reads in pertinent part as follows: "To determine with respect to the application of [WTBS]: (a) Whether the $60,000 in proceeds from the sale of Elim Tabernacle Church is available to the applicant." WTBS requests that this language be revised to read as follows:

> (a) To determine whether the $41,091.36 still needed to construct the proposed station, and to operate it for 1 year, is available to the applicant.

In support of this request, WTBS states that, originally (as set forth in its initial application), it relied on the sale of certain church property in order to establish its financial qualifications. As the contemplated sale of the property became less certain, petitioner states, amendments to the WTBS application were tendered[6] indicating a possible reliance on donations and a rising balance in an account specifically set aside by the petitioner to cover anticipated first-year operating costs. That balance is now $12,084.81. Petitioner contends that it should not be restricted to showing that its first-year costs will be met from a certain specified source, as the present issue would seem to indicate. On the contrary, petitioner contends that it be required to show only that it can meet the remaining costs[7] "instantly * * * in cash or some other liquid form * * *."

5. The Commission does not require an applicant to obtain the funds required to finance a proposed station from any particular specified source. But, as noted by the Broadcast Bureau, the Commission does tailor financial issues to specifically meet the circumstances of the case. Therefore, in this proceeding, the scope of the issue was limited to a determination of whether a certain financial resource, specifically relied on by WTBS as its main source, would in fact be available to it. It appears from the petition, however, that the availability of funds from this previously relied on source has become uncertain, and that such source is not now the main basis of the WTBS financial proposal. In view of these changes in circumstances and the fact that certain predesignation amendments do not appear to have been considered in the designation order, the Board will (in order to prevent any confusion which may arise from the issue as originally specified) modify the issue using the language suggested by the Broadcast Bureau, to take account of WTBS's increased bank deposits, and to permit it to establish that additional funds are available from sources other then the sale of property.

6. WTBS requests a deletion of Issue No. 3, which reads as follows:

> To determine whether the proposal of [WTBS] would provide coverage of the city sought to be served, as required by § 73.188 (b)(1) of the Commission's rules, and, if not, whether circumstances exist which would warrant waiver of said section.[8]

In support of deletion, petitioner alleges that Henrietta, N.Y., the applicant's specified principal city, is not a "city" but a "town", or "township", and that most of it is rural in nature. WTBS asserts that even though a part of the area which allegedly does not meet the criteria of the rules is zoned "industrial", it is not in fact "industrial", and attached to the petition is an affidavit of the Chief Administrative Officer of the town, photographs, and maps in support of that assertion.

7. The Review Board agrees with the Broadcast Bureau that no unusual circumstances have been shown by WTBS in support of deletion of this issue; therefore, in keeping with the Board's well-established policy of refusing to delete issues based on material contained in pleadings, we will deny petitioner's request. See Quest for Life, Inc., FCC 67R-422, 10 FCC 2d 220; Nebraska Rural Radio Ass'n., FCC 65R–158, 5 RR 2d 43; and Geoffrey A. Lapping, FCC 63R–349, 1 RR 2d 159. Moreover, we note that the issue, as presently set forth, adequately provides WTBS an opportunity to show why this particular section of the rules should be waived.

8. Petitioner also seeks deletion of Issue No. 6, the "suburban community" issue,[9] contending that it should not have to submit proof thereunder because it is a noncommercial, nonprofit station proposing specialized religious programing with area-wide appeal.[10] The Commission's Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901 (1965), is, WTBS asserts, based primarily upon commercial factors; but "where the concern of the applicant is wholly and solely for purposes that are religious, moral, spiritual, physical and mental welfare and enjoyment of the general public without the slightest idea or thought for personal or corporate material gain, there appears to be no good and valid reason for laying the burden of the suburban issue upon WTBS." WTBS also argues that there is no need for the issue where the service is "universal", or area-wide or regional in its objectives, vision and approach. Similarly, it contends that its proposal would be a first transmission service to those persons in its coverage area who want continuous religious broadcasting. Petitioner, in its reply pleading, cites Grace

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[6] All amendments were made prior to designation.

[7] The $41,091.36 figure is reached by WTBS by subtracting, first, "Unknown X-tras", $2,823.83, from the $56,000 allegedly needed for the cost of construction and first year operation (because this is not a part of the foreseeable construction costs of the station); and then subtracting from that the cash balance in the bank, $12,084.81.

[8] Section 73.188(b)(1) of the rules reads as follows: "(b) The site selected should meet the following conditions: (1) A minimum field intensity of 25 to 50 mv/m will be obtained over the business or factory areas of the city."

[9] The issue in this case reads as follows:

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

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

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

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

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

[10] This alleged area-wide appeal is sought to be substantiated by WTBS with allegations to the effect that surveys show that 34.6 percent of the population in Rochester and 35.7 percent of the population in fourteen outlying villages want the type of programing proposed by WTBS.

Broadcasters, Inc., FCC 67–124, 9 RR 2d 459, in support of its request.

9. As indicated above (para. 7), unless unusual circumstances are shown, the Review Board will not ordinarily delete issues based upon material contained in pleadings or post-designation amendments. Quest for Life, Inc., supra; Nebraska Rural Radio Ass'n, supra; and Geoffrey A. Lapping, supra. There is no allegation that the Commission, in designating these applications for hearing, overlooked any relevant matter or that it was acting under a misapprehension of the facts. Therefore, the Board finds no reason to depart from the general policy here, and petitioner's request will be denied. While there appear to be certain factual similarities between this case and the Grace case cited by petitioner, it is noteworthy that the Commission, in Grace, found that the applicant had not attempted to locate its transmitter site to achieve maximum coverage of the larger city. There is no basis for making a similar finding here. Moreover, by waiving the Policy Statement in the Grace case, the Commission was able to make an immediate grant since the applicant was fully qualified in all respects. Here, on the other hand, a hearing is required in any event, and the Board therefore is of the opinion that the most appropriate manner of resolving the 307(b) suburban community question is through the hearing process.

10. *Accordingly, it is ordered,* That the petition to change and delete issues, filed by "What The Bible Says, Inc." on October 27, 1967, is granted to the extent indicated below, and denied in all other respects;

11. *It is further ordered,* That Issue No. 2(a) specified in the designation order herein (FCC 67–789) is amended to read as follows:

(a) Whether applicant has, in addition to cash in bank deposits, sufficient funds available to meet its proposed construction and operating costs.

Adopted: January 26, 1968.

Released: January 30, 1968.

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

[F.R. Doc. 68–1307; Filed, Feb. 1, 1968; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

PORT OF NEW ORLEANS AND UNITED FRUIT CO.

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 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. John Cunningham, Kominers & Fort, Tower Building, 1401 K Street NW., Washington, D.C. 20005.

Agreement No. T–466–1 between the Port of New Orleans (New Orleans) and United Fruit Co. (United Fruit) amends the basic agreement which provides for the construction and repair of certain facilities including a first call on berth privilege. The purpose of the modification is to adjust the areas which will be subject to the first call on berth privilege.

Dated: January 30, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68–1308; Filed, Feb. 1, 1968; 8:49 a.m.]

[Independent Ocean Freight Forwarder License 433]

SAMUEL GODWIN'S SONS

Revocation of License

Whereas, Samuel Godwin's Sons, 29 Broadway, New York, N.Y. 10006, has ceased to operate as an Independent Ocean Freight Forwarder; and

Whereas, Samuel Godwin's Sons has returned Independent Ocean Freight Forwarder License No. 433 to the Commission; and

Whereas, by letter dated January 16, 1968, Samuel Godwin's Sons, has requested the cancellation of its Independent Ocean Freight Forwarder License No. 433.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 6.03.

It is ordered, That the Independent Ocean Freight Forwarder License No. 433 of Samuel Godwin's Sons be and is hereby revoked effective this date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

LEROY F. FULLER,
Acting Director,
Bureau of Domestic Regulation.

JANUARY 29, 1968.

[F.R. Doc. 68–1309; Filed, Feb. 1, 1968; 8:49 a.m.]

[Independent Ocean Freight Forwarder License 1049]

WILLIAM R. ROWE CORP.

Revocation of License

Whereas, by letter dated January 19, 1968, William R. Rowe Corp., 311 California Street, San Francisco, Calif. 94104, advised that it has ceased to operate as an Independent Ocean Freight Forwarder; and

Whereas, William R. Rowe Corp. has returned Independent Ocean Freight Forwarder License No. 1049 to the Commission for cancellation;

Now therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 6.03.

It is ordered, That the Independent Ocean Freight Forwarder License No. 1049 of William R. Rowe Corp. be and is hereby revoked, effective this date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

LEROY F. FULLER,
Acting Director,
Bureau of Domestic Regulation.

JANUARY 29, 1968.

[F.R. Doc. 68–1310; Filed, Feb. 1, 1968; 8:49 a.m.]

[Independent Ocean Freight Forwarder License 992]

L. B. WATSON CO.

Revocation of License

Whereas, Larry B. Watson, doing business as L. B. Watson Co., Los Angeles, Calif. 90013, ceased to operate as an Independent Ocean Freight Forwarder; and

Whereas, Larry B. Watson, doing business as L. B. Watson Co., has returned Independent Ocean Freight Forwarder License No. 992 to the Commission; and

Whereas, by letter dated January 15, 1968, Larry B. Watson, doing business as L. B. Watson Co. has requested the cancellation of his Independent Ocean Freight Forwarder License No. 992;

Now therefore, by virtue of authority vested in me by the Federal Martime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 6.03;

It is ordered, That the Independent Ocean Freight Forwarder License No. 992 of Larry B. Watson, doing business as L. B. Watson Co., be and is hereby revoked effective this date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

LEROY F. FULLER,
Acting Director,
Bureau of Domestic Regulation.

JANUARY 29, 1968.

[F.R. Doc. 68–1311; Filed, Feb. 1, 1968; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

WASHOE INDIANS OF ALPINE COUNTY, CALIF.

Transfer of Jurisdiction

JANUARY 27, 1968.

The members of the Washoe Tribe of Indians who reside in the community of Woodfords, Alpine County, Calif., are hereby transferred from the jurisdiction of the Sacramento Area Office, Bureau of Indian Affairs, Sacramento, Calif., to the jurisdiction of the Nevada Agency, Bureau of Indian Affairs, Stewart, Nev.

This action is taken for the purpose of unifying the group of Indians affected hereby with the main body of the Washoe Tribe of Indians, who reside in the State of Nevada and whose organization is under the jurisdiction of the Nevada Agency, and is in accord with the recommendation expressed in Resolution 67–W–9 adopted by the Washoe Tribal Council on February 10, 1967.

This transfer action is effective upon publication of this notice in the FEDERAL REGISTER.

ROBERT L. BENNETT,
Commissioner.

[F.R. Doc. 68–1266; Filed, Feb. 1, 1968; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–2801, etc.]

GETTY OIL CO.

Notice of Petition To Amend

JANUARY 22, 1968.

Take notice that on October 9, 1967, Getty Oil Co. (Petitioner), Post Office Box 1404, Houston, Tex. 77001, filed in Docket Nos. G–2801 et al., a petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to Tidewater Oil Co. (Tidewater) by substituting Petitioner in lieu of Tidewater as certificate holder, all as more fully set forth in the appendix hereto and in the petition to amend which is on file with the Commission and open to public inspection.

Effective September 30, 1967, Petitioner merged Tidewater and acquired all of Tidewater's producing properties and gas sales contracts. Petitioner proposes to continue sales of natural gas in interstate commerce pursuant to said contracts in lieu of Tidewater and has filed notices of succession to Tidewater's FPC gas rate schedules.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 14, 1968.

GORDON M. GRANT,
Secretary.

