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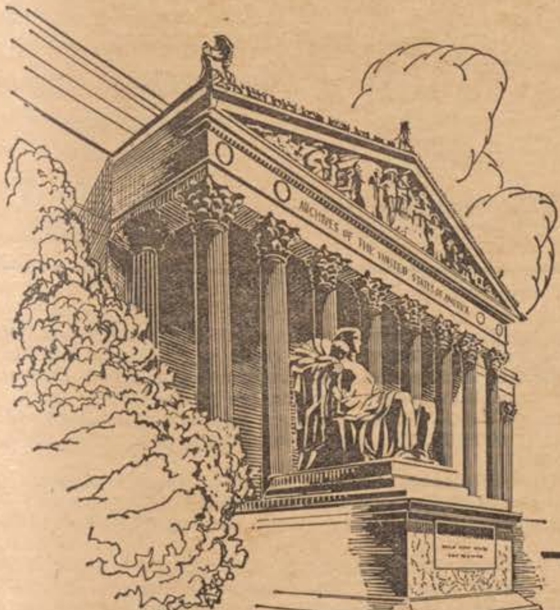

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3105 is amended to show that positions of State Director, Deputy State Director, Regional Director, and Assistant Regional Director, U.S. Savings Bond Division, will no longer be excepted under Schedule A after September 28, 1968. Effective September 29, 1968, paragraph (d) of § 213.3105 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

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

[F.R. Doc. 68-10329; Filed, Aug. 23, 1968; 8:52 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1969 Crop

AUTHORITY: §§ 855.47 to 855.56 issued pursuant to sec. 302, Sugar Act of 1948, as amended (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).

§ 855.47 Definitions.

For the purpose of this part, the terms:

(a) "Act," "Secretary," "Deputy Administrator," "State committee," "county committee," "producer," "operator," and designation of a crop of sugarcane by year shall have the meanings set forth in § 892.1 of this chapter.

(b) "Farm" shall have the meaning set forth in Part 822 of this chapter.

(c) "Cane" means sugarcane.

(d) "Old-Producer farm" means a farm which includes land that comprised a farm or part of a farm for which a share was established for the 1968 crop pursuant to § 855.41, § 855.42, or § 855.45.

(e) "New-Producer farm" means any farm that is not an old-producer farm.

(f) "Proportionate share" or "share" means the proportionate share for a farm in terms of planted acreage as provided in sections 301 and 302 of the Act.

(g) "Accredited acreage" or "accredited acres" means the area on the farm (within the share for such farm if shares are in effect) for any crop as designated by year on which sugarcane was grown and marketed (or processed) for the extraction of sugar or liquid sugar, except for use as livestock feed or for the production of livestock feed, or which was harvested for seed or which was determined by the county committee to have been bona fide abandoned acreage and abandoned acreage (hereinafter referred to as "abandoned acreage") to the extent of fulfilling at least the requirements for abandonment payments set forth in paragraph (c)(1) (i) and (ii) of § 845.2 of this chapter, as shown by office records of the county committee.

§ 855.48 General provisions.

Regulations pertaining to general conditional payments provisions are set forth in Part 892 of this chapter. Such regulations include provisions in regard to conditions which must be met to be eligible for payment, instructions for filing applications for payment, requirements for harvesting within the farm share and for disposing of acreage in excess of the farm share. Also included are provisions covering sharecropper or share tenant protection, farm accredited acreage records, erroneous notice of the farm share or of excess acreage, acquisition of farm land by the right of eminent domain including the transfer of the share from the land so acquired to other land in the State, and provision for redetermination and review of determinations by county and State committees or the Deputy Administrator. Provisions pertaining to certification of acreage and land use in lieu of farm inspection and measurement are set forth in Part 718 of this title and in § 892.4 of this chapter. Provisions governing requests and appeals by producers for reconsideration or review of determinations by county or State committees or the Deputy Administrator are set forth in Part 780 of this title.

§ 855.49 State acreage allocations.

The acreage allocation shall be 150,840 acres for Florida and 241,700 acres for Louisiana, which includes the acreage made available under § 855.55 for new-producer farms and under § 855.56 for fulfilling appeals and correcting errors.

§ 855.50 Determination of farm bases for old-producer farms.

The county committee for the county in which the farm headquarters is located shall determine a farm base for each old-producer farm or a portion thereof for the 1969 crop of cane as follows:

(a) For each old-producer farm, as constituted for the 1968 crop at the time the 1969-crop share is established, such base shall be the 1968-crop accredited acreage record of the farm, except that if the county committee determines that the 1968-crop accredited acreage is at least 90 percent of the original 1968-crop share established pursuant to § 855.41, § 855.42, or § 855.45 for the farm or is less than 90 percent of such share because of reasons beyond the control of the operator, the farm base shall be such 1968 share. If it is known at the time farm bases are to be determined that 1969-crop acreage will not be harvested on a farm for which a base could be established, and the land was not acquired under right of eminent domain, a base will not be established.

(b) For each old-producer farm or for each part of an old-producer farm which was removed from cane production in its entirety by acquisition by a Federal, State or other agency or entity entitled to exercise the right of eminent domain after the 1965 crop was harvested from such land, and the owner of such land did not have the State committee add the 1968-crop share established for such farm or part pursuant to § 855.41 or § 855.42, to the 1968 crop share established for other land owned by such owner under the provisions of § 855.41 or § 855.42, the farm base shall be the 1968-crop share so established for the farm or part removed from production.

§ 855.51 Establishment of shares for old-producer farms.

The county committee shall establish a 1969-crop share for any farm for which a base is determined pursuant to § 855.50 as follows:

(a) *Farms with bases of 50 acres or less.* The share for any farm in this category shall be at the level of the farm base.

(b) *Farms with bases of 50.1 acres and less than 62.6 acres.* The share for any farm in this category shall be 50 acres.

(c) *Farms with bases of 62.6 acres or more.* The share for any farm in this category shall be determined by applying to each farm base an adjustment factor computed by the State committee. The factor shall be determined by dividing the State acreage allocation in § 855.49, less the acreage made available to the State in §§ 855.55 and 855.56 and the total of the shares determined in paragraphs (a) and (b) of this section, by the total of the bases established for all farms with bases of 62.6 acres or more.

(d) *Farm shares covering land removed from production under right of eminent domain.* The share established pursuant to paragraph (a), (b), or (c) of this section for any farm or part of a farm for which a base was determined pursuant to § 855.50(b) shall, as provided in § 892.18 of this chapter, be added to the 1969-crop share, if any, established for other land in the State owned by the owner of the land who lost acreage under the right of eminent domain upon application to the State committee by such owner as provided in § 892.18 of this chapter. Provision is made in § 892.18 of this chapter for holding a share or part thereof in reserve for the future use of the owner of land acquired by the right of eminent domain.

§ 855.52 Shares for reconstituted farms.

If the county committee determines, after a 1969-crop share is established for the farm, that the 1969-crop farm will not be comprised of the same land as that included in the 1968-crop farm used as the basis for establishing the share or will not be comprised of the same land for which the application for a new-producer share was made, or that the farm was not properly constituted for the 1969 crop pursuant to the definitions of a farm and an operator, the farm or farms involved shall be reconstituted in accordance with such definitions. A share shall be determined as follows for the reconstituted farm.

(a) *Old-producer farms*—(1) *Subdivision.* The share for each subdivision of a farm which is subdivided shall be the portion of the 1969-crop share established for the farm pursuant to § 855.51, including any adjustments made in such share pursuant to § 855.54 or § 855.56, determined for each subdivision in accordance with the method used for dividing the accredited acreage record of the farm set forth in § 892.9 of this chapter. However, if the share as so determined for any subdivision is greater than the acreage of cane growing on the subdivision for 1969-crop harvest, the county committee shall reduce the share for such subdivision to the acreage growing thereon, except that such reduction shall not be made if the county committee determines that acreage of cane on the subdivision was plowed down without the approval of the person acquiring the subdivision in order to obtain larger shares on the other subdivision or subdivisions. If such reduction is made, the acreage made available shall be distributed to increase the share of each of the other subdivisions of the parent farm on which the acreage growing for 1969-crop harvest exceeds the share determined for such subdivision, and such distribution of acreage by the county committee shall be prorated on the basis of the acreage growing on each subdivision.

(2) *Combinations.* The share for a reconstituted farm consisting of a combination of old-producer farms, a combination of subdivisions of such farms or combination of such farms and such subdivisions shall be the sum of the 1969-crop shares for such farms and subdivisions of such farms.

(b) *New-producer farms*—(1) *Subdivision.* The share established for a new-producer farm which is subdivided shall be prorated to the subdivisions by the percentage ratio that the acreage of cane growing on each subdivision is to the total acreage of cane growing on the farm. If there is no acreage of cane growing on the farm prior to subdivision, the share shall be canceled.

(2) *Combinations*—(i) *Combined before planting.* The share for any new-producer farm or subdivision thereof which is combined with an old-producer farm or subdivision thereof prior to the planting of cane on the new-producer farm shall be cancelled and the share established for the old-producer farm or subdivision thereof shall be the share for the reconstituted farm. If a new-producer farm or subdivision thereof is combined with another new-producer farm or subdivision thereof prior to the planting of cane on either of the new-producer farms or subdivisions thereof, the shares for the new-producer farms shall be cancelled and a share shall be established pursuant to § 855.55(d) for the reconstituted farm.

(ii) *Combined after planting.* If a new-producer farm or subdivision thereof is combined with another farm or subdivision thereof after cane has been planted on the new-producer farm the share established for the new-producer farm or portion of such share determined for the subdivision shall be added to the share established for the other farm or subdivision thereof. However, if the county committee determines that the operator of the new-producer farm, at the time he applied for a new-producer share, had begun negotiations or had arranged to subsequently transfer the new-producer farm to the operator of the other farm, the share established for the new-producer farm or portion of such share determined for the subdivision shall be cancelled, and the share established for the other farm or subdivision thereof shall be the share for the reconstituted farm.

§ 855.53 Redetermination of bases and shares because of use of incorrect data.

Where incorrect data was used in determining a farm base or establishing a share, such share shall be canceled and a new base shall be computed in accordance with § 855.50 using the correct data. A new share shall be established for the farm in accordance with § 855.51. Any acreage by which the incorrect share exceeds the newly established share and any acreage available under § 855.56 shall be used to increase shares for farms whose shares were established at levels lower than those to which they were entitled. Any acreage remaining shall be reallotted under § 855.54. If there is insufficient acreage to increase shares for farms whose shares were established at levels lower than those to which they were entitled, acreage becoming available under § 855.54(b) shall be used to increase shares for such farms.

§ 855.54 Reallotment of unused acres.

(a) *Eligibility.* Any old-producer farm for which a share of more than 50 acres is established pursuant to § 855.51 is eligible for an increase in the share established for the farm as provided in this section. A request for such increase must be filed by the operator of the farm in accordance with paragraph (c) of this section.

(b) *Source of unused acreage for increasing shares.* The following is available for reallocation:

(1) Any unused acreage, not to exceed the total of the acreage of shares reduced pursuant to paragraph (g) of this section excluding any acreage reserved by the State committee pursuant to § 892.18 of this chapter.

(2) Any acreage made available pursuant to § 855.55(a) for establishing shares for new-producer farms which is not requested by qualified applicants, and the acreage representing new-producer shares which are canceled pursuant to § 855.52(b).

(3) Any acreage made available pursuant to § 855.56 for fulfilling appeals or corrections of erroneous shares which is not used for such purpose, or under § 855.53.

(c) *Filing requests for additional acreage.* Requests shall be filed in Florida at the Hendry County ASCS Office not later than June 30, 1969. In Louisiana, requests shall be filed not later than January 3, 1969, in the ASCS county office in which the farm headquarters is located. If a farm is located in more than one county, requests also shall be filed in the ASCS county office in which the part of the farm on which the additional acreage will be utilized is located. However, late requests filed before the distribution of unused acreage may be accepted as timely filed if the county committee determines that the operators delayed filing for reasons beyond their control. Other late requests may be accepted prior to harvest if there is acreage still available after filling all timely filed requests.

(d) *Increasing shares.* Acreage to be reallotted pursuant to paragraph (e) of this section shall be used to increase the shares of eligible old-producer farms whereon additional acreage may be used and requests have been filed pursuant to paragraph (c) of this section by considering the ability of the farm operator to use additional acreage in light of (1) availability and suitability of land, (2) availability of production and marketing facilities, (3) rotation practices, (4) maintenance of a proper relationship between total cane acreage and suitable cropland, and (5) the need for minimum acreage in a mill area.

(e) *Methods for reallocating unused acreage.* In consideration of the criteria set forth in paragraph (d) of this section, unused acreage determined pursuant to paragraph (b) of this section, shall be used to increase shares of farms, the operators of which have timely filed requests or have filed late requests which have been accepted pursuant to paragraph (c) of this section, as follows:

(1) In Florida, the State committee shall determine and inform the county committees of increases to be made in the share for each farm.

(2) In Louisiana, the county committee of each county will determine the unused proportionate share acreage on farms with headquarters in the county. The unused acreage so determined shall first be used by such committee to increase the shares for farms or parts of farms located in the county. The increase in the share for a farm with headquarters in the county may be utilized on any part of such farm. However, any increase which is granted to a part of a farm that does not include the farm headquarters must be planted on such part of the farm located in the county granting the increase. Any unused acreage remaining in any county in Louisiana after all requests have been satisfied shall be released to the State committee. The Louisiana State Committee shall distribute such acreage to other counties in which the total of the additional acreage requested exceeds the unused acreages. Such distribution shall be made on the basis of the percentage relationship between the total of the shares established pursuant to § 855.51 for all farms in each such county and the total of the shares so established for all farms in all such counties: *Provided,* That the acreage distributed to any county shall not exceed the total acreage needed to increase shares to the extent requested for farms in such county.

(f) *Limitations.* The Florida State Committee and the county committees in Louisiana shall not increase a share by an amount in excess of that requested or increase a share to cover acreage which was previously abandoned regardless of the cause of such abandonment.

(g) *Reduction in shares.* If the county committee determines for any farm that the total of the 1969-crop acreage of cane to be harvested for sugar and seed and the acreage of cane on the farm which has been abandoned to the extent of fulfilling at least the requirements set forth in paragraph (c) (1) (i) and (ii) of § 845.2 of this chapter is less than the farm's 1969-crop share, including any adjustment made pursuant to this section or § 855.56, the share shall be reduced to the level of such total 1969-crop acreage.

§ 855.55 Establishment of shares for new-producer farms.

(a) *Acreage available.* There are available 100 acres for use in Florida and 150 acres for use in Louisiana for establishing shares for new-producer farms.

(b) *Filing requests.* A person desiring a share for a new-producer farm shall file a request in Florida (at the Hendry County ASCS Office) not later than November 15, 1968, and in Louisiana at the local ASCS county office not later than August 30, 1968. Late requests may be accepted prior to the establishment of shares for new-producer farms, as timely filed if the State committee determines that the person delayed filing for reasons beyond his control. Other late requests may be accepted if there is acreage still available after filling all timely filed requests.

(c) *Rating of applicants.* Subject to review and redetermination by the State committee, the county committee shall rate the applicant as "qualified" or "not qualified" to utilize a new-producer farm share by considering (1) the availability and suitability of land, (2) availability of production and marketing facilities, and (3) whether the land on which cane will be grown is under his control through ownership or lease and such land was not included in an old-producer farm: *Provided,* That no applicant will be rated as "qualified" unless the county committee determines he will be the operator of the farm as defined in paragraph (l) of § 892.1 of this chapter.

(d) *Size of share.* Each share shall be 50 acres, or a lesser acreage if requested, or such lesser acreage as the State committee determines if either the county or State committee determines that the available cropland will not support a share of 50 acres.

(e) *Establishing shares.* The State committee shall establish a share for the new-producer farm of each "qualified" applicant if the acreage provided in paragraph (a) of this section is sufficient to establish such shares. If there is insufficient acreage, selection of "qualified" applicants to receive shares shall be by lot. Each drawing shall be supervised by a representative of the State committee. Persons included in a drawing shall be given advance notice and an opportunity to attend. Names (or farm numbers) shall be placed in a container and shall be indistinguishable to the person making the "draws." The person in charge shall announce the method of selection before the drawing.

(f) *Use of set-aside.* All acreage available for new-producers shall be allotted to qualified applicants, if there are sufficient requests for such acreage. Any acreage within that provided in paragraph (a) of this section is not requested by qualified applicants shall be used to increase shares of old-producer farms pursuant to § 855.54. However, such acreage may not be used for this purpose before June 1, 1969.

§ 855.56 Appeals or corrections.

There are available 100 acres for use in Florida and 150 acres for use in Louisiana for fulfilling increases in shares resulting from appeals or for making corrections of erroneous shares. After the county committee has acted on its own initiative or on a request for reconsideration of the establishment of a share for an old-producer farm and has found that such share was in error because of the use of incorrect data or misapplication of these regulations, the State committee, upon its own initiative or upon application of the operator, may within the acreage made available under this section increase the share for such farm to a level so as to give effect to the use of correct data or proper application of these regulations. Any acreage within that made available which is not used for such purposes shall be used first to increase shares of old-producer farms pursuant to § 855.53 and secondly pursuant to § 855.54.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. The provisions with respect to producer compliance with the conditions for receiving payment, the basis for such payment, considerations required for establishing individual shares, and the protection of interests of new and small producers, tenants and sharecroppers are set forth in sections 301 and 302 of the Act (7 U.S.C. 1131, 1132).

General. The Act requires that shares be established for farms in an area for a given crop when the Secretary determines that production will be greater than the quantity needed to enable the area to meet the quota and provide a normal carryover inventory as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Proportionate shares have been required in the Mainland Cane Sugar Area for the prior four crops. The acreage allocated to the two States for the 1968-crop was about five percent less than that for the 1967-crop and represents a total reduction of almost fifteen percent from the record acreage of the 1964 crop, the most recent crop for which shares were not in effect. But during the period, yields per acre increased at a much greater rate than acreage has been reduced. Consequently, total sugar production increased.

Sugar production from the 1967 crop amounted to 1,457,000 tons and was the largest of record. It exceeded the area's 1967 marketing quota by 288,000 tons, thus increasing the effective inventory of sugar on January 1, 1968, to 1,067,000 tons. Based on the most recent estimate made by the Department's Crop Reporting Board, production from the 1968 crop will exceed the area's present marketing quota for calendar year 1968 by about 200,000 tons. The resultant effective inventory of sugar on January 1, 1969, of about 1,265,000 tons would be well in excess of the expected marketing quota for the area in calendar year 1969.

In the absence of restrictions, 1969-crop acreage would exceed that for the 1968 crop and the production of sugar from such crop would very greatly exceed the quantity needed to enable the area to meet its quota and provide a normal carryover inventory. Hence, a restriction of 1969-crop acreage to the extent provided by this regulation appears necessary.

Public hearing. On June 28, 1968, an informal public hearing was held in New Orleans, La., to obtain the views and recommendations of interested persons on all matters relating to establishing 1969-crop shares. In the press release announcing the hearing, the Department proposed as a basis for discussion that separate State allocations be established at the total of final 1968-crop shares established in each State factored to the level of the acreage required to bring sugar supplies into line with quota and carryover requirements. Views as to what the level of 1969-crop acreage should be were requested in consideration of the expected effective inventory of sugar on January 1, 1969. The Department proposed to set aside acreage within each State allocation for establishing shares for new farms and handling appeals. Recommendations were requested as to the level of these set-asides. It was proposed that farm bases for old-producer farms be established in the same manner as for the two prior crops. Bases would be the larger of (a) the farm's 1968-crop acreage record, or (b) the 1968-crop farm's original share if the farm operator used at least 90 percent of such share or used less than 90 percent for reasons beyond his control. The Department suggested that an appropriate adjustment factor be applied to the farm base to compute each share, except for farms having bases of 50 acres or less. Shares for these farms would be established at the level of the farm bases. Provision would be made so as to not establish a share below 50 acres for any farm subject to adjustment. Provision would be made to permit each State to utilize its total allocation through distribution of unused acres to other farms which could use additional acreage.

The spokesman for the American Sugar Cane League, representing farmers who produce more than 95 percent of the sugarcane in the State, all the sugarcane processors in Louisiana and also the Louisiana Farm Bureau Federation requested the Department to acquire and dispose of the excess inventory of sugar without a quota charge so that acreage need not be reduced for the 1969 crop. He asked that, if existing law prevents such purchase and disposition of the excess sugar, the Department support in the Congress any amendment to existing law that might be necessary to accomplish the relief sought. He further said the industry is not able or willing to carry whatever inventories might result from their recommendation of no acreage reduction for 1969 in the absence of such relief. With respect to the other items mentioned in the press release, he recommended the following: (1) That separate State allocations be continued; (2) that 75 acres in Florida and 100 acres in Louisiana be set aside for new-producer shares of a maximum of 25 acres each; (3) that acreage set aside for handling appeals and all other such contingencies should not exceed 100 acres in Florida and 150 acres in Louisiana; (4) that farm bases be established as mentioned in the press release; (5) that an appropriate adjustment factor be applied to all farm bases; (6) that unused acreage be reallotted to other farms within the State in the same manner as provided in the 1968-crop regulation; and (7) that the provisions in the 1968-crop regulation covering the sugarcane acreage record and the share for a farm which is to be divided be amended to permit the interested parties to agree upon the method of division of the record and share.

The spokesman for the Florida Sugar Cane League opposed an effective inventory in excess of that on January 1, 1968, and urged the Department to make every effort to provide relief through administrative action available to it in order to prevent further buildup of sugar inventories. In addition, he concurred with each of the recommendations made by the spokesman of the American Sugar Cane League.

Additional witnesses offered statements concerning the economic effects that an acreage reduction would have on the industry.