APPENDIX

Docket No.	Purchaser	Location	Price	Pressur base
G–2801 [1], G–11749 [1], G–14778 [1]	United Fuel Gas Co.	Erath, North Erath, and Erath-Shallow Fields, Vermilion Parish, La.	21.25	15.025
G–2802	do	North Bourg Field, Lafourche and Terrebonne Parishes, La.	[2] 18.0	15.025
G–2803 [1]	do	Florence Field, Vermilion Parish, La.	[3] 18.0	15.025
G–3718	Natural Gas Pipeline Company of America.	Old Ocean Field, Matagorda and Braxoria Counties, Tex.	[4] 14.0	14.65
G–3719	United Gas Pipe Line Co.	Red Fish Bay Field, Nueces County, Tex.	[5] 15.6	14.65
G–3720	Iroquois Gas Corp.	Sheridan Field, Colorado County, Tex.	[6] 16.6584	14.65
G–3721 [1]	Texas Eastern Transmission Corp.	West Cosden et al., Fields, Bee et al. Counties, Tex.	[7] 14.1 [8] 10.92096	14.65 14.65
G–3722	El Paso Natural Gas Co.	Spraberry Field, Glasscock et al. Counties, Tex.	[9] 17.1632	14.65
G–3723	Natural Gas Pipeline Company of America.	East Bay City Field, Matagorda County, Tex.	[10] 16.1536	14.65
G–3726	United Gas Pipe Line Co.	Brandt Field, Goliad County, Tex.	13.1664	14.65
G–3727	Transcontinental Gas Pipe Line Corp.	LaGloria Field, Brooks and Jim Wells Counties, Tex.	[11] 11.0 [12] 12.0 [13] 13.0	14.65
G–3728	Tennessee Gas Pipeline Co., a division of Tenneco, Inc.	East Bernard Field, Wharton County, Tex.	[5] 15.6	14.65
G–3729	Transcontinental Gas Pipe Line Corp.	Ray-Wilcox Field, Bee County, Tex.	[11] 10.78069 [12] 12.78069	14.65 14.65
G–3730 [1]	Tennessee Gas Pipeline Co., a division of Tenneco, Inc.	Sublime Field, Colorado County, Tex.	[14] 15.6	14.65
G–3731	Arkansas Louisiana Gas Co.	North Lansing Field, Harrison County, Tex.	12.99828	14.65
G–3732	Natural Gas Pipeline Company of America.	LaGloria Field, Brooks and Jim Wells Counties, Tex.	[4] 14.0	14.65
G–3733	Transcontinental Gas Pipe Line Corp.	West Bernard Field, Wharton County, Tex.	13.78069	14.65
G–3734	do	Harris et al. Fields Live Oak County, Tex.	[11] 11.0 [12] 12.0 [13] 13.0	14.65
G–3735	El Paso Natural Gas Co.	Levelland Field, Hockley County, Tex.	[15] 17.11475	14.65
G–3736	Tennessee Gas Pipeline Co., a division of Tenneco, Inc.	Mustang Island Field, Nueces County, Tex.	[5] 15.6	14.65
G–3737 [1], G–11927 [1]	Natural Gas Pipeline Company of America.	West Bernard Field, Wharton County, Tex.	[16] 16.1536	14.65
G–3740	Tennessee Gas Pipeline Co., a division of Tenneco, Inc.	East Bay City Field, Matagorda County, Tex.	[5] 15.6	14.65
G–3742	Transcontinental Gas Pipe Line Corp.	West Tuleta Field, Bee County, Tex.	[11] 10.78069 [12] 12.78069	14.65 14.65
G–3743	Tennessee Gas Pipeline Co., a division of Tenneco, Inc.	Placedo Field, Victoria County, Tex.	[5] 15.6	14.65
G–4576	United Gas Pipe Line Co.	Burnell-North Pettus Field, Bee, Karnes, and Goliad Counties, Tex.	[17] 15.485	14.65
G–5927	El Paso Natural Gas Co.	Headlee Field, Ector and Midland Counties, Tex.	[18] 17.0816	14.65
G–6261	Cities Service Gas Co.	West Edmond Field, Kingfisher and Oklahoma Counties, Okla.	10.5	14.65
G–6263	Arkansas Louisiana Gas Co.	Chickasha Field, Grady County, Okla.	12.0	14.65
G–6264 [1], G–12522 [1], G–12894 [1], G–19586 [1]	El Paso Natural Gas Co.	Justis and Langlie-Mattix Fields, Lea County, N. Mex.	10.0	14.65
G–6265	Lone Star Gas Co.	Sholem Alechem Field, Carter County, Okla.	12.0	14.65
G–6266 [1]	El Paso Natural Gas Co.	Langmat (King) Field, Lea County, N. Mex.	[9] 15.50174	14.65
G–6267 [1]	United Gas Pipe Line Co.	Hollywood Field, Terrebonne Parish, La.	[6] 19.25	15.025
G–6271	Texas Gas Transmission Corp.	South Lewisburg Field, Acadia and St. Landry Parish, La.	[19] 15.0	15.025
G–6272 [1], G–13539 [1]	El Paso Natural Gas Co.	Blinebry et al. Fields, Lea County, N. Mex.	[9] 15.50174	14.65
G–6273	United Gas Pipe Line Co.	Baxterville Field, Lamar and Marion Counties, Miss.	[19] 15.0	14.65
G–6274	Southern Natural Gas Co.	Gwinville Field, Jefferson Davis and Simpson Counties, Miss.	[19] 15.0	14.65
G–6275	El Paso Natural Gas Co.	Langmat (Christmas) Field, Lea County, N. Mex.	[18] 17.0816	14.65
G–9486	Texas Eastern Transmission Corp.	Nordheim Field, De Witt and Karnes Counties, Tex.	14.6	14.65
G–9882 [1]	Arkansas Louisiana Gas Co.	Rodessa Field, Caddo Parish, La.	3.0	15.025
G–10146	Tennessee Gas Pipeline Co., a division of Tenneco, Inc.	Various Blocks, West Delta Area, Offshore Louisiana.	[20] 20.0 [21] 19.0	15.025
G–10393	Transcontinental Gas Pipe Line Corp.	Leleux Field, Vermilion and Acadia Parishes, La.	[2] 18.0	15.025
G–10542	Texas Eastern Transmission Corp.	West George West Field, Live Oak County, Tex.	14.6	14.65
G–10860 [1]	do	Willow Springs Field, Gregg County, Tex.	[14] 15.6	14.65
G–10994	do	Midway Field, San Patricio County, Tex.	[5] 15.6	14.65
G–11049	Tennessee Gas Pipeline Co., a division of Tenneco, Inc.	East and West Cameron Areas, Offshore Louisiana.	[20] 19.0 [21] 19.0 [21] 19.5	15.025
G–11265	Michigan Wisconsin Pipe Line Co.	North Holly Beach Field, Cameron Parish, La.	[22] 20.0	15.025
G–11768	Northern Natural Gas Co.	Emperor Field, Winkler County, Tex.	16.0	14.65
G–11891	South Natural Gas Co.	Manila Village Field, Jefferson Parish, La.	[23] 20.0	15.025
G–12411 [1]	Transcontinental Gas Pipe Line Corp.	Northwest Gueydan Field, Acadia Parish, La.	[24] 18.0	15.025
G–13051	Southern Natural Gas Co.	Bayou Bouillon Field, St. Martin and Iberville Parishes, La.	[6] 20.0	15.025

See footnotes at end of table.

APPENDIX—Continued

Docket No.	Purchaser	Location	Price	Pressure base
G–13136	United Gas Pipe Line Co	Southeast Houma Field, Terrebonne Parish, La.	[6] 20.0	15.025
G–14986 [1]	Natural Gas Pipeline Company of America.	Texam-Elms Field, Live Oak County and Shaffer Ranch Area, Jim Wells and Duval Counties, Tex.	[14] 15.5	14.65
G–15103	United Gas Pipe Line Co	Midland Field, Acadia Parish, La	[6] 20.0	15.025
G–15543	Panhandle Eastern Pipe Line Co	South Forgan Field, Beaver County, Okla.	16.0	14.65
G–16172	United Gas Pipe Line Co	Ridge Field, Lafayette Parish, La	[6] 20.0	15.025
G–16194	Northern Natural Gas Co	Eumont Field, Lea County, N. Mex	[5] 11.7010	14.65
G–16267	Trunkline Gas Co	Chocolate Bayou Field, Brazoria County, Tex.	[6] 18.0	14.65
G–16928 [1]	Wunderlich Development Co	Southwest Ponca City Field, Kay County, Okla.	[25] 7.2	14.65
G–17040	West Texas Gathering Co	Emperor Field, Winkler County, Tex	16.0	14.65
G–17463	Consolidated Gas Supply Corp	Perry Field, Vermilion Parish, La	[20] 20.625	15.025
G–17474 [1]	do	South Bosco Field, Acadia and Lafayette Parishes, La.	[26] 20.625	15.025
G–17475	do	West Rayne Field, Acadia Parish, La	[26] 20.625	15.025
G–17483	do	Jefferson Island Field, Iberia Parish, La.	[26] 20.625	15.025
G–17578	Florida Gas Transmission Co	Palacios Field, Matagorda County, Tex.	[6] 16.0	14.65
G–17743	El Paso Natural Gas Co	Langlie-Mattix (Fowler Hair) Field, Lea County, N. Mex.	10.0	14.65
G–17951	Transwestern Pipeline Co	Acreage in Beaver and Ellis Counties, Okla.	17.0	14.65
G–18376 [1]	Florida Gas Transmission Co	Palacios Field, Matagorda County, Tex.	[6] 16.0	14.65
G–18710	United Gas Pipe Line Co	Hollywood Field, Terrebonne Parish, La.	20.25	15.025
G–19719	Tennessee Gas Pipeline Co., a division of Tenneco, Inc.	Grand Isle Area, Jefferson and Lafourche Parishes, Offshore Louisiana.	[27] 19.0	15.025
CI60–15	United Gas Pipe Line Co	North Laward Field, Jackson Count, K Tex.	[5] 15.1792	14.65
CI60–142	do	West Bastian Bay, Plaquemines Parish, La.	[28] 20.0	15.025
CI60–158	Colorado Interstate Gas Co	Mocane Field, Beaver County, Okla	15.0	14.65
CI60–262	Cities Service Gas Co	Southeast Woodward Field, Woodward County, Okla.	[29] 17.0	14.65
CI60–335	Southern Natural Gas Co	Felice Bayou Field, Plaquemines Parish, La.	[6] 20.0	15.025
CI60–430	Tennessee Gas Pipeline Co., a division of Tenneco, Inc.	Caillou Island Field, Terrebonne Parish, La.	[30] 19.5	15.025
CI61–125	Michigan Wisconsin Pipe Line Co	Holly Ridge Field, Tensas Parish, La	18.5	15.025
CI61–171	do	Lacassine Refuge Field, Cameron Parish, La.	[31] 20.0	15.025
CI61–1016 [1] [32]	Transwestern Pipeline Co	Kermit Field, Winkler County, Tex	16.0	14.65
CI61–1206 [1]	El Paso Natural Gas Co	San Juan Basin-Dakota Field, San Juan County, N. Mex.	[33] 12.0495	14.65
CI61–1253	Arkansas Louisiana Gas Co	Lassater Field, Marion County, Tex	12.99828	14.65
CI61–1599	Oklahoma Natural Gas Gathering Corp.	Ringwood Field, Major County, Okla.	[34] 12.0	14.65
CI61–1663 [1]	Texas Gas Transmission Corp	Calhoun Field, Lincoln Parish, La	18.75	15.025
CI61–1689	Southern Natural Gas Co	Grange Field, Jefferson Davis and Lawrence Counties, Miss.	[35] 20.6	15.025
CI61–1789	Texas Eastern Transmission Corp.	Mercedes Field, Hidalgo County, Tex.	[36] 15.6	14.65
CI61–1809	Florida Gas Transmission Co	Opelousas Field, St. Landry Parish, La.	[37] 20.0	15.02
CI62–137	Tennessee Gas Pipeline Co., a division of Tenneco, Inc.	East Cameron Block 64 Field, Offshore Louisiana.	[38] 19.5	15.025
CI62–185	El Paso Natural Gas Co	San Juan Basin-Mesa Verde Field, San Juan County, N. Mex.	[39] 13.05363	15.025
CI62–638 [1]	Texas Gas Transmission Corp	Duson Field, Lafayette Parish, La	[40] 20.625	15.025
CI62–987	Northern Natural Gas Co	Yates Casinghead Gas Plant, Pecos County, Tex.	14.5	14.65
CI62–1282	Florida Gas Transmission Co	Opelousas Field, St. Landry Parish, La.	19.75	15.025
CI63–557	Northern Natural Gas Co	Como Field, Beaver County, Okla	17.0	14.65
CI63–582	Valley Gas Transmission, Inc	West Dinero Field, Live Oak County, Tex.	[41] 15.0	14.65
CI63–650	Natural Gas Pipeline Company of America.	East Bay City Field, Matagorda County, Tex.	18.0	14.65

See footnotes at end of table.