Briefs submitted subsequent to the hearing by an independent processor and two cooperatives outlined the need for maintaining a minimum tonnage in their mill area for an economic operation. They requested that the 1969 acreage in their mill districts not be reduced below that of the 1968 crop.

Regulation. Despite acreage controls, sugar production from mainland sugarcane has been increasing. Last year's crop production of 1,457,000 tons of sugar was almost a quarter million tons larger than the previous year's which itself had been a record. The yield of sugar per acre has increased steadily from about two tons per acre from the 1964 crop to 2.84 tons from the 1967 crop, an increase of more than 40 percent.

The 1968 crop now growing is expected to have about the same yield per acre as the 1967 crop but from 5 percent less acreage. Favorable weather has contributed to the remarkable record with respect to yields, but it seems evident that improved varieties coupled with better cultural practice has been the dominant factor and one which will continue.

It is essential that inventories be returned as soon as possible at least to the level at the beginning of this year (1,067,000 tons). If yields from the 1969 crop were to reach the level for the 1967 crop and currently expected for the 1968 crop, an acreage reduction of almost 30 percent would be required. However, the weather prevailing for the balance of the 1968 crop and for the 1969 crop may not be as favorable as it has been in recent years. In recognition of this possibility 0.14 tons of sugar per acre is deducted from the presently indicated yield for the crop now growing and an average yield of 2.70 tons per acre is assumed for the 1968 and 1969 crops. This regulation provides acreage for the 1969 crop at 80 percent of the 1968-crop acreage and establishes separate State allocatiotns of 241,700 acres and 150,840 acres for Louisiana and Florida, respectively.

A base will be determined for each farm as constituted for the 1968 crop by using the same method as that adopted for the prior two crops. It will be at the level of the larger of the 1968-crop accredited acreage record of the farm or the 1968-crop original share established for the farm if the farm operator utilized at least 90 percent of such share or was prevented from utilizing such percentage of the share for reasons beyond his control. Thus, unless an operator willingly underplanted by more than 10 percent, the base for each farm will not be less than the original 1968-crop share for the farm. A base will also be determined for any farm for which production was lost or reduced after 1965-crop harvest through the transfer of acreage to an agency having the right of eminent domain.

This method of determining farm bases is equitable and has been widely accepted. Growers have found it unnecessary to utilize marginal lands merely to protect their acreage history. As for the prior crops, bases will not be determined for farms if it is known that cane will not be growing for 1969-crop harvest. This will make the acreage for any farm going out of production available to the larger farms, which are subject to reduction, at the time shares are initially established.

The proportionate share for any farm having a base of 50 acres or less will be established at the level of such base. This action is in accordance with the provision of the Sugar Act which directs the Secretary to protect the interests of small producers to the extent practicable. The large majority of these farms are in Louisiana. Based on 1967-crop statistics, they represent about 42 percent of the total farms in the State but have only about 6 percent of the total cane acreage. These smaller farms will have the opportunity to continue production at their suitable acreage level. This action is appropriate in view of the reduction in the number of farms in this category in recent years and the greater economic difficulties involved in producing a crop on a small acreage. Shares for farms having bases of 50.1 and not more than 62.5 acres will be established at 50 acres which is the share that would be established by applying a reduction factor of 80 percent to the 62.5 acre base. Since a farm base of 50 acres or less will not be reduced, this will result in equitable treatment for farms having bases of more than 50 acres but not more than 62.5 acres by assuring that a reduction would not be made in this category below 50 acres.

At present, it is estimated that in Louisiana for the 1968 crop a few thousand unused acres were reallotted. The 1969 farm bases for the farms to which reallocations were made in 1968 will reflect these increases, while compensating decreases generally will not be made in the bases of farms on which there was unused acres. In addition, it is estimated that the protection from cutback given the smaller farms will affect the shares of the larger farms by slightly more than one percentage point. Hence, it is likely that the factor to be applied to the larger farm bases in Louisiana will be on the order of 78 percent. In Florida, where there was little unused acreage in 1968 and where there are so few small farms requiring protection from cutback, the factor should not be much lower than 80 percent.

Requests for special treatment by the independent processor and the two cooperatives have been carefully considered. Farmers in two of the three mill districts have had both yield and production gains since the last unrestricted crop in 1964 in excess of the area's average. The record of the third is not far below the average. The additional burden which would be placed on other farmers by such special treatment cannot be justified. Accordingly, such requests have not been adopted.

Shares will also be established for farms whose owners lost land because of eminent domain since 1965-crop harvest was completed. In these cases, the shares will be computed according to the size of the farm base, but will be limited to that acreage for which the owner applies for use in the 1969 crop. If application is made for only a portion of the acreage which was removed from production, the balance of such share will be held by the State committees for future use of the owner.

As for the most recent crops, provision is made to assure that each State can use the total of its shares by distributing any unused acres to other farms within the State which can use additional acreage. The methods used in the reallocation of unused acres for the 1968 crop have been adopted for 1969 with one exception. Since the shares of farms having a base of 62.5 acres or less will be established at the smaller of such base or 50 acres, the operators of such farms will not be permitted to participate in the reallocation of any unused acres. Thus, all farms subject to a reduction by application of the adjustment factor will be eligible for increases under this provision.

In Louisiana, operators of farms located in more than one county shall file a request for additional acreage at the county office where the farm headquarters is located and also at offices where parts of their farm are located. The county committees in Louisiana are authorized to immediately assign unused acreage as soon as underplantings are known. Thus, it will again be possible where a farm comprises land in more than one county to increase the shares of such farms by utilizing available unused acreage in all counties where parts of the farm are located. Requests for increases in shares made by the operators of farms in a county other than the headquarters shall be given the same consideration as requests made by operators whose farms are headquartered in the county. However, the increase in the share made to a part of a farm must be utilized in the county granting the increase. If the total underplantings in a county exceed the demand for additional acreage, the excess will be made available to the State committee for distribution to other counties.

In Florida, where unused acreage is not substantial, provision again is made for the State committee to reallot unused acreage within the entire growing area. Guidelines are provided the committees for consideration in reallotting the unused acreages.

Within each allocation, small acreages are provided for establishing new-producer shares and to correct any errors made in establishing shares caused by the use of incorrect data or the improper application of the provisions of the regulations. Shares for new producers will be established at a level of 50 acres or a lesser acreage, if requested. For several years, the Department has provided for new-producer shares of this size in view of the economic difficulties involved in beginning a new sugarcane operation. There are no facts supporting a change in this policy, therefore, the 25-acre level recommended by the industry spokesman has not been adopted. Since the acreage set aside specifically for establishing new-producer shares or for correcting errors is within each State's allocation, any acreage which is not needed for these purposes may be distributed to other farms.

No action is being taken at this time to change the method for crediting sugarcane acreage history of farms and dividing the farm's share when it is involved in reconstitutions, as suggested by industry spokesmen. It is believed that the present rule which provides three alternative ways of assigning the parent farm's acreage record and share to its subdivisions affords sufficient latitude among the parties involved to agree upon an equitable distribution and at the same time provides adequate safeguards to prevent the sale or improper handling of proportionate shares.

The other provisions of this regulation are generally similar to those which were in effect for the 1968 program. Provisions covering requirements for harvesting within the farm share, disposition of acreage in excess of the farm share, protection of sharecroppers and share tenants and acquisition of farm land by the right of eminent domain are now included in the General Conditional Payments Provisions.

The 1969-crop sugarcane acreage resulting from this regulation should provide a quantity of sugarcane which will enable the area to meet its quota under the Act and provide a normal carryover inventory.

The provisions of this regulation provides an equitable basis for establishing shares for farms in the area for the 1969-crop of sugarcane.

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

Effective date: Date of publication.

Signed at Washington, D.C., on August 20, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-10227; Filed, Aug. 23, 1968; 8:47 a.m.]

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

[Lemon Reg. 335]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.635 Lemon Regulation 335.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

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

it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 20, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 25, 1968, through August 31, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 241,800 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: August 22, 1968.

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

[F.R. Doc. 68-10318; Filed, Aug. 23, 1968; 8:52 a.m.]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Expenses and Rate of Assessment

On August 7, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11174) regarding proposed expenses and the related rate of assessment for the period April 1, 1968, through March 31, 1969, pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926; 32 F.R. 13045), regulating the handling of Tokay grapes grown in San Joaquin County, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order) it is hereby found and determined that:

§ 926.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee during the period April 1, 1968, through March 31, 1969, will amount to $31,265.30.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 926.46, is fixed at $0.013 per standard package or equivalent quantity of grapes.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of Tokay grapes are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable Tokay grapes from the beginning of such period; and (3) such period began on April 1, 1968, and the rate of assessment herein fixed will automatically apply to all assessable grapes beginning with such date.

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

Dated: August 21, 1968.

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

[F.R. Doc. 68-10270; Filed, Aug. 23, 1968; 8:51 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Free and Restricted Percentages and Withholding Factors for 1968-69 Crop Year

Notice was published in the August 7, 1968, issue of the FEDERAL REGISTER (33 F.R. 11174) regarding a proposal to establish free and restricted percentages and withholding factors applicable to particular varieties of domestic dates for the 1968-69 crop year which began August 1, 1968. The establishment of such percentages and withholding factors is pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was recommended by the Date Administrative Committee.

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Committee, and other available information, it is found that to establish free percentages, restricted percentages, and withholding factors as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the free percentages, restricted percentages, and withholding factors for the 1968-69 crop year for marketable dates, are, pursuant to §§ 987.44 and 987.45, established as follows:

§ 987.216 Free and restricted percentages, and withholding factors.[1]

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year which began August 1, 1968, and ends July 31, 1969, as follows: (a) Deglet Noor variety dates: Free percentage, 70 percent; restricted percentage, 30 percent; and withholding factor, 42.9 percent; (b) Zahidi variety dates: Free percentage, 83 percent; restricted percentage, 17 percent; and withholding factor, 20.5 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; and (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that (a) free and restricted percentages and withholding factors established for a particular crop year shall be applicable during the entire crop year to all marketable dates, and (b) the withholding obligations based on the continued regulation from the preceding crop year shall be adjusted to the newly established percentages upon their establishment; and (2) the percentages and withholding factors established herein for the crop year which began August 1, 1968, will apply, and adjustment thereto of handlers' withholding obligations are required, automatically, with respect to all such dates.

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

Dated: August 20, 1968.