APPENDIX—Continued

Docket No.	Purchaser	Location	Price	Pressure base
CI63–780	Texas Eastern Transmission Corp.	Warmsly Field, De Witt County, Tex	12.0	14.65
CI63–824	United Gas Pipe Line Co	St. Martinsville Field, St. Martin Parish, La.	[40] 19.25	15.025
CI63–914	Michigan Wisconsin Pipe Line Co.	Northeast Cedardale Field, Major County, Okla.	15.0	14.65
CI63–1009	Arkansas Louisiana Gas Co	North Carter Field, Beckham County, Okla.	15.0	14.65
CI63–1134	Trunkline Gas Co	Quicksand Creek Field, Newton County, Tex.	[42] 17.0	14.65
CI63–1148	Arkansas Louisiana Gas Co	Burmah Unit, Anthon Area, Custer County, Okla.	15.0	14.65
CI64–788	Natural Gas Pipeline Company of America.	Orangedale Field, Bee and Live Oak Counties, Tex.	[43] 16.0	14.65
CI64–794 [22]	Northern Natural Gas Co	Northwest Hokit Field, Pecos County, Tex.	15.0	14.65
CI64–974	Natural Gas Pipeline Company of America.	West Crane Field, Custer and Dewey Counties, Okla.	15.0	14.65
CI64–1476	El Paso Natural Gas Co	Dakota Field, San Juan County, N. Mex.	13.0	14.65
CI64–1519	Montana-Dakota Utilities Co	Muddy Ridge Field, Fremont County, Wyo.	15.384	15.025
CI65–258	Lone Star Gas Co	East Cruce Field, Stephens County, Okla.	15.0	14.65
CI65–470	El Paso Natural Gas Co	Roach Field, Reagan County, Tex	16.5	14.65
CI65–611	Natural Gas Pipeline Company of America.	Southeast Woodward Field, Woodward County, Okla.	17.0	14.65
CI65–704	Michigan Wisconsin Pipe Line Co	Kings Bayou Field, Cameron Parish, La.	19.0	15.025
CI65–1330 [1]	Grand Valley Transmission Co	Horse Point Unit, Grand County, Utah.	12.0	15.025
CI66–124 [1]	Trunkline Gas Co	South Thornwell Field, Jefferson Davis Parish, La.	18.0	15.025
CI66–424 [22]	American Louisiana Gas Co	Southwest Lake Arthur Field, Cameron Parish, La.	20.625	15.025
CI66–557	Natural Gas Pipeline Company of America.	Indian Basin Field, Eddy County, N. Mex.	16.608	14.65
CI66–1310 [1]	Northern Natural Gas Co	Anadarko Basin Area, Woodward, Ellis, and Dewey Counties, Okla.	17.0	14.65
CI67–528 [22]	Texas Eastern Transmission Corp	Southwest Mercedes Field, Hidalgo County, Tex.	15.5	14.65
CI67–862 [22]	Tennessee Gas Pipeline Co., a division of Tenneco, Inc.	Ship Shoal Block 169 Field, Offshore Terrebonne Parish, La.	19.5	15.025
CI67–1006 [22]	Transwestern Pipeline Co	Halley Field, Winkler County, Tex	16.5	14.65
CI67–1357	Texas Gas Transmission Corp	North Bosco Field, Acadia Parish, La	16.75	15.025
CI67–1585	Southern Union Gathering Co	San Juan Basin-Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI68–8	Arkansas Louisiana Gas Co	Okeene Field, Blaine County, Okla	15.0	14.65

[1] "Operator et al."
[2] Rate in effect subject to refund in Docket No. RI66–146.
[3] Rate in effect subject to refund in Docket No. RI66–147.
[4] Rate in effect subject to refund in Docket No. RI67–184.
[5] Rate in effect subject to refund in Docket No. RI64–721.
[6] Settlement rate approved by Commission order issued June 15 1962, in Docket Nos. G–13310 et al.
[7] Present effective rate under Rate Schedule No. 7.
[8] Present effective rate under Rate Schedule No. 63.
[9] Rate in effect subject to refund in Docket Nos. RI61–445 and RI61–18.
[10] Rate in effect subject to refund in Docket No. RI65–344.
[11] For gas not requiring compression or is compressed by buyer.
[12] For gas presently compressed by buyer if seller takes over operation and maintenance of buyer's facilities for remainder of contract term.
[13] For gas requiring compression if seller elects to install and operate compression facilities for remainder of contract term.
[14] Rate in effect subject to refund in Docket No. RI64–726.
[15] Rate in effect subject to refund in Docket Nos. RI61–444 and RI61–17.
[16] Rate in effect subject to refund in Docket No. RI65–344.
[17] Rate in effect subject to refund in Docket No. RI66–103.
[18] Rate in effect subject to refund in Docket No. RI64–762.
[19] Rate in effect subject to refund in Docket No. RI64–762.
[20] Rate in effect subject to refund in Docket No. RI65–15.
[21] Being collected subject to refund pursuant to temporary certificate for sales from additional acreage.
[22] Rate suspended in Docket No. RI67–66 but has not been placed into effect.

[23] Rate suspended in Docket No. RI68-150 until Apr. 1, 1968.
[24] Rate in effect subject to refund in Docket Nos. RI66-147 and RI65-456.
[25] Rate in effect subject to refund in Docket No. RI65-129.
[26] Settlement rate approved by Commission order issued July 30, 1962, in Docket Nos. G-13169 et al.
[27] Settlement rate for basic acreage approved by settlement order issued Dec. 21, 1962, in Docket Nos. G-11024 and G-19855 et al. Tidewater is collecting 19 cents per Mcf subject to refund under conditioned temporary certificates issued for additional acreage.
[28] Rate found to be proper in Commission order of July 17, 1963, in Opinion No. 399 (Docket Nos. CP60-36 et al.).
[29] Rate in effect subject to refund in Docket No. RI65-136.
[30] Rate suspended in Docket No. RI67-41 but has not been placed into effect.
[31] Rate suspended in Docket No. RI67-73 but has not been placed into effect.
[32] Pending—no permanent certificate issued.
[33] A previous rate of 14.05363 cents per Mcf was made effective subject to refund in Docket No. RI65-2.
[34] Rate in effect subject to refund in Docket No. RI66-223.
[35] Rate found to be proper in Commission order of Oct. 26, 1964, in Opinion No. 445 (Docket Nos. G-8592 et al.).
[36] Rate in effect subject to refund in Docket No. RI67-323.
[37] Rate found proper in Opinion No. 436 issued July 23, 1964, in Docket Nos. G-13221 et al.
[38] Settlement rate for basic acreage approved by settlement order issued Dec. 21, 1962, in Docket Nos. G-11024 and G-19855 et al.
[39] Rate in effect subject to refund in Docket No. RI65-3.
[40] Settlement rate approved by Commission order issued Dec. 26, 1963, in Docket Nos. G-13221 et al.
[41] Rate in effect subject to refund in Docket No. RI67-289.
[42] Rate found to be proper in Opinion No. 475.
[43] Rate found to be proper in Opinion No. 476.

[F.R. Doc. 68-1150; Filed, Feb. 1, 1968; 8:45 a.m.]

[Docket No. CI68-817, etc.]

NORMAN E. GAGLIARDI ET AL.

Notice of Applications [1]

JANUARY 25, 1968.

Take notice that on January 8, 1968, each Applicant herein, c/o J. Edward Litz, attorney, Post Office Box 1473, Charleston, W. Va. 25325, filed in Docket Nos. CI68-817 through CI68-843 applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Cabot Corp. from various locations in West Virginia at a total initial rate of 17.5 cents per Mcf at 15.325 p.s.i.a., all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 19, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to 18 CFR 2.56 as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No.	Applicant	Location
CI68-817	Norman E. Gagliardi, Agent	Sherman District, Calhoun County, W. Va.
CI68-818	do	Do.
CI68-819	Creed Barker	Lee District, Calhoun County, W. Va.
CI68-820	do	Center District, Calhoun County, W. Va.
CI68-821	do	Sheridan District, Calhoun County, W. Va.
CI68-822	do	Sherman District, Calhoun County, W. Va.
CI68-823	Simmons Gas Co	Lee District, Calhoun County, W. Va.
CI68-824	Creed Barker	Do.
CI68-825	Phil D. Phillips	Center District, Gilmer County, W. Va.
CI68-826	Bowser Gas & Oil Co	Sherman District, Calhoun County, W. Va.
CI68-827	do	Do.
CI68-828	Phil D. Phillips	Washington District, Calhoun County, W. Va.
CI68-829	Bowser Gas & Oil Co	Sherman District, Calhoun County, W. Va.
CI68-830	Calhoun County Bank, Agent for P. P. Gunn et al.	Center District, Gilmer County, W. Va.
CI68-831	Norman E. Gagliardi, Agent	Sherman District, Calhoun County, W. Va.
CI68-832	O. L. Warren	Acreage in Calhoun County, W. Va.
CI68-833	S. R. Bee	Lee District, Calhoun County, W. Va.
CI68-834	Slug Oil Co	Murphy District, Ritchie County, W. Va.
CI68-835	do	Do.
CI68-836	Francis E. Cain	Sheridan District, Calhoun County, W. Va.
CI68-837	do	Do.
CI68-838	do	Sherman District, Calhoun County, W. Va.
CI68-839	do	Center District, Calhoun County, W. Va.
CI68-840	do	Lee District, Calhoun County, W. Va.
CI68-841	Kanawha Pipe Co	Sheridan District, Calhoun County, W. Va.
CI68-842	Francis E. Cain	Center District, Calhoun County, W. Va.
CI68-843	do	Sheridan District, Calhoun County, W. Va.

[F.R. Doc. 68-1200; Filed, Feb. 1, 1968; 8:45 a.m.]

[Docket No. G-4141, etc.]

GULF OIL CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JANUARY 25, 1968.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 19, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to 18 CFR 2.56, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

therein unless at the time of filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–4141 D 1–15–68	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., South Crowley Field, Acadia Parish, La.	Uneconomical	
G–10073 D 1–12–68	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Cities Service Gas Co., Hardtner Pool, Barber County, Kans.	(1)	
G–11408 E 1–5–68	Okmar Oil Co. et al. (successor to Shell Oil Co.), c/o David L. Fist, Attorney, 413 Midstates Bldg., Tulsa, Okla. 74103.	Colorado Interstate Gas Co., Greenwood Field, Baca County, Colo.	[2] 17.0	14.65
G–11637 C 12–26–67	Gulf Oil Corp.[3]	El Paso Natural Gas Co., Teague Blinebry Field, Lea County, N. Mex.	10.0	14.65
G–11854 C 1–2–68	Sun Oil Co. (Southwest Division), 1608 Walnut St., Philadelphia, Pa. 19103.	El Paso Natural Gas Co., Nena Lucia Field, Nolan County, Tex.	14.5	14.65
G–13299 D 1–11–68 [4]	Sinclair Oil & Gas Co. (Operator) et al., Post Office Box 521, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Laverne Area, Beaver County, Okla.	Assigned	
G–13633 D 5–10–67	Union Producing Co. (Operator) et al., Post Office Box 1407, Shreveport, La. 71102.	United Gas Pipe Line Co., Sligo Field, Bossier Parish, La.	(5)	
G–16220 D 1–15–68	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	El Paso Natural Gas Co., Brown-Bassett Field, Terrell County, Tex.	(6)	
G–18995 A 7–17–59 as amended 5–9–60 D 3–22–63	Yucca Petroleum Co. (formerly Baker & Taylor Drilling Co.), First National Bank Bldg., Amarillo, Tex. 79101.	Transwestern Pipeline Co., acreage in Lipscomb County, Tex.	[7] 17.0	14.65
CI60–466 D 1–8–68 [4]	Cabot Corp. (SW) (Operator) et al., Post Office Box 1101, Pampa, Tex. 79065.	Northern Natural Gas Co., acreage in Beaver County, Okla.	Assigned	
CI62–1184 D 1–11–68 [8]	Sinclair Oil & Gas Co	Arkansas Louisiana Gas Co., acreage in Le Flore County, Okla.	Assigned	
CI64–342 12–6–67 [9]	Sohio Petroleum Co. (Operator) et al., 970 First National Office Bldg., Oklahoma City, Okla. 73102.	Mountain Fuel Supply Co., Nitchie Gulch Area and Pine Canyon, Area, Sweetwater County, Wyo.	15.0	15.025
CI64–546 D 1–11–68 [10]	Sinclair Oil & Gas Co	Northern Natural Gas Co., acreage in Beaver County, Okla.	Assigned	
CI64–546 D 1–11–68	Sinclair Oil & Gas Co. (partial abondonment).	Northern Natural Gas Co., Leroy Smith Unit, Ochiltree County, Tex.	(11)	
CI64–902 C 12–13–67	Delta Drilling Co. (Operator) et al. [12], Post Office Box 2012, Tyler, Tex. 75201.	Northern Natural Gas Co., Ozona Area, Crockett County, Tex.	16.0	14.65
CI64–904 C 1–11–68	O. W. Gerwig, d.b.a. Gilco Gas Co., Normantown, W. Va. 25267.	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	25.0	15.325
CI65–688 C 1–11–68	F. M. Chisler and Harry C. Boggs, Route 2, Box 94, Fairview, W. Va. 26570.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	25.0	15.325
CI65–799 C 1–11–68	Gulf Oil Corp	Natural Gas Pipeline Company of America, Mobeetie (Douglas) Field, Wheeler County, Tex.	17.0	14.65
CI67–577 C 1–15–68	Tom W. Penn, d.b.a. Penntex Petroleum Co. (Operator) et al., 618 Caroline, Houston, Tex. 77002.	Trunkline Gas Co., acreage in Harris County, Tex.	15.25	14.65
CI67–1092 C 1–10–68	Lyle K. Baker, agent, 59 Forrest St., Akron, Ohio 44306.	Equitable Gas Co., acreage in Tyler County, W. Va.	25.0	15.325
CI68–73 C 1–11–68	Fairman Drilling Co., Post Office Box 288, DuBois, Pa. 15801.	Consolidated Gas Supply Corp., Banks Township, Indiana County, Pa.	27.5	15.325
CI68–495 C 1–16–68	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Mansfield Field, Scott County, Ark.	[13] 17.0	14.65
CI68–568 E 1–11–68	H. H. Fullilove et al. (successor to Humble Cos., charitable trust), 1616 West Loop South, Houston, Tex. 77027.	Trunkline Gas Co., Sabine Tram Field, Newton County, Tex.	15.0	14.65
CI68–844 B 12–28–67	Samedan Oil Corp., Gene P. Morrell, attorney, Ardmore, Okla. 73401.	United Gas Pipe Line Co., Midland Field, Acadia Parish, La.	Depleted	
CI68–845 A 1–9–68	L. L. V. & Associates, c/o Northwestern State Bank, Osseo, Minn. 55961.	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	25.0	15.325
CI68–846 A 1–9–68	Sun Oil Co. (Southwest Division) 1608 Walnut St., Philadelphia, Pa. 19103.	Breckenridge Gasoline Co., Rodessa East (6,000') Mitchell Field, Cass County, Tex.	7.25	14.65
CI68–847 A 1–9–68	J. C. Baker & Son, Inc., Gassaway, W. Va. 26624.	Consolidated Gas Supply Corp., Summersville District, Nicholas County, W. Va.	25.0	15.325
CI68–848 A 1–9–68	Wood Brothers, et al., Box 609, Mission, Tex. 78572.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Lockhart Field, Starr County, Tex.	16.0	14.65
CI68–849 A 1–9–68	A. F. Marple & Co., 207 Charles St., St. Marys, W. Va. 26170.	Consolidated Gas Supply Corp., Jefferson District, Pleasants County, W. Va.	25.0	15.325
CI68–850 A 1–9–68	Smith-Morris Gas Co., c/o Glenn L. Haught, agent, Smithville, W. Va. 26178.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI68–851 A 1–10–68	Texas Gas Exploration Corp., et al., 1111 First City National Bank Bldg., Houston, Tex. 77052.	Texas Gas Transmission Corp., Midland Gas Field, Muhlenberg County, Ky.	15.0	15.02
CI68–852 A 1–10–68	Sidwell Oil & Gas., Inc. (Operator) et al., Post Office Box 2475, Pampa, Tex. 79065.	Panhandle Eastern Pipe Line Co., acreage in Beaver County, Okla.	[14] 19.38	14.65
CI68–853 A 1–10–68	Thomas H. Harrington et al., Post Office Box 4026, Station A., Albuquerque, N. Mex. 87106.	El Paso Natural Gas Co., Dakota Field, Rio Arriba County, N. Mex.	13.0	15.025
CI68–854 A 1–10–68	Steve Duckworth, Gassaway, W. Va. 26624.	Equitable Gas Co., Otter District, Braxton County, W. Va.	25.0	15.325
CI68–855 A 1–11–68	F. P. Schonwald Co. et al., 900 Petroleum Club Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Southeast Arnett Field, Ellis County, Okla.	[13] 17.0	14.65
CI68–856 A 1–11–68	A. T. Stautberg et al., 2318 Bank of the Southwest Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp., East Le Blanc Field, Allen Parish, La.	16.0	15.025
CI68–857 (G–3939) F 1–5–68	Mobil Oil Corp. (successor to La Gloria Oil & Gas Co.,[15], Post Office Box 2444, Houston, Tex. 77001.	Texas Eastern Transmission Corp., South Cottonwood Creek Field, De Witt County, Tex.	12.0672	14.65
CI68–858 B 1–11–68	Sinclair Oil & Gas Co	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	Depleted	
CI68–859 B 1–11–68	Gulf Oil Corp	Arkansas Louisiana Gas Co., North Lansing Field, Harrison County, Tex.	Depleted	
CI68–860 A 1–15–68	E. C. Ware, Beauty, Ky. 41203	United Fuel Gas Co., acreage in Martin County, Ky.	23.0	15.325
CI68–861 A 1–12–68	Southwest Oil Industries, Inc., 801 First National Bldg., Oklahoma City, Okla.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	17.0	14.65
CI68–862 A 1–12–68	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	United Gas Pipe Line Co., Lawson Field, Acadia Parish, La.	20.625	15.025
CI68–863 B 1–15–68	Ralph Tudesco, First National Bank of St. Marys, Agent, St. Marys, W. Va. 26170.	Consolidated Gas Supply Corp., Sherman District, Calhoun County, W. Va.	Uneconomical	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI68-864 B 1-15-68	C. Carroll Summers, Post Office Box 88292, Indianapolis, Ind. 46208.	Consolidated Gas Supply Corp., Ten Mile District, Harrison County, W. Va.	Uneconomical	
CI68-865 B 1-15-68	Maple Gas Co., Pennsboro, W. Va. 26415.	Consolidated Gas Supply Corp., Clay District, Ritchie County, W. Va.	Uneconomical	
CI68-866 B 1-15-68	Bush-Hall Gas Co., George W. Miller et al., Glenville, W. Va. 26351.	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	Uneconomical	
CI68-867 B 1-15-68	B. L. Burge et al., Box 1874, Parkersburg, W. Va. 26101.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	Uneconomical	
CI68-868 B 1-15-68	Geosonic Corp., agent for Earl W. Pierson et al., Post Office Box 22166, Houston, Tex. 77027.	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	Uneconomical	
CI68-873 A 1-15-68	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Colorado Interstate Gas Co., Vilas Field Area, Baca County, Colo.	[13] 14.6	14.65
CI68-874 B 1-8-68	Mobil Oil Corp.	Lone Star Gas Co., North Healdton Field, Carter County, Okla.	Uneconomical	
CI68-875 (CI64-670) (CI63-215) (CI63-20) F 1-4-68	Austral Arkoma Co. (successor to Marathon Oil Co., Union Oil Co. of California and Humble Oil & Refining Co.), 2700 Humble Bldg., Houston, Tex. 77002.	Arkansas Louisiana Gas Co., Arkoma Area, Haskell and Latimer Counties, Okla.	[16] 15.0	14.65
CI68-876 B 1-15-68	Sinclair Oil & Gas Co. et al.	Northern Natural Gas Co., East Balko Field, Beaver County, Okla.	Depleted	
CI68-877 B 1-12-68	Sinclair Oil & Gas Co. (Operator) et al.	Pecos Co. & El Paso Natural Gas Co., Willrode Field, Upton County, Tex.	Depleted	
CI68-878 A 1-15-68	Mobil Oil Corp.	Panhandle Eastern Pipe Line Co., Dover-Hennessey Field, Kingfisher et al. Counties, Okla.	[17] 15.375	14.65
CI68-879 A 1-16-68	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Dover-Hennessey Gas Products Plant, Kingfisher County, Okla.	[13] 15.0	14.65

[1] Production is no longer being obtained from subject property and well has been abandoned.
[2] Rate in effect subject to refund in Docket No. RI65-533.
[3] By letter filed Jan. 15, 1968, Applicant agreed to accept permanent authorization containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[4] Deletes acreage assigned to Cleary Petroleum, Inc.
[5] Deletes acreage assigned to Crystal Oil & Land Co.
[6] Acreage released to landowners.
[7] By letter dated Oct. 27, 1967, Applicant agreed to accept permanent certificate at 17 per Mcf at 14.65 p.s.i.a.
[8] Deletes nonproducing acreage assigned to An-Son Corp.
[9] Amendment to certificate filed to include the interest of the "et al." parties and to designate Applicant as Operator
[10] Deletes acreage assigned to Delta Corp.
[11] Reserves insufficient to justify connecting to well on acreage.
[12] By letter filed Jan. 15, 1968, Applicant agreed to accept permanent authorization containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[13] Subject to upward and downward B.t.u. adjustment.
[14] Includes 2.38 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[15] Successor to Hawn Bros. et al. La Gloria never made certificate filings covering subject acreage.
[16] Subject to deduction for compression and/or treating cost, should Buyer compress or treat gas.
[17] Includes 0.375 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 68-1203; Filed, Feb. 1, 1968; 8:45 a.m.]