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

[F.R. Doc. 68-10229; Filed, Aug. 23, 1968; 8:48 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Suspension or Termination of Certain Provisions

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California (hereinafter referred to collectively as the "order"), effective under said act, notice was published in the July 25, 1968, issue of the FEDERAL REGISTER (33 F.R. 10576) regarding proposed suspension of the operation of certain provisions in § 993.49(c) of the order. Said notice also contained a proposal to terminate certain rules and regulations

[1] The Date Administrative Committee included no countries other than the United States and Canada in its determination of trade demand.

operative pursuant to the aforesaid provisions of § 993.49(c). These provisions require handlers receiving lots of prunes with certain defects (i.e., mold, imbedded dirt, insect infestation and decay) in excess of such maximum percentage as shall be prescribed to dispose of such lots in their entirety in nonhuman consumption outlets. Section 993.149(d)(1) of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 993.101–993.174) fixes such percentage at 50 percent. The proposals contained in said notice were recommended by the Prune Administrative Committee, established under the order.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Prune Administrative Committee, and other available information, it is hereby found that for the 1968–69 crop year and subsequent crop years the mandatory prescription, pursuant to § 993.49(c), of a maximum percentage of defective prunes in lots received by handlers that would require disposition of such lots in their entirety in nonhuman consumption outlets is not now necessary in that it does not tend to effectuate the declared policy of the act. In view thereof, (1) the operation of the relevant provisions in § 993.49(c) relating to the mandatory prescription of a maximum percentage for defects should be suspended, and (2) § 993.149(d)(1) of the administrative rules and regulations thereunder should be terminated.

Therefore, it is ordered, As follows:

1. For the 1968–69 crop year and subsequent crop years, the operation of the following provision in the first sentence of § 993.49(c) is suspended: *"Provided,* That the Committee, by its rules and regulations, shall prescribe a maximum percentage of such defects in any lot received by a handler; and any lot so received which contains a greater percentage of such defects shall be disposed of in its entirety in nonhuman consumption outlets."

2. For the 1968–69 crop year and subsequent crop years, the operation of the following provision in the third sentence of § 993.49(c) is suspended: "(including the prescription of a maximum percentage)".

3. Effective at the beginning of the 1968–69 crop year, § 993.149(d)(1) of the administrative rules and regulations (Subpart—Administrative Rules and Regulations) is terminated.

It is further found that good cause exists for not postponing the effective time of these actions until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Pursuant to the applicable provisions of the act and the order, it is mandatory for the Secretary to suspend the operation of any provisions of the order whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act; (2) the 1968–69 crop year began August 1, 1968, and handlers will be receiving prunes from producers and dehydrators soon; (3) these actions should be effective before handlers begin receiving prunes; (4) these actions relieve restrictions on handlers, and handlers do not require advance notice to comply therewith; and (5) postponing the effective time of these actions would serve no useful purpose.

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

Dated August 21, 1968, to become effective as of August 1, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-10232; Filed, Aug. 23, 1968; 8:48 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Salable and Reserve Percentages and Handler Reserve Obligation for 1968–69 Crop Year

Notice was published in the August 6, 1968, issue of the FEDERAL REGISTER (33 F.R. 11120) regarding a proposal to establish, for the 1968–69 crop year, salable and reserve percentages for California dried prunes of 71 percent and 29 percent, respectively, and in connection therewith, the required composition of each handler's reserve obligation. The proposal was based on a recommendation of the Prune Administrative Committee and other available information, in accordance with the provisions of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

The percentages proposed in the notice were based on the Committee's estimate that California's 1968 dried prune production would be 160,000 tons. The USDA Crop Reporting Board's estimate, as of August 1, 1968, and released after the notice was published, also is 160,000 tons.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Prune Administrative Committee, and other available information, it is found that to establish the salable and reserve percentages and the required composition of each handler's reserve obligation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, the salable and reserve percentages for prunes and handler reserve obligation for the 1968–69 crop year shall be as follows:

§ 993.204 Salable and reserve percentages for prunes and handler reserve obligation for the 1968–69 crop year.

The salable and reserve percentages for the 1968–69 crop year shall be 71 percent and 29 percent, respectively, or such increased salable percentage and decreased reserve percentage as may be established upon delivery of the 1968 crop to provide a supply of salable prunes adequate to meet the estimated trade demand and a desirable carryover. The reserve obligation of each handler shall be a weight of natural condition prunes, by variety and standard or substandard grade, equal to the sum of the results of applying the reserve percentage to the natural condition weight of each lot of prunes received by him from producers and dehydrators, excluding the weight obligation of § 993.49(c). Such reserve obligation as to standard prunes and as to substandard prunes, of each variety, shall be consistent with the receipt by field pricing size categories, and the obligation shall be the weighted average count per pound of all such lots within each such category, as computed from inspection analysis. The field pricing size categories, by variety and grade, expressed in minimum and maximum numbers of prunes per pound for each, are as follows:

Standard French prunes—33 or less, 34/50, 51/60, 61/70, 71/81, 82/101, 102/111, 112/121, and 122 or more.

Substandard French prunes—70 or less, 71/101, and 102 or more.

Standard Non-French prunes (except Robe de Sargent)—24 or less, 25/29, 30/33, 34/50, and 51 or more.

Substandard Non-French prunes (except Robe de Sargent)—51 or less and 52 or more.

Standard Robe de Sargent—33 or less, 34/50, 51/60, and 61 or more.

Substandard Robe de Sargent—61 or less and 62 or more.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable and reserve percentages established for a particular crop year shall be applicable to all prunes received during the crop year by handlers from poducers and dehydrators, excluding the weight obligation of § 993.49(c); and (2) the current crop year by handlers from producers and dehydrators, excluding the weight obligation of § 993.49(c); and (2) the current crop year began on August 1, 1968, and the percentages established herein will apply automatically to such prunes beginning with such date.

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

Dated: August 20, 1968.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 68-10231; Filed, Aug. 23, 1968; 8:48 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Expenses of Prune Administrative Committee and Rate of Assessment for 1968–69 Crop Year

Notice was published in the August 8, 1968, issue of the FEDERAL REGISTER (33 F.R. 11298) regarding proposed expenses of the Prune Administrative Committee for the 1968–69 crop year and rate of assessment for that crop year, pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Prune Administrative Committee, and other available information, it is found that the expenses of the Prune Administrative Committee and the rate of assessment for the crop year beginning August 1, 1968, shall be as follows:

§ 993.319 Expenses of the Prune Administrative Committee and rate of assessment for the 1968–69 crop year.

(a) *Expenses.* Expenses in the amount of $117,000 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1968, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at 90 cents per ton of salable prunes handled by him as the first handler thereof.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all salable prunes handled by handlers as the first handlers thereof; and (2) the current crop year began on August 1, 1968, and the rate of assessment herein fixed will automatically apply to all such prunes beginning with that date.

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

Dated: August 20, 1968.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 68-10230; Filed, Aug. 23, 1968; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68–CE–42]

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

Designation of Transition Area; Correction

On July 25, 1968, a final rule was published in the FEDERAL REGISTER (33 F.R. 10565), F.R. Doc. 68–8851, which designated the Jackson, Minn., transition area. In this designation the transition area description was erroneously described as "That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson Municipal Airport (lat. 43°39'00" N., long. 94°59'10" W.); and within 2 miles each side of the 327° bearing from Jackson Municipal Airport, extending from the 5-mile radius area to 8 miles northeast of the 327° bearing from Jackson extending upward from 1,200 feet above the surface within 8 miles southwest and 5 miles northeast of the 327° bearing from Jackson Municipal Airport, extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 147° bearing from Jackson Municipal Airport, extending from the airport to 12 miles southeast of the airport." The correct description should have been set forth to read as "That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson Municipal Airport (lat. 43°39'00" N., long. 94°59'10" W.); and within 2 miles each side of the 327° bearing from Jackson Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 5 miles northeast of the 327° bearing from Jackson Municipal Airport, extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 147° bearing from Jackson Municipal Airport, extending from the airport to 12 miles southeast of the airport." Action is taken herein to make this correction.

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

In consideration of the foregoing, the designation of the Jackson, Minn., transition area, as set forth in F.R. Doc. 68–8851, is corrected effective immediately as follows: "That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson Municipal Airport (lat. 43°39'00" N., long. 94°59'10" W.); and within 2 miles each side of the 327° bearing from Jackson Municipal Airport, extending from the 5-mile radius area to 8 miles northeast of the 327° bearing from Jackson extending upward from 1,200 feet above the surface within 8 miles southwest and 5 miles northeast of the 327° bearing from Jackson Municipal Airport, extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 147° bearing from Jackson Municipal Airport, extending from the airport to 12 miles southeast of the airport.", is deleted and "That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson Municipal Airport (lat. 43°39'00" N., long. 94°59'10" W.); and within 2 miles each side of the 327° bearing from Jackson Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 5 miles northeast of the 327° bearing from Jackson Municipal Airport, extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 147° bearing from Jackson Municipal Airport, extending from the airport to 12 miles southeast of the airport.", is substituted therefor.

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

Issued in Kansas City, Mo., on August 1, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68-10213; Filed, Aug. 23, 1968; 8:46 a.m.]

[Airspace Docket No. 68–WE–66]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to change the geographical coordinates of the Grand Canyon National Park Airport to conform to recently published surveyed data.

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

In consideration of the foregoing, in § 71.181 (33 F.R. 2186) the description of the Grand Canyon, Ariz. (Grand Canyon National Park Airport), transition area is amended by deleting the geographical coordinates of the Grand Canyon National Park Airport "(lat. 35°57'10" N., long. 112°08'35" W.)" and substituting "(lat. 35°57'16" N., long. 112°08'37" W.)" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., October 17, 1968.

Issued in Los Angeles, Calif., on August 15, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 68-10222; Filed, Aug. 23, 1968; 8:47 a.m.]

[Airspace Docket No. 68-SO-21]

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

Alteration of Control Zone and Transition Area

Correction

In F.R. Doc. 68-9499 appearing at page 11332 in the issue of Friday, August 9, 1968, the third line of the third column should read "84°05'05" W.); within a 5-mile radius of".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1372]

PART 13—PROHIBITED TRADE PRACTICES

Chicago Girl Coat Co. et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-90 Wool Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Chicago Girl Coat Co. et al., Cadillac, Mich., Docket C-1372, July 10, 1968]

In the Matter of Chicago Girl Coat Co., a Corporation, and Cadillac Girl Coat Co., a Corporation, and Roy M. Levine, Ernest A. Walter and Louis R. Siegel Individually and as Officers of the Aforesaid Corporations

Consent order requiring two affiliated coat manufacturers to cease misbranding and falsely guaranteeing its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Chicago Girl Coat Co., a corporation, and its officers, Cadillac Girl Coat Co., a corporation, and its officers, and Roy M. Levine, Ernest A. Walter, and Louis R. Siegel, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Chicago Girl Coat Co., a corporation, and its officers, and Cadillac Girl Coat Co., a corporation, and its officers, and Roy M. Levine, Ernest A. Walter, and Louis R. Siegel, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any wool product is not misbranded, when the respondent has reason to believe that such wool product may be introduced, sold, transported or distributed in commerce.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 10, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-10262; Filed, Aug. 23, 1968; 8:50 a.m.]

[Docket No. C-1368]

PART 13—PROHIBITED TRADE PRACTICES

Henry Haber and Henry Haber Furs

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Henry Haber, trading as Henry Haber Furs, New York, N.Y., Docket C-1368, July 9, 1968]

In the Matter of Henry Haber, an Individual Trading as Henry Haber Furs

Consent order requiring a New York City manufacturing furrier to cease deceptively invoicing his fur products and furnishing false guaranties.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Henry Haber, an individual trading as Henry Haber Furs or any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondent Henry Haber, an individual trading as Henry Haber Furs or any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondent has reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondent herein shall, within 60 days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: July 9, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-10263; Filed, Aug. 23, 1968; 8:50 a.m.]