[Docket No. RI68-384, etc.]

HASSIE HUNT TRUST ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 25, 1968.

The Respondents named herein have charges of currently effective rate sched- filed proposed increased rates and ules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 6, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-384	Hassie Hunt Trust (Operator) et al., 1401 Elm St., Dallas, Tex. 75202, Attn.: Donald K. Young, Esq.	2	17	Texas Eastern Transmission Corp. (Southwest Speaks Field, Lavaca County, Tex.) (RR. District No. 2).	$750	12-28-67	[2] 2-5-68	7-5-68	14.3733	[3] [4] 14.8733	RI64-53.
RI68-385	William Herbert Hunt Trust Estate (Operator) et al.	2	15	Texas Eastern Transmission Corp. (Arneckeville Field, De Witt County, Tex.) (RR. District No. 2).	1,750	12-28-67	[2] 2-5-67	7-5-68	14.3733	[3] [4] 14.8733	RI64-54.

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.

Hassie Hunt Trust (Operator) et al., and William Herbert Hunt Trust Estate (Operator) et al. (both referred to herein as Hunt), request that the Commission accept their rate increases without suspension. In the alternative, if the Commission should suspend their increases, Hunt request that the suspension periods be limited to one day. Good cause has not been shown for granting Hunt's request for acceptance of their rate increases, without suspension, or for limiting to 1 day the suspension periods with respect to such rate filings and Hunt's request is denied.

Hunt's proposed rate increases exceed the applicable area price level for increased rates in Texas Railroad District No. 2 as announced in the Commission's statement of general policy No. 61–1, as amended, and should be suspended for 5 months from February 5, 1968, the proposed effective date, as herein ordered.

[F.R. Doc. 68–1204; Filed, Feb. 1, 1968; 8:45 a.m.]

[Docket No. RI68–386, etc.]

SARKEYS, INC.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 25, 1968.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 15, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-386	Sarkeys, Inc., 4400 North Lincoln Blvd., Oklahoma City, Okla.	4	8	Michigan Wisconsin Pipe Line Co. (Woodward Area, Dewey County, Okla.) (Oklahoma "Other" Area).	$43	1-8-68	[2] 2-8-68	[2] 2-9-68	[7] 16.125	[4 5 6 7] 16.140	
RI68-387	Big Chief Drilling Co., Post Office Box 14837, Oklahoma City, Okla. 73114.	14	5	Oklahoma Natural Gas Gathering Corp.[8] (Ringwood Field, Major County, Okla.) (Oklahoma "Other" Area).	240	1-4-68	[9] 1-4-68	[9] 1-5-68	11.0	[5 10] 12.0	
RI68-388	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	83	6	Lone Star Gas Co. (East Durant Field, Bryan County, Okla.) (Panhandle Area).	20	1-2-68	[2] 2-2-68	[2] 2-3-68	17.9	[4 5] 17.915	RI66-74.
RI68-389	The Hefner Production Co., et al., Post Office Box 18777, Oklahoma City, Okla. 73118.	4	1	Panhandle Eastern Pipe Line Co. (Alva East Field, Woods County, Okla.) (Oklahoma "Other" Area).	3	1-5-68	[11] 2-5-68	[2] 2-6-68	15.0	[4 5] 15.01	
RI68-390	The Hefner Production Co. (Operator) et al.	5	1	Northern Natural Gas Co. (Beaver Area, Beaver County, Okla.) (Panhandle Area).	51	1-5-68	[11] 2-5-68	[2] 2-6-68	[12] 17.0	[4 5 12] 17.015	
	do	6	1	Panhandle Eastern Pipe Line Co. (Tangiers Field, Woodward County, Okla.) (Panhandle Area).	25	1-5-68	[11] 2-5-68	[2] 2-6-68	[13] 18.054	[4 5 6 13] 18.069	
RI68-391	The Hefner Production Co.	1	3	Colorado Interstate Gas Co. (Keyes Field, East Cimarron and Texas Counties, Okla.) (Panhandle Area).	1	1-5-68	[11] 2-5-68	[2] 2-6-68	[14 15] 17.0	[4 5 14 15] 17.015	RI64-420.
RI68-392	The Hefner Co., Post Office Box 18777, Oklahoma City, Okla. 73118.	4	8	Cimarron Transmission Co. (Enville Area, Love County, Okla.) (Oklahoma "Other" Area).	3	1-5-68	[11] 2-5-68	[2] 2-6-68	[16] 15.84	[4 5 16] 15.8575	
RI68-393	The Hefner Co. (Operator) et al.	2	2	Lone Star Gas Co. (Fox-Graham, Cruce, and Nellie Areas, Carter and Stephens Counties, Okla.) (Oklahoma "Other" Area).	29	1-5-68	[11] 2-5-68	[2] 2-6-68	16.0	[4 5] 16.01	RI63-472.
RI68-394	The Hefner Co. et al.	5	1	Lone Star Gas Co. (East Doyle Field, Stephens County, Okla.) (Oklahoma "Other" Area).	----------	1-5-68	[11] 2-5-68	[2] 2-6-68	15.0	[4 5] 15.01	
RI68-395	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	50	[17] 12	El Paso Natural Gas Co. (San Juan Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	197	12-26-67	[2] 1-26-68	1-27-68	[20] 12.0495	[4 18 19] 12.2295	

[2] The stated effective date is the 1st day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] Tax reimbursement increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Includes 0.015 cent tax reimbursement.
[7] Includes base price of 15 cents plus B.t.u. adjustment.
[8] Oklahoma Natural Gas Gathering Corp. classified as a pipeline company in its certificate (CI61–1408) for resale of the gas to Cities Service Gas Co., at an initial rate of 17 cents. Oklahoma Natural's related increase to 18 cents has been approved. However, Oklahoma Natural must flow through any refunds of its suppliers.
[9] The stated effective date is the date of filing.
[10] Periodic rate increase.
[11] The stated effective date is the effective date requested by Respondent.
[12] Subject to a downward B.t.u. adjustment.
[13] Includes base price of 17 cents plus 1.054-cent upward B.t.u. adjustment. Base price subject to upward and downward B.t.u. adjustment.
[14] Subject to upward and downward B.t.u. adjustment.
[15] Filing reflects that net rate before tax reimbursement is 13.6 cents due to application of downward B.t.u. adjustment.
[16] Includes base price of 15 cents plus 0.84-cent upward B.t.u. adjustment. Base price subject to upward and downward B.t.u. adjustment.
[17] Pertains only to additional acreage dedicated by supplemental gas purchase agreement dated June 5, 1967, and designated as Supplement No. 11.
[18] Pressure base is 15.025 p.s.i.a.
[19] Includes partial reimbursement for full 2.55 percent New Mexico emergency school tax.
[20] Initial rate for additional acreage.

Sarkeys, Inc. (Sarkeys), requests waiver of the statutory notice to permit its proposed rate increase to become effective as of January 15, 1968. Marathon Oil Co. (Marathon) requests a retroactive effective date of July 1, 1967. Amerada Petroleum Corp. request that its proposed rate increase be permitted to become effective as of December 20, 1967. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Sarkeys, Marathon, and Amerada's rate filings and such requests are denied.

Big Chief Drilling Co. (Big Chief) proposes a periodic rate increase from 11 cents to 12 cents per Mcf for a wellhead sale of gas to Oklahoma Natural Gas Corp. (ONG) from the Ringwood Area, Major County, Okla. (Oklahoma "Other" Area). The area ceiling rate for increases in such area is 11 cents per Mcf. The sale, covered under a contract dated June 1, 1966, was authorized under a temporary certificate issued December 15, 1967, in Docket No. CI67–184 at a conditioned rate of 11 cents per Mcf.[21] Big Chief was advised in a letter granting the temporary certificate it could file a rate increase to the 12 cents per Mcf contractual rate and request a shortened suspension period. Big Chief requests waiver of notice and should the Commission suspend its rate increase that the suspension period with respect thereto be limited to one day from the date of filing. Consistent with prior Commission action on filings in the Ringwood Area, we believe that it would be in the public interest to waive the 30 days notice requirement provided in section 4(d) of the Natural Gas Act to permit an effective date of January 1, 1968, the date of filing, for Big Chief's proposed rate increase, and to limit to 1 day the suspension period ordered herein for such rate filing.

Sarkeys, Marathon, the Hefner Production Co., the Hefner Production Co. (Operator), et al., the Hefner Production Co., the Hefner Co., the Hefner Co. (Operator), et al., and the Hefner Co. et al., proposed rate increases reflect tax reimbursement for the recently enacted increase in Oklahoma excise tax from 0.02 cents to 0.04 cents per Mcf which became effective on July 1, 1967. The proposed rates exceed the applicable 11 cents per Mcf area increased rate ceiling for the areas involved as announced in the Commission's statement of general policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56). Since the proposed increase relates to tax reimbursement resulting from the increase in Oklahoma excise tax, it is appropriate to suspend the aforementioned producers' rate filings for 1 day.

Amarada Petroleum Corp.'s (Amarada) proposed rate increase reflects partial reimbursement for the full 2.55 percent New Mexico emergency school tax which was increased from 2 percent to 2.55 percent on April 1, 1963. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting all tax filings proposing reimbursement for the New Mexico emergency school tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Although the proposed rate does not exceed the applicable area increased rate ceiling of 13 cents per Mcf for the San Juan Basin Area, we conclude that it should be suspended for 1 day from January 26, 1968, the date of expiration of the statutory notice. In view of the contractual problem presented, we shall provide that the hearing herein shall concern itself with the contractual basis for Amarada's rate filing. Such hearing shall not involve any question as to the justness and reasonableness of the proposed rate.

[F.R. Doc. 68–1263; Filed, Feb. 1, 1968; 8:45 a.m.]

[21] By order issued Nov. 3, 1966, in Docket No. RP66–19, an increase by ONG from 17 cents to 18.5 cents designed to compensate only for an increase in the cost of purchased gas was accepted for filing and allowed to become effective June 1, 1966, without obligation to refund, except that ONG is required to flow through any refunds received from its producer-suppliers and to reduce its rate to reflect any rate reductions of such suppliers.

[Docket No. E–7394]

CAROLINA POWER & LIGHT CO.

Notice of Application

JANUARY 26, 1968.

Take notice that on January 19, 1968, Carolina Power & Light Co. (Applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing the lease and operation of the electric distribution system owned by the town of Elm City, N.C.

Applicant is incorporated under the laws of the State of North Carolina with its principal business office at Raleigh, N.C. and is engaged in the electric utility business in 55 counties in North Carolina and 13 counties in South Carolina.

The facilities to be leased consist of the entire electric distribution system owned by Elm City. These facilities serve approximately 500 customers. Applicant proposes, after the lease agreement becomes effective, promptly to repair and improve the electric distribution system of the town of Elm City, to integrate the same with Applicant's system, and thereafter to serve customers from said system at the rates and subject to the rules and regulations approved by the North Carolina Utilities Commission. Elm City is now purchasing its requirements from the city of Wilson, N.C. which itself is a wholesale customer of the Applicant.

At a special election held on December 12, 1967, the voters of Elm City approved the proposed lease to Applicant by a vote of 287 to 12.

Applicant has agreed to pay a rental of $26,484 for the first year, at the rate of $15,172 for each of the second, third, and fourth years and at the rate of $18,000 annually thereafter. The lease agreement is for a period of 20 years.