[Docket No. C-1361]

PART 13—PROHIBITED TRADE PRACTICES

M. Alexander Corp. and Mitchell Alexander

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, M. Alexander Corp. et al., New York, N.Y., Docket C-1361, July 9, 1968]

In the Matter of M. Alexander Corp., a Corporation, and Mitchell Alexander, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease and desist misbranding and deceptively invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents M. Alexander Corp., a corporation, and its officers, and Mitchell Alexander, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication, on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in the fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 9, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10264; Filed, Aug. 23, 1968; 8:50 a.m.]

[Docket No. C-1370]

PART 13—PROHIBITED TRADE PRACTICES

Regent Corset Co. et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Regent Corset Co. et al., North Bergen, N.J., Docket C-1370, July 10, 1968]

In the Matter of Regent Corset Co., a Corporation, and Irving Kurs and Jerome Bienfeld, Individually and as Officers of Said Corporation

Consent order requiring a North Bergen, N.J., manufacturer of girdles and other textile products to cease misbranding and falsely guaranteeing its textile fiber products and failing to maintain required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Regent Corset Co., a corporation, and its officers, and Irving Kurs and Jerome Bienenfeld, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to textile fiber products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Failing to make a disclosure on the required label on or affixed to textile fiber products composed of two or more sections of different fiber composition, in such a manner as to show the fiber composition of each section in all instances where such disclosure is necessary to avoid deception.

B. Failing to maintain and preserve for at least 3 years proper records showing the fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That respondents Regent Corset Co., a corporation, and its officers, and Irving Kurs and Jerome Bienenfeld, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 10, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10266; Filed, Aug. 23, 1968; 8:50 a.m.]

[Docket No. C-1357, etc.]

PART 13—PROHIBITED TRADE PRACTICES

Sam Reichbach & Son, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist orders in the 8 above-captioned proceedings, dated July 9, 1968]

In the Matters of: Sam Reichbach & Son, Inc., a Corporation, and Stanley Reichbach and Michael Denktsis, Individually and as Officers of Said Corporation, Docket No. C-1357; Sol Seifer Co. Inc., a Corporation, and Sol Seifer, Alvin I. Goldberg and Stanley Sunshine, Individually and as Officers of Said Corporation, Docket No. C-1358; M. Getto & Sons, Inc., a Corporation, and Bernard Getto, Sidney Raback, and Mortimer B. Getto, Individually and as Officers of Said Corporation, Docket No. 1359; Baws Bros. Furs, Inc., a Corporation, and Murray Baws and Paul Baws, Individually and as Officers of Said Corporation, Docket No. C-1360; Leemar Furs, Inc., a Corporation, and Harvey Kaufman and Stavos Ladis, Individually and as Officers of Said Corporation, Docket No. C-1362; Kupchik & Gelman Furs, Inc., a Corporation, and John Kupchik, Bernard R. Greenberg, and Sol Gelman, Individually and as Officers of Said Corporation, Docket No. C-1366; Sam & Leo Brown, Inc., a Corporation, and Samuel Brown and Leo Brown, Individually and as Officers of Said Corporation, Docket No. C-1367; and Princess Furs, Inc., a Corporation, and Fred Kosak and Sol Horowitz, Individually and as Officers of Said Corporation, Docket No. C-1369

Consent orders requiring eight New York City manufacturing furriers to cease misbranding, deceptively guaranteeing, and falsely invoicing their fur products.

Identical orders to cease and desist, including orders requiring reports of compliance therewith, are as follows:

It is ordered, That each respondent named in the above-captioned proceedings, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication, on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in the fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artifically colored.

It is further ordered, That each respondent named in the above-captioned proceedings, and its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That each respondent corporation shall forthwith distribute a copy of this Order to each of its operating divisions.

It is further ordered, That each respondent named in the above-captioned proceedings shall, within 60 days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

Issued: July 9, 1968.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10269; Filed, Aug. 23, 1968; 8:51 a.m.]

[Docket No. 8646 o.]

PART 13—PROHIBITED TRADE PRACTICES

S.S.S. Co. and Tucker Wayne & Co.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-52 Medicinal, therapeutic, healthful, etc.; 13.170-78 Renewing, restoring. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1863 *Limitations of product.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Final order to cease and desist, S.S.S. Co. et al., Atlanta, Ga., Docket 8646, June 26, 1968]

In the Matter of S.S.S. Co., a Corporation, and Tucker Wayne & Co., a Corporation

Order requiring an Atlanta, Ga., manufacturer of drug preparations and its advertising agency to cease misrepresenting the effectiveness of its "S.S.S. Tonic" and "S.S.S. Tablets."

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents S.S.S. Co., a corporation, and Tucker Wayne & Co., a corporation, and their officers, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of the preparation designated "S.S.S. Tonic" or the preparation designated "S.S.S. Tablets," or any other preparation of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing the dissemination of, by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that:

(a) The use of such preparations will be of benefit in the prevention, relief or treatment of tiredness, lack of pep, energy or strength, weakness, listlessness, run-down feeling or nervousness, or any other sympton, unless such representation is expressly limited to a sympton or symptoms caused by a deficiency of one or more of the vitamins or iron provided by such preparations; and, further, unless such advertisement also discloses clearly and conspicuously, in immediate or close proximity, and with equal prominence, to any such representations:

(1) That, in the great majority of persons suffering from any such symptom or symptoms, the preparations will be of no benefit in the prevention, treatment or relief of such symptom or symptoms; and

(2) That the presence of iron deficiency anemia or iron deficiency of any degree cannot be self-diagnosed and can be determined only by means of medical or laboratory tests conducted by or under the supervision of a physican; and

(3) That the presence of a deficiency of the B vitamins, or of any vitamin cannot be self-diagnosed and can be determined only by means of medical or laboratory tests conducted by or under the supervision of a physican.

(b) The use of such preparations will be of benefit in the prevention, relief or treatment of iron or vitamin deficiency anemia in any specific or described group of people; provided, however, that it shall be a defense in any enforcement proceeding instituted under this prohibition for respondents affirmatively to show:

(1) That there is a reasonable probability that a majority of persons within such group suffers from iron or vitamin deficiency or iron deficiency anemia; or

(2) That their advertising did no more than truthfully and accurately represent the percentage of persons in a specific population group who suffer from iron or vitamin deficiency or iron deficiency anemia.

(c) The presence of iron deficiency anemia or iron deficiency of any degree can be self-diagnosed.

(d) The presence of iron deficiency anemia or iron deficiency of any degree can generally be determined without medical or laboratory tests conducted by or under the supervision of a physician.

(e) The presence of a deficiency of the B vitamins, or of any vitamin, can be self-diagnosed.

(f) The presence of a deficiency of the B vitamins, or of any vitamin, can generally be determined without medical tests conducted by or under the supervision of a physician.

(g) Any ingredient other than iron in S.S.S. Tonic or S.S.S. Tablets contributes to the effectiveness of these or similar preparations in the prevention, relief or treatment of iron deficiency or iron deficiency anemia or of symptoms represented directly or by implication to be caused by iron deficiency or iron deficiency anemia.

(h) There is any greater need for any one or more of the vitamins in S.S.S. Tonic or S.S.S. Tablets among persons suffering from iron deficiency or iron deficiency anemia than among persons not suffering from iron deficiency or iron deficiency anemia.

(i) The use of such preparations will increase the strength or energy of any part of the body in any period or amount of time less than that in which the consumer may actually experience improvement.

(j) The formula of S.S.S. Tonic or S.S.S. Tablets is "new" or the formulae or ingredients are new medical or scientific discoveries or achievements.

(k) The herbs in S.S.S. Tonic or S.S.S. Tablets are of any therapeutic benefit or value.

2. Disseminating, or causing to be disseminated, by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisements which contain statements which are inconsistent with, negate, contradict, or dilute any of the affirmative disclosures required by paragraph 1 of this order, or which in any way obscure the meaning or effect of such required disclosures.

3. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited by paragraphs 1 or 2 hereof, or which fails to comply with the affirmative requirements of paragraph 1 hereof.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

Issued: June 26, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10267; Filed, Aug. 23, 1968; 8:51 a.m.]

[Docket No. C-1365]

PART 13—PROHIBITED TRADE PRACTICES

Manny Schaffer and Manny Schaffer Furs

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Manny Schaffer trading as Manny Schaffer Furs, New York, N.Y., Docket C-1365, July 9, 1968]

In the Matter of Manny Schaffer, an Individual Trading as Manny Schaffer Furs

Consent order requiring a New York City manufacturing furrier to cease and desist misbranding and deceptively invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Manny Schaffer, an individual trading as Manny Schaffer Furs, or any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication, on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in the fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That the respondent herein shall, within 60 days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: July 9, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10265; Filed, Aug. 23, 1968; 8:50 a.m.]

[Docket Nos. C-1363, C-1364]

PART 13—PROHIBITED TRADE PRACTICES

Turan Furs, Inc., et al.

Subpart—Furnishing false guaranties: §13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist orders in the above-captioned proceedings, New York, N.Y., dated July 9, 1968]

In the Matters of: Turan Furs, Inc., a Corporation, and Sam Turan, and Leonard Goldstein, Individually and as Officers of Said Corporation, Docket No. C-1363; and R. & R. Berger Furs Inc., a Corporation, and Marcus Berger, Individually and as an Officer of Said Corporation, Docket No. C-1364

Consent orders requiring two New York City manufacturing furriers to cease misbranding, furnishing deceptive guarantees, and falsely invoicing their fur products.

Identical orders to cease and desist, including orders requiring reports of compliance therewith, is as follows:

Order: *It is ordered,* That each respondent named in above-captioned proceedings, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

It is further ordered, That each respondent named in above-captioned proceedings, and its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That each respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That each respondent named in above-captioned proceedings shall, within 60 days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: July 9, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10268; Filed, Aug. 23, 1968; 8:51 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Exemption of Butter From Certain Labeling Requirements

In the matter of exempting packaged butter from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of April 17, 1968 (33 F.R. 5883), based on petitions submitted by the American Butter Institute, 110 North Franklin Street, Chicago, Ill. 60606, and the Great Atlantic & Pacific Tea Co., Inc., 420 Lexington Avenue, New York, N.Y. 10017.

In response to the proposal, nine comments were received as follows:

1. Three State agencies support the proposal.
2. One State agency supports the proposal except for that portion relating to placement of the net quantity of contents within the lower 30 percent of the label panel.
3. Two dairies and a butter wrapper manufacturer support the proposal.
4. One State agency and the New York City Department of Markets oppose the proposal in its entirety.

Based on consideration given the petitions, the comments received, and other relevant material, the Commissioner of Food and Drugs concludes that the proposed amendment should be adopted as set forth below with a provision added to subdivision (iii) to preclude placement of the identity statement and net contents declaration in a manner that could be misleading or difficult to read.