Any person desiring to be heard or to make any protest with reference to the application should on or before February 19, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–1260; Filed, Feb. 1, 1968; 8:45 a.m.]

[Doc. Nos. RP68–5—RP68–10]

MANUFACTURERS LIGHT AND HEAT CO. ET AL.

Notice of Further Extension of Time for Filing Testimony and Exhibits and Fixing Date for Prehearing Conference

JANUARY 26, 1968.

The Manufacturers Light and Heat Co., Docket No. RP68–5; United Fuel Gas Co., Docket No. RP68–6; Atlantic Seaboard Corp., Docket No. RP68–7; Kentucky Gas Transmission Corp., Docket No. RP68–8; The Ohio Fuel Gas Co., Docket No. RP68–9; Home Gas Co., Docket No. RP68–10.

On January 24, 1968, Respondents filed a motion for an extension of time within which to file testimony and exhibits in the above-designated proceedings. In the motion, counsel for Respondents states that Respondents and Interveners have agreed to the extension;

Notice is hereby given that the time is extended to February 12, 1968, within which Respondents shall file testimony and exhibits; that the time is extended to and including March 4, 1968, within which other parties and the Commission Staff shall file testimony and exhibits; and that the prehearing conference heretofore scheduled for March 5, 1968, is postponed to March 19, 1968, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–1261; Filed, Feb. 1, 1968; 8:45 a.m.]

[Docket No. CP68-26]

SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

JANUARY 29, 1968.

Take notice that on January 17, 1968, Southern Natural Gas Co. (Petitioner), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP68-26 a petition to amend the order issuing a certificate of public convenience and necessity in said docket by authorizing Petitioner to sell and deliver additional gas to Carolina Pipeline Co. (Carolina), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner is presently authorized to render a temporary peaking service to Carolina by the sale and delivery of 5,000 Mcf of gas per day. At the request of Carolina Petitioner seeks authorization herein to increase the temporary peaking service by 10,000 Mcf per day for total service of 15,000 Mcf of gas per day.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 23, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-1262; Filed, Feb. 1, 1968; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BT NEW YORK CORP.

Order on Petitions for Reconsideration

In the matter of the application of BT New York Corp., Suffern, N.Y., for approval of acquisition of 80 percent or more of the voting shares of Liberty National Bank and Trust Co., Buffalo, N.Y.

This matter comes before the Board of Governors on petitions of BT New York Corp., Suffern, N.Y., and Liberty National Bank and Trust Co., Buffalo, N.Y., requesting that the Board reconsider its order dated May 4, 1967, whereby the Board denied the application of BT New York Corp., filed pursuant to section 3(a) of the Bank Holding Company Act of 1956, for prior approval of the acquisition of 80 percent or more of the voting shares of Liberty National Bank and Trust Co.

A review of the material submitted in support of the petitions reveals that it includes certain evidence and factual assertions not earlier presented in support of the application. Although not wholly satisfied that good cause has been shown for the failure to include such evidence in the application, the Board (Governor Sherrill absent and not voting) finds it appropriate that reconsideration be granted, in order that the record may be supplemented thereby and a decision rendered on the basis of all evidence which the Applicant views as supporting its application.

The Board has reviewed the entire record in this matter, including its order of May 4, 1967, its accompanying statement of the same date, and the evidence, factual assertions, and arguments submitted in support of the petitions for reconsideration.

It is hereby ordered, Upon reconsideration and upon the entire record now before the Board, for the reasons set forth in the Board's statement[1] of this date, that the Board's order of May 4, 1967, be affirmed, and that said application be and hereby is denied.

Dated at Washington, D.C., this 25th day of January, 1968.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

* * * * *

[F.R. Doc. 68-1265; Filed, Feb. 1, 1968; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations, Temporary Reg. F-13]

ESSENTIAL RESIDENCE TELEPHONE SERVICE IN TIME OF EMERGENCY

1. *Purpose.* This regulation establishes procedures whereby selected key personnel in Federal civil agencies may be provided with essential undelayed telephone service on their residence telephones during periods of natural disaster or natural emergency. These regulations are issued pursuant to TELECOM Circular 3300.1, Essential Residence Telephone Service in Time of Emergency, issued by the Director of Telecommunications Management, Executive Office of the President, on October 2, 1967.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires June 30, 1968.

4. *Background.* While the public telephone system is designed to provide good telephone service to all subscribers, abnormal loads during emergencies may produce delays in originating calls which could hinder certain subscribers in carrying out essential emergency functions. An arrangement called line-load control has been provided by the public telephone companies so that subscribers having essential emergency functions; i.e., doctors, police, key Federal, State, and local government personnel, etc., may encounter a minimum of delay in placing calls from their residences. If a number has been designated "essential," all outgoing calls are put through with minimum delay while retaining generally good service, with only slight and intermittent delay, to the other users in the general public. Telephone companies make no additional charge for these line-load control arrangements.

5. *Availability of essential service.* Only a small percentage of the total lines in each telephone company central office can be designated "essential." Therefore, the number of residential telephones that can be included in the "essential" category is extremely limited. For this reason the head of each Federal agency will be responsible for assuring that this service will be provided only to those individuals whose emergency assignments may require the capability to discharge emergency responsibilities from their residence telephones.

6. *Criteria and procedures for obtaining essential service.* a. The head of each Federal agency will be responsible for designating key personnel whose residence telephones should be provided essential service under line-load control arrangements. The agency head, as he deems necessary, may advise the heads of subordinate elements of his agency; i.e., regional offices, field activities, etc., of this service. The agency head will also be responsible for establishing any internal procedures necessary to assure that the selection of employees will be made in accordance with the criteria set forth in TELECOM Circular 3300.1, and that the number of employees selected will be kept to a minimum consistent with emergency responsibilities.

b. Normal residential telephone service will be adequate in most situations and will be subjected to the imposition of line-load control delays only under the most drastic and critical circumstances. Therefore, each employee selected for essential service must have a responsibility or function requiring undelayed outgoing calling capability. Rank, grade, or position are not determining factors. The fundamental determinant is: Does this person being considered have an emergency assignment requiring the immediate discharge of responsibilities from his home telephone?

c. Lists of selected employees will be prepared by the agency headquarters, or subordinate field office, as directed by the agency head. The residential telephone numbers of selected employees, with names and home addresses, will be listed in alphabetical or numerical order by central office exchange letters or numbers under the appropriate area code number for the geographic area in which the employees reside. Listings are required in this format to facilitate handling and processing with the telephone companies involved. A typical list would look like that shown at the top of the next page.

AREA CODE 301

CO5-0743—John T. Byrd, 2337 Huron, Forest Hts.
439-7417—Wm. L. Brady, 8033 New Hampshire, Adelphi.
585-7108—Edna C. Richards, 1137 Fidler, Ch. Ch.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[2] Voting for this action: Chairman Martin, and Governors Robertson, Mitchell, Daane, and Brimmer. Not voting: Governor Maisel. Absent and not voting: Governor Sherrill.

AREA CODE 703

560-1769—Chas. P. Rogers, 306 Cedar, Vienna.
560-3127—John D. Louis, 4330 Walnut Dr., Vienna.
560-8143—Robt. W. Service, 6711 Monroe, Vienna.
JE3-9086—R. P. Harris, 1458 Edgewater, Fls. Ch.
684-8926—Wm. G. Glover, 4306 S. Glebe, Adl.

d. The lists of selected employees will be approved and certified as meeting the criteria established by TELECOM Circular 3300.1 in accordance with instructions published by the head of the agency concerned. Certified lists will then be forwarded to the Chief, Communications Division, Transportation and Communications Service (hereafter referred to as the GSA regional office) at the appropriate GSA regional office indicated in Attachment A. The GSA regional office will forward the lists to the appropriate telephone company for implementation.

e. It is recognized that, in some instances, selected employees may have essential service access at the present. The emergency responsibilities of these employees should be reviewed to ascertain whether essential service under the criteria of TELECOM Circular 3300.1 is still warranted. The names of those employees whose responsibilities do not meet these criteria should be deleted from essential service lists, and a request made to the appropriate GSA regional office for removal of essential service from their residence telephones.

7. *Procedures for resolution of conflict.* a. When a local telephone company receives more requests for essential service than it can accommodate within its percentage of lines so designated, the appropriate GSA regional office will be notified.

b. An attempt will be made by the GSA regional office to resolve the matter with the local or regional offices of the agencies concerned. If the problem cannot be resolved at this level, the information will be submitted to the Commissioner, Transportation and Communications Service, GSA, (hereafter referred to as GSA Central Office).

c. GSA Central Office will contact the agencies' national offices in an attempt to effect a solution.

(1) If a compromise can be reached fitting the combined requests of the agencies into the percentage allotment of the local telephone company's capacity, the agency heads are responsible for notifying their subordinate elements of the resolution and advising the GSA Central Office that the changes have been given to the subordinate agencies. The GSA Central Office will notify the GSA regional office concerned.

(2) If a compromise cannot be reached, GSA Central Office will refer the matter to the Director of Telecommunications Management, Executive Office of the President, for a decision. The concerned agencies and the GSA Central Office will be advised of the resolution. The GSA Central Office will notify the GSA regional office concerned, which in turn will advise the telephone companies and the agency offices involved.

8. *Changes in agency essential service listing.* It will be the responsibility of the agency, or agency field activity concerned, to keep current its lists of employees requiring essential service in accordance with instructions of the agency head. It is requested that changes in these lists be forwarded promptly to the appropriate GSA regional office for further action.

9. *Information and assistance.* Queries or requests for assistance concerning essential service, this regulation, or its implementation, should be directed to the appropriate GSA regional office to the attention of the Chief, Communications Division—TC, Transporation and Communications Service.

Dated: January 26, 1968.

LAWSON B. KNOTTS, Jr.,
Administrator of General Services.

ATTACHMENT A

GSA Region	*Address*
No. 1, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.	620 Post Office and Courthouse, Boston, Mass. 02109.
No. 2. Delaware, New Jersey, New York, Pennsylvania, Puerto Rico, the Virgin Islands.	30 Church St., New York, N.Y. 10007.
No. 3. District of Columbia, Maryland, Virginia, West Virginia.	7th and D Sts. SW., Washington, D.C. 20407.
No. 4. Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.	1776 Peachtree St. NW., Atlanta, Ga. 30309.
No. 5, Illinois, Indiana, Kentucky, Michigan, Ohio, Wisconsin.	219 South Dearborn St., Chicago, Ill. 60604.
No. 6. Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.	1500 East Bannister Rd., Kansas City, Mo. 64131.
No. 7. Arkansas, Louisiana, Oklahoma, Texas.	819 Taylor St., Ft. Worth, Tex. 76102.
No. 8. Arizona, Colorado, New Mexico, Utah, Wyoming.	Building 41, Denver, Federal Center, Denver, Colo. 80225.
No. 9. California, Hawaii, Nevada.	49 4th St., San Francisco, Calif. 94103.
No. 10. Alaska, Idaho, Montana, Oregon, Washington.	GSA Center, Auburn, Wash. 98002.

[F.R. Doc. 68-1286; Filed, Feb. 1, 1968; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2255]

TRW INTERNATIONAL FINANCE CORP.

Notice of Filing of Application for Order Exempting Company From All Provisions of Act

JANUARY 29, 1968.

Notice is hereby given that TRW International Finance Corp. ("Applicant"), 23555 Euclid Avenue, Cleveland, Ohio 44117, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant was organized by TRW Inc. ("TRW"), under the laws of the State of Delaware on January 17, 1968. TRW or a fully owned subsidiary of TRW (which term as used herein means a corporation all of the outstanding securities of which, other than short-term paper as defined in section 2(a)(36) of the Act and directors' qualifying shares, are owned, directly or indirectly, by TRW) will subscribe for all of the capital stock of Applicant to be issued and outstanding. Prior to the issuance of the debentures described below, TRW will make such capital contributions to Applicant of, or will purchase shares for, cash, securities, or other property so that the capital of Applicant will not be less than $2 million. Any additional securities which Applicant may issue, other than debt securities, shall be issued only to TRW or to a fully owned subsidiary of TRW. TRW will retain its holdings of Applicant's common stock and any additional securities of Applicant which TRW may acquire and TRW will not dispose of any of Applicant's securities (other than debt securities) except to Applicant or to a fully owned subsidiary of TRW and TRW will cause each fully owned subsidiary not to dispose of Applicant's securities (other than debt securities) except to TRW, Applicant or to one or more fully owned subsidiaries of TRW.

TRW is engaged in the performance of systems engineering, research, and chemical services, and in the manufacture and sale of advanced systems, electronic, automotive, aircraft, and space products. TRW organized Applicant in order to develop and expand its foreign operations and at the same time support the balance of payments position of the United States by financing such operations through the sale of Applicant's debt securities outside of the United States.

Applicant intends to issue and sell an aggregate of $10 million of its Guaran-

teed Debentures Due 1988 ("Debentures"). TRW will guarantee the principal of (and premium, if any) and interest on the Debentures. The Debentures will be convertible into common stock of TRW on or after February 1, 1969. Any additional debt securities of Applicant which may be issued to or held by the public will be guaranteed by TRW in a manner substantially similar to the guarantee of the Debentures.

It is intended that upon completion of the long-term investments of Applicant's assets, substantially all of the assets of the Applicant (exclusive of U.S. Government securities and cash items) will be invested in or loaned to foreign companies (including U.S. companies all or substantially all of whose business is carried on abroad either directly or indirectly through foreign companies) (A) which are, or upon the making of such investments or loans will be (1) majority owned subsidiaries of TRW within the meaning of section 2(a)(23) of the Act, (2) companies under TRW's control within the meaning of section 2(a)(9) of the Act, or (3) companies which are engaged in a business related to the business of TRW in which TRW owns, directly or indirectly, an equity interest of 15 percent or more and (B) which are primarily engaged in a business or businesses other than investing, reinvesting, owning, holding, or trading in securities: *Provided, however,* That caluse (B) shall not preclude investments by Applicant in a fully owned subsidiary of TRW primarily engaged in the business of owning or holding securities of companies in which the Applicant may make investments in securities of or loans to in accordance with clauses (A) and (B) above. Applicant will proceed as expeditiously as possible with the long-term investment of its assets in the manner described above, will not acquire securities for the purpose of resale and will not trade in securities. Pending such investment, and from time to time thereafter in connection with changes in long-term investments, Applicant will invest temporarily in debt obligations (including time deposits) of governments, financial institutions, and foreign subsidiaries of TRW, payable in U.S. dollars or other currencies and in each case maturing in 1 year or less from the date of acquisition.

By financing foreign operations through the Applicant, TRW will utilize an instrumentality the acquisition of whose debt securities by U.S. persons would generally subject such persons to the interest equalization tax, thus discouraging them from purchasing such debt securities. Counsel has advised the Applicant that U.S. persons will be required to report and pay interest equalization tax with respect to the acquisition of the notes and any subsequent debt securities except where a specific statutory exemption is available.

The Debentures are to be sold to a group of underwriters for offering and sale only outside the United States. The Debentures are to be offered and sold under conditions which are intended to assure that the Debentures will not be offered or sold in the United States, its territories or possessions or to nationals, citizens, or residents of the United States, its territories or possessions. The contracts relating to such offer and sale will contain various provisions intended to assure that the Debentures will not be purchased by nationals, citizens, or residents of the United States, its territories or possessions. Any additional debt securities of Applicant which may be sold to the public in the future will be sold under substantially similar conditions.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that it is appropriate for the Commission to enter an order exempting Applicant from each and every provision of the Act for the following reasons: (1) A significant purpose of the Applicant is to assist in improving the balance of payments program of the United States by obtaining funds for foreign operations in foreign countries; (2) none of the securities of Applicant (other than debt securities) will be held by any person other than TRW or a fully owned subsidiary of TRW and TRW will guarantee payment of principal, interest, and premium, if any, on Applicant's debt securities issued to or held by the public; (3) Applicant will not deal or trade in securities; (4) The common stock of TRW is listed on the New York Stock Exchange and Applicant's security holders will have the benefit of the disclosure and reporting provisions of the Securities Exchange Act of 1934; (5) the debt securities to be issued by Applicant will be sold only to foreign nationals and the burden of the Interest Equalization Tax will discourage resale to any U.S. national or resident.

Notice is further given that any interested person may, not later than February 12, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–1269; Filed, Feb. 1, 1968; 8:46 a.m.]

[812–2145]

UNITED CORP.

Notice of Filing of Application for Order Granting Limited Exemptions

JANUARY 29, 1968.

Notice is hereby given that The United Corp. ("Applicant"), c/o Whitman, Ransom & Coulson, 522 Fifth Avenue, New York, N.Y. 10036, a Delaware corporation and a registered management, closed-end, nondiversified investment company, has filed an application pursuant to sections 6(c) and 17(b) of the Investment Company Act of 1940 ("Act") and Rule 17d–1 thereunder for an order of the Commission granting limited exemptions to Applicant and certain of its subsidiaries, principally Canadian International Power Co., Ltd. ("CIP"), from sections 17(a) and 17(d) of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant owns approximately 49.2 percent of the voting securities of CIP, a Canadian corporation, which is primarily engaged through the CIP System (i.e. companies of which it owns directly or indirectly more than 50 percent of the voting securities) in the generation, transmission, distribution, and sale of electric energy in Venezuela, Bolivia, El Salvador, and Barbados, British West Indies. The CIP System also includes International Power Co., Ltd. ("International Power"), a Canadian corporation, of which CIP owns 99.5 percent of the voting securities. International Power owns, indirectly 100 percent of the voting securities of a Venezulan corporation and of a Mexican corporation and 95.8 percent of the voting securities of a Bolivian corporation.

Applicant and CIP request exemptions from sections 17(a) and 17(d) of the Act and the rules promulgated thereunder to permit CIP and members of the CIP System, without prior submission to the Commission, to enter into transactions of the nature described below:

(1) To acquire property from or additional equity securities of foreign affiliated enterprises within the CIP System;

(2) To lend money or property to affiliated persons of foreign affiliated enterprises within the CIP System where the borrower is not controlled by the lender;

(3) To enter into joint arrangements or guaranties with affiliated persons of foreign affiliated enterprises within the CIP System for the purchase of machinery and equipment for, and the financing of such foreign affiliated enterprises; and

(4) To enter into or modify contractual arrangements with foreign affiliated enterprises within the CIP System and affiliated persons of such enterprises, including arrangements for the rendering of services and royalty, technical, operating, and similar agreements.

The term "foreign affiliated enterprise within the CIP System" is used by Applicant to mean a business operating outside the United States (except for incidental activities in the United States) where the affiliation arises solely out of CIP's direct or indirect investment in more than 50 percent of the voting securities of such business. The term "affiliated person of foreign enterprise" is used by Applicant to mean only those who become such persons as a result of an investment in such foreign affiliated enterprises within the CIP System.

Applicant has agreed that transactions effected pursuant to the requested exemptions shall conform with the requirements of Rule 17a–6 promulgated under the Act whether or not that rule is by its terms applicable to such transactions. However, Rule 17a–6(b) contemplates transactions involving a nonpublic company, which is defined as one having less than 100 stockholders. Since Applicant and its subsidiaries do not come within the 100 stockholder requirement, in applying the provisions of Rule 17a–6(b), for purposes of this application, Applicant defines a nonpublic company to mean a foreign affiliated enterprise having not more than 100 stockholders who are citizens or residents of, or are incorporated under the laws of, the United States of America or any State thereof.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from effecting certain sales, purchases or borrowings from such company, or any company controlled by such registered investment company.

Section 17(d) and Rule 17d–1 thereunder make it unlawful for an affiliated person of a registered investment company, acting as principal, to participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit-sharing plan in which such registered investment company, or a company controlled by such registered company, is a participant, unless the Commission, upon application under Rule 17d–1, grants an exemption regarding such joint enterprise.

The application states that no exemption is sought for transactions between Applicant and any of its officers, directors or affiliates of such persons. The exemptions would cover only transactions between CIP or a controlled subsidiary and affiliates, or affiliates of affiliates, where the affiliation arises solely as a result of investments in a foreign country.

The application also states that the minority shareholders of the subsidiaries of CIP are primarily nationals of foreign countries; that the U.S. investing public has no interest in a transaction between two subsidiaries controlled by an investment company, even though not wholly owned, where no appreciable U.S. minority interest exists. Moreover, it states that there is no possibility that a transaction between two subsidiaries of the CIP System would have an adverse effect on Applicant, its shareholders, or the minority shareholders of CIP since whether a transaction is more favorable to one subsidiary than another will "wash-out" in its effect on these persons. The application declares that the granting of these exemptions will facilitate significantly the operation of CIP and its subsidiaries in areas where the stated policy of the United States is to seek and to encourage private investment and will serve the national interest and will materially benefit the shareholders of Applicant, CIP, and its subsidiaries.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any transaction, or any classes thereof, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 19, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 68–1270; Filed, Feb. 1, 1968; 8:46 a.m.]

[File No. 24D–2767]

URANIUM EXPLORATION CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefore and Notice of Opportunity for Hearing

JANUARY 29, 1968.

Uranium Exploration Corp. (issuer), 910 Peoria Street, Denver, Colo., a Colorado corporation, with offices located at Denver, Colo., filed with this Commission, on September 19, 1967, a notification on a Form 1–A and an offering circular relating to an offering of 300,000 shares of common stock at $1 per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. Benjamin Werner Co., New York City, was designated as underwriter for the issue and would receive a 10 percent commission. The offering commenced on December 12, 1967.

(A) The terms and conditions of Regulation A were not complied with, in that:

1. The issuer failed to disclose in its notification a prearranged plan for the distribution of a substantial block of shares of the common stock covered by the notification. The prearranged plan arranged for certain designated persons to purchase shares of Uranium Exploration Corp. common stock at the offering price of $1 per share from the principal underwriter and other brokerage firms participating in the distribution pursuant to selling concessions from the principal underwriter. The prearranged plan further arranged for such persons to resell such shares within a few days at an increased price.

2. By reason of the activities described in paragraph 1, the aggregate amount of securities offered to the public exceeded the $300,000 limitation as prescribed by Rule 254 of Regulation A.

3. An offering circular was not furnished to purchasers in connection with some of the resales as required by Regulation A.

(B) The offering circular contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose the prearranged plan of distribution of a substantial block of shares.

2. The failure to disclose that the stated number of shares were not in fact offered to the public at the offering circular price.

3. The failure to disclose that the market in the shares of the issuer was created by persons actively engaged in the distribution to give insiders and others an opportunity to make substantial profits at the expense of a public unaware of the actual method of distribution.

4. The failure to disclose that resales which constituted part of the public offering were made at prices in excess of the stated offering price.

5. The failure to disclose that profits would be received by various firms and individuals upon resale by them at prices in excess of that stated in the offering circular.

(C) The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended, by reason of the activities described above.