The Commissioner also concludes that since there was no opportunity for butter manufacturers to make label changes during the pendency of the exemption proposal, any butter label changes made necessary by the regulations under the Fair Packaging and Labeling Act (21 CFR Part 1) should be made before July 1, 1969, rather than before July 1, 1968.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under the authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That § 1.1c(a) be amended by adding thereto a new subparagraph, as follows:

§ 1.1c Exemptions from required label statements.

* * * * *

(a) *Foods.* * * *

(10) Butter as defined in 42 Stat. 1500 (excluding whipped butter):

(i) In 8-ounce and in 1-pound packages is exempt from the requirements of § 1.8b(f) that the net contents declaration be placed within the bottom 30 percent of the area of the principal display panel;

(ii) In 1-pound packages is exempt from the requirements of § 1.8b(j)(1) that such declaration be in terms of ounces and pounds, to permit declaration of "1 pound" or "one pound"; and

(iii) In 4-ounce, 8-ounce, and 1-pound packages with continuous label copy wrapping is exempt from the requirements of §§ 1.8(d) and 1.8b(f) that the statement of identity and net contents declaration appear in lines generally parallel to the base on which the package rests as it is designed to be displayed, provided that such statement and declaration are not so positioned on the label as to be misleading or difficult to read as the package is customarily displayed at retail.

* * * * *

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. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: August 19, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10273; Filed, Aug. 23, 1968; 8:51 a.m.]

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Stramonium Preparations Labeled for Self-Medication

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act) secs. 502 (a), (f), 503(b), 701(a); 52 Stat. 1050–51, 1052, as amended, 1055; 21 U.S.C. 352 (a), (f), 353(b), 371(a)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 3 is amended by adding thereto the following new section:

§ 3.64 Stramonium preparations labeled with directions for use in self-medication regarded as misbranded.

(a) Stramonium products for inhalation have been offered for use in the therapy of the acute attacks of bronchial asthma for many years although their reliability and effectiveness are questionable. Recently, a significantly increased number of reports have come to the attention of the Food and Drug Administration showing that such products have been subject to abuse and misuse on a fairly large scale, mostly by young people, through oral ingestion for the purpose of producing hallucinations. Reports of such use have been received from physicians and police and other law enforcement authorities. Reports have also appeared in the public press and in medical journals.

(b) Labeling these products with a warning that they are not for oral ingestion has not been effective in protecting the public. Misuse of stramonium preparations can cause serious toxic effects including toxic delirium, visual disturbances, fever, and coma. A number of serious reactions have already occurred from the oral ingestion of such products.

(c) On the basis of this information, the Commissioner of Food and Drugs has concluded that such articles have a potentiality for harmful effect through misuse and are not safe for use except under the supervision of a physician. In the interest of public health protection, therefore, the Food and Drug Administration adopts the following policy:

(1) Preparations containing stramonium supplied from the leaves, seeds, or any other part of the plant in the form of a powder, pipe mixture, cigarette, or any other form, with or without admixture of other ingredients, will be regarded as misbranded if they are labeled with directions for use in self-medication.

(2) The Food and Drug Administration will, on request, furnish comment on proposed labeling limiting any such preparation to prescription sale.

(d) The labeling or dispensing of stramonium preparations contrary to this statement after 60 days following the date of its publication in the FEDERAL REGISTER may be made the subject of regulatory proceedings.

(Secs. 502 (a), (f), 503(b), 701(a); 52 Stat. 1050–51, 1052, as amended, 1055; 21 U.S.C. 352 (a), (f), 353(b), 371(a))

Dated: August 15, 1968.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 68-10274; Filed, Aug. 23, 1968; 8:51 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Pineapple and Pineapple Juice Identity Standards; Listing of Dimethylpolysiloxane as Optional Ingredient

In the matter of amending the definitions and standards of identity for canned pineapple (21 CFR 27.50) and canned pineapple juice (21 CFR 27.54) by listing dimethylpolysiloxane as an optional defoaming ingredient:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of May 14, 1968 (33 F.R. 7119), based on a petition submitted by the National Canners Association, 1133 20th Street NW., Washington, D.C. 20036.

Three comments were received in response to the proposal—two favorable and one adverse. The latter gave no reason for its opposition and therefore cannot be considered.

The information furnished by the petitioner, the comments received, and other relevant information having been considered, the Commissioner of Food and Drugs concludes it will promote honesty and fair dealing in the interest of consumers to amend the standards as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That Part 27 be amended:

1. In § 27.50 *Canned pineapple; identity; label statement of optional ingredients,* by inserting before the last sentence of paragraph (a) a new sentence reading "In the canning of pineapple, dimethylpolysiloxane complying with the requirements of § 121.1099 of this chapter may be employed as a defoaming agent in an amount not greater than 10 parts per million by weight of the finished food."

2. In § 27.54 *Canned pineapple juice; identity; label statement of optional ingredients,* by inserting before the last sentence of paragraph (a) a new sentence reading "In the canning of pineapple juice, dimethylpolysiloxane complying with the requirements of § 121.1099 of this chapter may be employed as a defoaming agent in an amount not greater than 10 parts per million by weight of the finished food."

Due to a cross-reference, the amendment above to the standard for canned pineapple (21 CFR 27.50) upon becoming effective, will also make the subject defoaming agent an optional ingredient for artificially sweetened canned pineapple (21 CFR 27.57).

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. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: August 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10275; Filed, Aug. 23, 1968; 8:51 a.m.]

PART 51—CANNED VEGETABLES

Green Sweet Peppers, Red Sweet Peppers, and Pimientos or Pimentos; Additional Optional Forms

In the matter of amending the definitions and standards of identity for canned vegetables other than those specifically regulated (21 CFR 51.990) to list additional optional forms of green sweet peppers, red sweet peppers, and pimientos or pimentos:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of April 20, 1968 (33 F.R. 6129), based on a petition submitted by H. P. Cannon & Son, Inc., Bridgeville, Del. 19933, and a proposal by the Commissioner of Food and Drugs on his own initiative.

In response thereto two comments were received. One recommended use of the term "sliced" insteal of "strips" and the listing of the form "chopped." The other recommended restricting the term "strips" to green sweet peppers and red sweet peppers and the term "sliced" to pimientos or pimentos.

After considering the information submitted by the petitioner, the comments received, and other relevant information, the Commissioner of Food and Drug concludes it will promote honesty and fair dealing in the interest of consumers to amend the standard as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That § 51.990 *Canned vegetables other than those specifically regulated; identity; label statement of optional ingredients* be amended in the table in paragraph (b) by changing the statements in column III (optional forms of vegetable ingredient):

1. For the items "Green sweet peppers" and "Red sweet peppers" to read "Whole; halves or halved; pieces; dice or diced; strips; chopped."

2. For the item "Pimientos or pimentos" to read "Whole; halves or halved; pieces; dice or diced; slices or sliced; chopped."

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. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: August 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10276; Filed, Aug. 23, 1968; 8:51 a.m.]

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

β-Naphthoxyacetic Acid

A notice was published in the FEDERAL REGISTER of July 2, 1968 (33 F.R. 9619), proposing the establishment of a tolerance of 0.05 part per million for negligible residues of the plant regulator β-naphthoxyacetic acid in or on the raw agricultural commodity pineapples from the application of the sodium salt of β-naphthoxyacetic acid to growing crop. The comment received in response thereto lacked supportive information. No requests were received for referral of the proposal to an advisory committee pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act.

The Commissioner of Food and Drugs concludes that the proposal should be adopted without change. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C a new section as follows:

§ 120.148 β-Naphthoxyacetic acid; tolerances for residues.

A tolerance of 0.05 part per million is established for negligible residues of the plant regulator β-naphthoxyacetic acid in or on the raw agricultural commodity pineapples from the application of the sodium salt of β-naphthoxyacetic acid to the growing crop.

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

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

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: August 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10277; Filed, Aug. 23, 1968; 8:51 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

DIATOMACEOUS EARTH

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Johns-Manville Products Corp., Post Office Box 159, Manville, N.J. 08835, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of diatomaceous earth as an inert carrier or anticaking agent in animal feeds. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart C the following new section:

§ 121.322 Diatomaceous earth.

(a) *Identity.* The additive consists of siliceous skeletal material derived from various species of diatoms.

(b) *Specifications.* The additive shall conform to the following specifications:

Lead, not more than 15 parts per million.
Arsenic, not more than 1.5 parts per million as As.
Fluorine, not more than 600 parts per million.

(c) *Uses.* It is used or intended for use as an inert carrier or anticaking agent in animal feeds in an amount not to exceed 2 percent by weight of the total ration.

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

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10280; Filed, Aug. 23, 1968; 8:52 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

AMPROLIUM, ETHOPABATE

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 5D1737) filed

by Merck, Sharp, & Dohme Research Laboratories, division of Merck & Co., Inc., Rahway, N.J. 07065, and other relevant material has concluded that the food additive regulations should be amended to provide for the safe use in chicken feed of a combination drug consisting of amprolium and ethopabate as specified below. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.210(c) is amended by adding to the end of table 1 a new item 7.1, as follows:

§ 121.210 Amprolium.

* * * * *

(c) * * *

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
7.1 Amprolium....	113.5 (0.0125%)	Ethopabate...	36.3 (0.004%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; not for chickens over 16 weeks of age.	As an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *E. acervulina*, *E.* maxima, and *E. brunetti* is likely to occur.
* * *	* * *	* * *	* * *	* * *	* * *

* * * * * * *

2. Based upon an evaluation of the data before him and proceeding under the authority of said act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), delegated as cited above, the Commissioner concludes that tolerance limitations are required to assure that edible products from chickens treated with ethopabate in accordance with § 121.210, as amended by this order, are safe for human consumption. Accordingly, § 121.1106 is revised to read as follows:

§ 121.1106 Ethopabate.

Tolerances for residues of ethopabate converted to metaphenetidine are established in the edible tissues of chickens as follows:

(a) 1.5 parts per million in uncooked liver and kidney.

(b) 0.5 part per million in uncooked muscle.

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

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

(Sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4))

Dated: August 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10279; Filed, Aug. 23, 1968; 8:52 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2312) filed by Geigy Industrial Chemicals, division of Geigy Chemical Corp., Ardsley, N.Y. 10502, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane as a component of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* * *
Tetrakis[methylene (3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane.	
* * *	* * *

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

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10278; Filed, Aug. 23, 1968; 8:51 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER F—NATIONALITY AND PASSPORTS

[Departmental Reg. 108.594]

PART 51—PASSPORTS

Miscellaneous Amendments

Part 51 of Title 22 of the Code of Federal Regulations is amended as set forth below.

1. In § 51.4, paragraphs (b), (c), and (e) are amended to read as follows:

§ 51.4 Validity of passports.

* * * * *

(b) *Period of validity of a regular passport.* A regular passport issued on or after August 26, 1968, is valid for a period of 5 years from date of issue unless limited by the Secretary to a shorter period. An outstanding, unrenewed passport issued within 5 years prior to August 26, 1968, is valid for 5 years from date of issue unless otherwise limited by the Secretary.

(c) *Period of validity of an official passport.* An official passport is normally valid for a period of 5 years from the date of issue as long as the bearer maintains the official status for which it is issued. It must be returned to the Department upon the termination of the bearer's official status.

* * * * *

(e) *Limitation and extension of validity.* The period of validity of any passport may be limited by the Secretary to less than the normal 5-year validity period. Applications for extensions of passports limited to less than the full validity period must be made in writing and must be submitted to a Passport Issuing Office. In no event may a passport be extended beyond the normal period of validity.

2. Sections 51.20, 51.21, 51.22, and 51.28 are revised to read as follows:

§ 51.20 General.

An application for a passport or for an amendment of a passport shall be completed upon such forms as may be prescribed by the Department. The passport applicant shall truthfully answer all questions, and shall state each and every material matter of fact, pertaining to his eligibility for a passport. All information and evidence submitted in connection with an application shall be considered a part thereof.

§ 51.21 Execution of passport application.

(a) *First-time applicants.* A person who has never been issued a passport in his own name shall appear in person, verify his application by oath or affirmation before a person authorized and empowered by the Secretary to administer oaths, and remit the established fees.

(b) *Persons authorized and empowered by the Secretary to administer oaths.* The following persons are hereby authorized and empowered by the Secretary to administer oaths for passport purposes:

(1) A Passport Agent.

(2) A clerk of a Federal or State court authorized to naturalize aliens.

(3) A diplomatic or consular officer of the United States abroad.

(4) Any other persons specifically designated by the Secretary.

(c) *Persons who have previously been issued a passport.* A person in the United States who has previously been issued a passport in his own name may obtain a new passport by filling out and mailing a specially prescribed application together with his previous passport, two signed photographs taken within 6 months of application and the established fee to the nearest U.S. Passport Agency or to the Passport Office in Washington, provided he meets the following requirements:

(1) The previous passport must have been issued when the applicant was 18 years of age or over.

(2) The previous passport must have been issued within 8 years prior to the date of the present application.

(3) The previous passport must be submitted with the present application.

If the applicant is unable to meet the above requirements he must execute an application in accordance with paragraph (a) of this section.

(d) *Inclusions.* If any person other than the applicant is to be included in a passport the application must be executed in accordance with paragraph (a) of this section.

(e) *Diplomatic and official passport applications.* The provisions of paragraph (c) of this section shall not apply to applications for diplomatic or official passports.

§ 51.22 Execution of application by husband or wife to be included in the other's passport.

A husband or wife to be included in the passport of the other shall swear to or affirm the facts pertaining to his or her identity and citizenship.

§ 51.28 Identity of applicant.

(a) If the applicant or any person to be included is not personally known to the official receiving the application he shall establish his identity by the submission of a previous passport, other identifying documents or by an identifying witness.

(b) If an applicant submits an application under the provisions of paragraph (c) of § 51.21 he must submit a prior passport with his application.

(c) Any official receiving an application for a passport or any Passport Issuing Office may require such additional evidence of identity as may be deemed necessary.

§ 51.42 [Revoked]

3. Section 51.42 *Previously issued passport* is hereby revoked.

4. The heading of § 51.43 is changed to read as follows:

§ 51.43 Person born in the United States applying for a passport for the first time.

* * * * *

5. The heading of § 51.44 is changed to read as follows:

§ 51.44 Persons born abroad applying for a passport for the first time.

* * * * *

6. Sections 51.61, 51.63, and 51.64 are revised to read as follows:

§ 51.61 Statutory fees.

Except as provided in § 51.63, (a) the fee for a U.S. passport is $10; (b) the execution fee for a U.S. passport is $2, which shall be remitted to the U.S. Treasury where an application is executed before a Federal official but which may be collected and retained by any State official before whom an application is executed; (c) the passport fee of $10 shall be paid by all applicants for a passport. The execution fee of $2 shall be paid only when an application is executed under oath or affirmation before an official designated by the Secretary for such purpose.

§ 51.63 Exemption from payment of passport or execution fee.

(a) The following persons are exempt from the payment of passport fees:

(1) An officer or employee of the U.S. proceeding abroad on official business, or the members of his immediate family authorized to accompany or reside with him abroad. The applicant shall submit evidence of the official purpose of his travel and if applicable his authorization to have dependents accompany or reside with him abroad.

(2) An American seaman who requires a passport in connection with his duties aboard an American flag-vessel.

(3) A widow, child, parent, brother, or a sister of a deceased American serviceman proceeding abroad to visit the grave of such servicemen.

(b) No person described in subparagraph (1), (2), or (3) of paragraph (a) of this section shall be required to pay an execution fee when his application is executed before a Federal official.

§ 51.64 Refunds.

A collected passport fee shall be refunded:

(a) To any person exempt from the payment of passport fees under § 51.63 from whom fees were erroneously collected.

(b) To any person refused a visa within the United States by the appropriate officer of a foreign government, provided that the unused passport is returned and a written request for a refund is made within 6 months of the date of issue of the passport.

(c) To any applicant whose passport is not issued.

(d) To the executor or administrator of the estate of the deceased bearer of an unused passport.

7. The heading of Subpart E is changed to read: "Limitation on Issuance or Extension of Passports".

8. Section 51.70 is amended as follows: Paragraph (a) introductory text, is revised and paragraph (b) introductory text, and subparagraphs (3) and (5) thereof are revised, reading as follows:

§ 51.70 Denial of passports.

(a) A passport, except for direct return to the United States, shall not be issued in any case in which:

* * * * *

(b) A passport may be refused in any case in which:

* * * * *

(3) The applicant is under the age of 18 years, unmarried and not in the military service of the United States unless a person having legal custody of such national authorizes issuance of the passport and agrees to reimburse the United States for any monies advanced by the United States for the minor to return to the United States.

* * * * *

(5) The applicant has been the subject of a prior adverse action under this section or § 51.71 and has not shown that a change in circumstances since the adverse action warrants issuance of a passport.

* * * * *

9. Section 51.75 is revised to read as follows:

§ 51.75 Notification of denial or withdrawal of passport.

Any person whose application for issuance of a passport has been denied, or who has otherwise been the subject of an adverse action taken on an individual basis with respect to his right to receive or use a passport shall be entitled to notification in writing of the adverse action. The notification shall set forth the specific reasons for the adverse action and the procedures for review available under §§ 51.81–51.105.

Effective date. These amendments shall be effective August 26, 1968.

(Sec. 1, 44 Stat. 887, sec. 4, 63 Stat. 111, as amended, 82 Stat. 446; 22 U.S.C. 211a, 2658; E.O. 11295; 3 CFR, 1966 Comp.)

For the Secretary of State.

RALPH S. ROBERTS,
Acting Deputy Under Secretary for Administration.

AUGUST 21, 1968.

[F.R. Doc. 68-10322; Filed, Aug. 23, 1968; 8:52 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER Q—SUPPLEMENTAL PROJECT LOAN INSURANCE

PART 241—SUPPLEMENTARY FINANCING FOR FHA PROJECT MORTGAGES

Application and Application Fee

Correction

In F.R. Doc. 68-9397 appearing at page 11151 in the issue of Wednesday, August 7, 1968, § 241.10 was inadvertently omitted. Following § 241.1, insert § 241.10 to read as follows:

§ 241.10 Application and application fee.

(a) An application for insurance of an improvement loan on a project shall be submitted by an eligible lender and by the borrower through the local FHA office on an approved FHA form.

(b) An application fee of $1.50 per thousand dollars of the amount of the loan applied for shall accompany the application.

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6970]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Segregated Asset Accounts of Foreign Life Insurance Companies

On August 2, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R., 11027) with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to change the rules applicable to segregated asset accounts of foreign corporations carrying on a life insurance business. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments as proposed (as corrected in the FEDERAL REGISTER (33 F.R. 11298) on Aug. 8, 1968) are hereby adopted, subject to the changes set forth below:

Paragraph (b)(4) of § 1.819–2, as set forth in paragraph 2 of the notice of proposed rule making is changed by revising subdivisions (iv) and (v) and adding a new subdivision (vi).

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

[SEAL] SHELDON S. COHEN,
Commissioner.

Approved: August 21, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to change the rules applicable to segregated asset accounts of foreign corporations carrying on a life insurance business, the Income Tax Regulations (26 CFR Part 1) are amended as follows:

PARAGRAPH 1. Section 1.801–8 is amended by adding after paragraph (g) the following new paragraph:

§ 1.801–8 Contracts with reserves based on segregated asset accounts.

* * * * *

(h) *Additional separate computation*—(1) *Assets and total insurance liabilities*. A life insurance company which issues contracts with reserves based on segregated asset accounts (as defined in section 801(g)(1)(B) and paragraph (a)(2) of this section) shall separately compute and report with its return the assets and total insurance liabilities which are properly attributable to all of such segregated asset accounts. Each foreign corporation carrying on a life insurance business which issues such contracts shall separately compute and report with its return assets held in the United States and total insurance liabilities on United States business which are properly attributable to all of such segregated asset accounts.

(2) *Foreign life insurance companies*. For adjustment under section 819 in the case of a foreign life insurance company which issues contracts based on segregated asset accounts under section 801(g), see § 1.819–2(b)(4).

PAR. 2. Paragraph (b) of § 1.819–2 is amended by adding at the end thereof the following new subparagraph:

§ 1.819–2 Foreign life insurance companies.

* * * * *

(b) *Adjustment where surplus held in the United States is less than specified minimum*. * * *

(4) *Segregated asset accounts*. For taxable years beginning after December 31, 1967, pursuant to the provisions of section 801(g)—

(i) A foreign corporation carrying on a life insurance business which issues contracts based on segregated asset accounts shall separately compute in a manner consistent with this subparagraph the adjustment (if any) under section 819 to the amount of policy and other contract liability requirements and the amount of required interest properly attributable to each of such segregated asset accounts. The "minimum figure" used in section 819 in making the adjustment with respect to each of the segregated asset accounts shall be computed as provided in subdivision (ii) of this subparagraph in lieu of the manner provided in subparagraphs (1), (2), and (3) of this paragraph.

(ii) The minimum figure applicable to a segregated asset account referred to in subdivision (i) of this subparagraph is the amount determined by multiplying the total insurance liabilities on U.S. business attributable to such a segregated asset account, by 1 percent.

(iii) The minimum figure as computed under subdivision (ii) of this subparagraph shall be compared only with the surplus held in the United States attributable to each segregated asset account referred to in subdivision (i) of this subparagraph. Such surplus is the excess of assets held in the United States properly attributable to such segregated asset account over the total insurance liabilities on U.S. business properly attributable to such account.

(iv) If the minimum figure applicable to accounts other than segregated asset accounts exceeds the surplus held in the United States attributable to such other accounts, for purposes of section 819 and this paragraph, the amount of such excess shall not exceed the company's overall excess, as defined in this subdivision. No adjustment under section 819 or this paragraph shall be made with respect to any account if there is no such overall excess. For purposes of this subdivision and of subdivision (v) of this subparagraph, the term "overall excess" means the amount, if any, by which the aggregate minimum figures applicable to segregated asset accounts plus the minimum figure applicable to accounts other than segregated asset accounts exceeds the surplus held in the United States with respect to the company's entire U.S. life insurance business, including segregated asset accounts as well as other accounts.