Accordingly, it is ordered, That the Regulation A exemption of Uranium Exploration Corp. be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-1271; Filed, Feb. 1, 1968; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 7.1 (Rev. 1), Amdt. 1]

DIRECTOR AND ASSISTANT DIRECTOR, OFFICE OF ADMINISTRATIVE SERVICES

Delegation of Administrative Activities

Delegation of Authority No. 7.1 (Revision 1) 32 F.R. 1107, is hereby amended by revising Item 1 and adding Item IC5, to read as follows:

I. Pursuant to the authority delegated to the Assistant Administrator for Administration by the Administrator (Delegation of Authority No. 7, Revision 1), as amended (32 F.R. 179 and 33 F.R. 779), the following authority is hereby redelegated to the specific positions as indicated herein:

* * * * *

C. *Director and Assistant Director, Office of Administrative Services.*

* * * * *

5. To rent temporarily within the District of Columbia or elsewhere, such hotel or other accommodations as are needed to facilitate the conduct of meetings of SBA advisory councils.

* * * * *

Effective date: January 26, 1968.

W. P. TURPIN,
Assistant Administrator for Administration.

[F.R. Doc. 68-1272; Filed, Feb. 1, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 538]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 30, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1641 (Sub-No. 79 TA), filed January 25, 1968. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. 68327. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials,* in bulk and in bags, from that area of Nebraska bounded by U.S. Highway 6 on the north, Nebraska Highway 14 on the east, Nebraska Highway 74 on the south and U.S. Highway 281 on the west to points in Colorado, Wyoming, South Dakota, North Dakota, Minnesota, Iowa, Missouri, and Kansas, for 180 days. Supporting shipper: Cominco American Inc., Box 186, Beatrice, Nebr. 68310. Send protests to: District Supervisor Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 111045 (Sub-No. 57 TA), filed January 25, 1968. Applicant: REDWING CARRIERS, INC., 7809 Palm River Road, Post Office Box 426, Tampa, Fla. 33601. Applicant's representative: David E. Wells (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid plastic* (polyester resin), from Lakeland, Fla., to points in Georgia, South Carolina, North Carolina, Virginia, West Virginia, Tennessee, Alabama, Mississippi, Texas, and Pennsylvania, for 180 days. Supporting shipper: Alpha Chemical Corp., Post Office Drawer A, Kathleen, Fla. 33849. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 113624 (Sub-No. 44 TA), filed January 25, 1968. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. 81002. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizers, fertilizer compounds, and fertilizer ingredients,* in bulk, from Denver, Colo., to points in Kansas, Texas, Oklahoma, New Mexico, and Nebraska, for 180 days. Supporting shipper: Woodbury Chemical Co., 5400 Sherman Street, Denver, Colo. 80216. Send protests to: District Supervisor H. C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 116077 (Sub-No. 231 TA), filed January 24, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. 77011. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Isocyanates,* in bulk, in tank trailers, from Kaiser Aluminum & Chemical Corp., near Gramercy, La., to Los Angeles, Lynwood, and Richmond, Calif.; Bloomington, Chicago, and Lyons, Ill.; Burlington, Iowa; Edgewater, N.J.; Buffalo, N.Y.; Detroit, Mich.; Cleveland and Brook Park, Ohio; Bally and Callery, Pa.; and Austin and Freeport, Tex.; for 180 days. Supporting shipper: R. L. Weber, Traffic Manager, Kaiser Chemicals, 300 Lakeside Drive, Oakland, Calif. 94604. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 116374 (Sub-No. 1 TA), filed January 25, 1968. Applicant: JAMES L. SPOONER, doing business as WHITE

LINE TRUCKING CO., 207 North Second Avenue West, Kelso, Wash. 98626. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Steel and steel products*, between Longview, Wash., and Portland, Oreg., over Interstate Highway 5, for 150 days. Supporting shipper: Amadon Forge & Machine Works, Inc., Longview, Wash. Send protests to: S. F. Martin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 125227 (Sub-No. 9 TA), filed January 25, 1968. Applicant: RECORD TRUCK LINE, INC., Henderson, Tenn. 38340. Applicant's representative: Connor R. Wiggins, Jr., 909 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe and nipples, and fittings, valves, attachments, parts, and accessories therefor*, from points in Chester County, Tenn., to points in the United States (except Alaska and Hawaii). Restricted against the transportation of commodities for use in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and in connection with the construction, operation, repair, servicing, and maintenance of pipelines designed for the transmission of natural gas and petroleum and their products and byproducts, for 180 days. Supporting shipper: Grinnell Corp., Henderson, Chester County, Tenn., Facilities, Henderson, Tenn. (Donald E. Smith, Plant Manager). Send protests to: W. W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 128498 (Sub-No. 2 TA), filed January 25, 1968. Applicant: ROBERT EMANUEL, doing business as EMANUEL'S EXPRESS, 201 East Township Line Road, Kirklyn, Pa. 19082. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in express service, between points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Maryland, and the District of Columbia. Restriction: Authority restricted to the exclusive use of one motor vehicle in the transportation of a single shipment, not weighing more than 5,000 pounds, from one consignor at one location to one consignee at one location in any one day, for 180 days. Supporting shippers: Max Chuse, 1437 Vine Street, Philadelphia, Pa. 19102; Peterson & Associates, Inc., 1925 Old York Road, Abington, Pa. 19001; General Bindery Co., Inc., 1228 Cherry Street, Philadelphia, Pa. 19107; New York Airways, Inc., Post Office Box 426, La Guardia Airport Station, Flushing, N.Y. 11371; Harry Silver & Co., 3915 Powelton Avenue, Philadelphia, Pa. 19104; Coronet Container Co., Ruth and Somerset Streets, Philadelphia, Pa. 19134; The Boeing Co., Vertol Division, Morton, Pa. 19070. Send protests to: District Supervisor Peter R. Guman, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 129593 (Sub-No. 4 TA), filed January 14, 1968. Applicant: TIGELAAR & DeWEERD, INC., 5367 South School Street, Hudsonville, Mich. 48426. Applicant's representative: Rodger T. Ederer, Union Savings and Loan Building, 117 West Allegan Street, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Garden seeds and dried beans in cans, cartons, and bags*, from Middleport, N.Y., to Erie (Monroe County), Mich., points in Ottawa, Van Buren, Muskegon, and Allegan Counties, Mich., and points in Farmington Township in Oakland County, Orange Township in Ionia County, Grand Rapids County and Benton and Coloma Townships in Berrien County, all in the State of Michigan, to be transported at the same time and in the same vehicle while transporting insecticides, fungicides, and parts for sprayers and spray equipment from Middleport, N.Y., to the above-mentioned points (no extension of present authority to transport insecticides, fungicides, and parts for sprayers and spray equipment intended), for 180 days. Supporting shipper: FMC Corp., Niagara Chemical Division, 100 Niagara Street, Middleport, N.Y. 14105. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 221 Federal Building, Lansing, Mich. 48933.

No. MC 129667 TA, filed January 24, 1968. Applicant: LONI-JO TRUCKING CORP., 700 Eastgate Boulevard South, Garden City, Long Island, N.Y. 11532. Applicant's representative: Harold Weines (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* sold by retail supermarkets and *equipment and supplies* necessary in the operation thereof, (1) between the place of business of Waldbaum, Inc. ("Waldbaum's"), in the village of Garden City, Nassau County, and Waldbaum's retail supermarket stores in New Jersey; (2) between and among Waldbaum's retail supermarket stores in New Jersey and Waldbaum's retail supermarket stores in New York; (3) between Waldbaum's warehouse in Garden City, Nassau County, N.Y., and warehouse of Waldbaum's suppliers in the States of New York and New Jersey on the one hand, and, on the other Waldbaum's retail supermarket stores in New York and New Jersey. All traffic is restricted to the account of Waldbaum's, for 150 days. Supporting shipper: Waldbaum's, 700 East Gate Boulevard South, Garden City, N.Y. 11532. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 129668 TA, filed January 24, 1968. Applicant: MAIN EXPRESS & STORAGE CO., 5300 South Howell Avenue, Milwaukee, Wis. 53207. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities requiring special equipment, commodities in bulk, classes A and B explosives, and those injurious or contaminating to other lading), restricted to the transportation of shipments having an immediately prior or subsequent movement by air, between O'Hare Air Field, Cook County, Ill., on the one hand, and, on the other, points in Milwaukee County, Wis., under a continuing contract with Flying Tiger Line, Inc., for 180 days. Supporting shipper: Flying Tiger Line, Inc., 7401 World Way West, Los Angeles International Airport, Los Angeles, Calif. 90009 (Paul A. Stokes, Director—Ground Operations). Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-1300; Filed, Feb. 1, 1968; 8:48 a.m.]

[Notice 81]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 30, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70072. By order of January 26, 1968, the Transfer Board approved the transfer to Galbo's Moving & Storage, Inc., Darien, Conn., of the operating rights in certificate No. MC-80851 issued May 24, 1950, to Charles A. Galbo, doing business as Galbo's Moving & Storage, Darien, Conn., authorizing the transportation of household goods between Bridgeport, Conn., and points in Connecticut within 25 miles of Bridgeport, on the one hand, and, on the other,

points in Vermont, Massachusetts, New York, Rhode Island, New Jersey, and Pennsylvania. Nicholas A. Cioffi, 6 Elm Street, Norwalk, Conn. 06852, attorney for applicants.

No. MC–FC–70183. By order of January 25, 1968, the Transfer Board approved the transfer to Petco, Inc., Interstate, Commerce City, Colo., of the operating rights in corrected certificate No. MC–113760 (Sub-No. 3) issued March 8, 1967, to H. M. Popp Truck Lines, Inc., doing business as Petco, Inc., Commerce City, Colo., authorizing the transportation over regular and irregular routes, of petroleum, petroleum products, and fuel oils, in bulk, in tank vehicles, from, to, and between various points and places in Kansas, Colorado, Wyoming, Idaho, North Dakota, South Dakota, and Nebraska. Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202, attorney for applicants.

No. MC–FC–70186. By order of January 26, 1968, the Transfer Board approved the transfer to Iott & Turner Trucking Co., a corporation, Monroe, Mich., of the operating rights in permit No. MC–127407 issued May 25, 1966, to Olin R. Iott, Monroe, Mich., authorizing the transportation of lumber, building materials, and plumbing, heating, and electrical equipment, from Milan, Mich., to points in that part of Ohio bounded by a line beginning at the Michigan-Ohio State line and extending south along U.S. Highway 6, thence east along U.S. Highway 6 to junction Ohio Highway 590, thence north along Ohio Highway 590 to junction Ohio Highway 2, thence west along Ohio Highway 2 to junction unnumbered highway near Bono, Ohio, thence north along unnumbered highway to Reno Beach, Ohio. Griffin and Griffin, 29 Washington Street, Monroe, Mich. 48161, attorneys for applicants.

No. MC–FC–70197. By order of January 26, 1968, the Transfer Board approved the transfer to Dewey's Express, Inc., 70 Newhall Street, Revere, Mass. 02151, of the certificate of registration in No. MC–121135 (Sub-No. 1) issued January 28, 1964 to Orlando D. Cioffi, doing business as Dewey's Express, Revere, Mass., evidencing a right to engage in interstate or foreign commerce in the transportation of general commodities within the State of Massachusetts.

No. MC–FC–70208. By order of January 26, 1968, the Transfer Board approved the transfer to M.T.I., Corp., South Windsor, Conn., of certificate No. MC–123548, issued June 29, 1961, to Elias F. Peck, doing business as E. F. Peck Trucking, Monson, Mass., authorizing the transportation of road construction and grading materials, between Springfield, Mass., and points in Massachusetts within 25 miles thereof, on the one hand, and, on the other, points in Litchfield, Hartford, Tolland, and Windham Counties, Conn., as excepted. John E. Fay, 79 Lafayette Street, Hartford, Conn. 06106, attorney for transferee.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–1301; Filed, Feb. 1, 1968; 8:48 a.m.]

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