(v) In the case of a company which issues contracts based on one or more than one segregated asset account, if the minimum figure applicable to a segregated asset account exceeds the surplus held in the United States attributable to such account, then for purposes of section 819 and this paragraph, the amount of such excess shall not exceed the account limitation figure, as defined in this subdivision. Therefore, no adjustment under section 819 or under this subparagraph shall be made with respect to any segregated asset account if the aggregate of the account limitation figures is zero, but nothing in this subdivision shall preclude an adjustment under section 819 with respect to accounts other than segregated asset accounts. For purposes of this subdivision, the term "account limitation figure" is a segregated asset account's proportionate share of the aggregate of the account limitation figures. Such aggregate of the account limitation figures is equal to the lesser of either the company's overall excess as defined in subdivision (iv) of this subparagraph, or the amount, if any, by which the aggregate of the minimum figures applicable to segregated asset accounts exceeds the surplus held in the United States with respect to all such segregated asset accounts. For purposes of this subdivision, a segregated asset account's proportionate share of the aggregate of the account limitation figures is determined by multiplying the amount of such aggregate of account limitation figures by a percentage, the numerator of which is the amount by which the minimum figure applicable to such account exceeds the surplus held in the United States attributable to such account, and the denominator of which is the aggregate of the amounts by which the minimum figure applicable to each segregated asset account exceeds the surplus held in the United States attributable to such account.

(vi) Subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph may be illustrated by the following examples:

Example (1). (a) For the taxable year 1968, T, a foreign life insurance company carrying on a life insurance business within the United States and taxable under section 802, has the following assets and total insurance liabilities with respect to such U.S. business:

	Regular account	Separate account A	Separate account B
Assets	$9,300,000	$1,810,000	$515,000
Total insurance liabilities	8,000,000	1,800,000	500,000

It is further assumed that the percentage determined and proclaimed by the Secretary under section 819(a)(2)(A) for the taxable year 1968 is 15 percent.

(b) In order to determine whether any adjustment under section 819 must be made, T must compute the minimum figure applicable to its Regular Account as well as each of its Separate Accounts. The minimum figure for the Regular Account is $1,200,000 (15 percent of $8,000,000). The minimum figure applicable to Separate Account A is $18,000 (1 percent of $1,800,000). The minimum figure applicable to Separate Account B is $5,000 (1 percent of $500,000). The aggregate of the minimum figures is $1,223,000 ($1,200,000+$18,000+$5,000). The surplus held in the United States with respect to the Regular Account is $1,300,000 ($9,300,000−$8,000,000), with respect to Separate Account A is $10,000 ($1,810,000−$1,800,000) and with respect to Separate Account B is $15,000 ($515,000−$500,000). The surplus held in the United States with respect to T's entire U.S. life insurance business is $1,325,00C ($1,300,000+$10,000+$15,000).

(c) Since the aggregate of the minimum figures ($1,223,000) does not exceed the surplus held in the United States attributable to T's entire U.S. life insurance business ($1,325,000), under subdivision (iv) of this subparagraph no adjustment under section 819 shall be made with respect to the Regular Account or either of the Separate Accounts.

Example (2). (a) The facts are the same as in example (1) except that the assets held in the United States with respect to the Regular Account is $8,300,000 instead of $9,300,000. Thus, the surplus held in the United States with respect to the Regular Account is $300,000 ($8,300,000−$8,000,000), and the surplus held in the United States with respect to T's entire U.S. life insurance business is $325,000 ($300,000+$10,000+$15,000).

(b) Since the aggregate of the minimum figures with respect to the Separate Accounts, $23,000 ($18,000+$5,000), does not exceed the surplus held in the United States with respect to both of such Separate Accounts, $25,000 ($10,000+$15,000), under subdivision (v) of this subparagraph, no adjustment under section 819 must be made with respect to either of the Separate Accounts.

(c) The excess of the minimum figure for the Regular Account ($1,200,000) over the surplus held in the United States with respect to the Regular Account ($300,000) is equal to $900,000 ($1,200,000−$300,000). However, the company's overall excess as defined in subdivision (iv) of this subparagraph, is $898,000 ($1,223,000−$325,000). Under subdivision (iv) of this subparagraph the excess with respect to the Regular Account ($900,000) is limited to the amount of overall excess ($898,000). Thus, the amount of policy and other contract liability requirements with respect to T's Regular Account and the amount of required interest with respect to T's Regular Account (both computed without regard to section 819) shall each be reduced by an amount equal to the product of $898,000 and the current earnings rate computed only with respect to T's Regular Account.

* * * * *

[F.R. Doc. 68-10325; Filed, Aug. 23, 1968; 8:52 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER C—AIDS TO NAVIGATION

[CGFR 68-94]

PART 66—PRIVATE AIDS TO NAVIGATION

Subpart 66.05—State Aids to Navigation

WISCONSIN

1. The purpose of this document is to publish determinations made by the Commandant, U.S. Coast Guard, with respect to permitting certain State governments to regulate as private aids to marine navigation, those marine aids, including regulatory markers, owned by State or local governments or private parties, in certain navigable waters of the United States not marked with aids to navigation by the Federal Government. The rules and regulations in 33 CFR Subpart 66.05 set forth the requirements, conditions, and procedures, and the Commandant may approve a State's request after determining it is in the public interest to do so.

2. The Department of Natural Resources, Division of Conservation, State of Wisconsin, Post Office Box 450, Madison, Wis. 53701, requested that the portion of the Rock River from the Wisconsin-Illinois border upstream through and including Lake Koshkonong to the city of Fort Atkinson, Wis., be designated as State waters for private aids to navigation. In accordance with 33 CFR 66.05–10, the Commandant, U.S. Coast Guard, approved this request and 33 CFR 66.05–173 in this document describes the waters in which the State of Wisconsin regulates such aids to navigation.

3. Because the rules in this document are interpretations and descriptions of determinations made by the Commandant, U.S. Coast Guard, in the administration of the laws governing marine aids to navigation, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon and effective date requirements) is unnecessary (5 U.S.C. 553).

4. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and other statutes cited with the regulation below and the delegation of authority in 49 CFR 1.4(a)(2), Subpart 66.05 is amended by inserting after § 66.05–169 a new section designated as § 66.05–173 and it shall be effective on date of publication in the FEDERAL REGISTER:

§ 66.05–173 Wisconsin—State waters for private aids to navigation.

(a) *General*. For the waters described in this section, the State of Wisconsin has been authorized to regulate the marine aids to navigation.

(b) *Rock River*. That portion of the Rock River from the Wisconsin-Illinois border upstream through and including Lake Koshkonong to the city of Fort Atkinson, Wis.

(Secs. 83, 633, 63 Stat. 500, 545, as amended, sec. 6(b)(1), 80 Stat. 938; 14 U.S.C. 83, 633, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2))

Dated: August 20, 1968.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 68-10260; Filed, Aug. 23, 1968; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Appeals From Decisions of Contracting Officers

1. In § 1.770, paragraph (d) is revoked.

§ 1.770 Contract Appeals Board.

* * * * *

(d) [Revoked]

2. In § 1.771, a new paragraph (e) is added and the former paragraph (e) is redesignated (f) so that the added and redesignated material reads as follows:

§ 1.771 Delegation of authority.

* * * * *

(e) There is no further administrative appeal within the Veterans Administration from decisions rendered by the Board.

(f) Sections 1.770 through 1.776 are subject to the provisions of Public Law 356, 83d Congress (41 U.S.C. 321 and 322).

3. In § 1.772, paragraphs (a) and (b) are amended to read as follows:

§ 1.772 Composition of the Board.

(a) *Membership.* The Board is composed of a chairman and members designated by the Administrator, all of whom shall be members of the bar of a State, commonwealth, or territory of the United States or of the District of Columbia.

(b) *Panels.* Each appeal shall be assigned by the chairman to a panel of three Board members, one of whom shall be designated to preside. Each panel so designated has authority to exercise the full jurisdiction of the Board on the appeal. A decision by a majority of the members of the panel shall constitute the final decision of the Board.

* * * * *

4. A new § 1.773 is added and former § 1.773 is amended and redesignated § 1.774 so that the added and redesignated material reads as follows:

§ 1.773 Statement of policy.

(a) Emphasis is placed upon the sound administration of the rules in § 1.774 in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. The rules in § 1.774 will be interpreted so as to secure a just and inexpensive determination of appeals without unnecessary delay.

(b) Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise. Hearings, which will be quasi-judicial in nature and which will be held at the election of either party, will be scheduled without undue delay.

(c) All time limitations specified for various procedural actions are computed as maximums, and are not to be fully exhausted if the action described can be accomplished in a lesser period. These time limitations are similarly eligible for extension in appropriate circumstances, on good cause shown.

§ 1.774 Rules of the Board.

(a) *Rule 1; appeals, how taken.* Notice of an appeal must be in writing, and the original, together with two copies, may be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract.

(b) *Rule 2; notice of appeal, contents of.* A notice of appeal should indicate that an appeal is thereby intended, and should identify the contract by number and the decision from which the appeal is taken. The notice of appeal should be signed personally by the appellant (the contractor making the appeal), or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in paragraph (f) of this section (Rule 6) may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

(c) *Rule 3; forwarding of appeals.* When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the Board. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the contractor and contracting officer will be promptly advised of its receipt, and the contractor will be furnished a copy of §§ 1.770 through 1.776.

(d) *Rule 4; duties of the contracting officer.* (1) Following receipt of a notice of appeal, or advice that an appeal has been filed, the contracting officer shall promptly, and in any event within 30 days, compile and transmit to the Board and to the Government trial attorney copies of all documents pertinent to the appeal, including the following:

(i) The findings of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued;

(ii) The contract, and pertinent plans, specifications, amendments, and change orders;

(iii) Correspondence between the parties and other data pertinent to the appeal;

(iv) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board;

(v) Such additional information as may be considered material.

(2) Upon completion of the foregoing compilation, the contracting officer shall notify the appellant, provide him with a listing of its contents, and afford him an opportunity to examine the complete compilation at the office of the contracting officer, or at the office of the Board for the purpose of satisfying himself as to the contents, and furnishing or suggesting any additional documentation deemed pertinent to the appeal. Following receipt of the foregoing compilation, as it may be augmented at the time of receipt, the Board will promptly advise the parties.

(e) *Rule 5; dismissal for lack of jurisdiction.* Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party, unless the Board determines that its decision on the motion will be deferred pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own motion to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

(f) *Rule 6; pleadings*—(1) *Complaint.* Within 30 days after receipt of notice of docketing of the appeal, the appellant shall file with the Board an original and two copies of a complaint setting forth simple, concise and direct statements of each of his claims, alleging the basis with appropriate reference to contract provisions for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. Upon receipt thereof, the Board shall serve a copy upon the respondent. Should the complaint not be received within 30 days, appellant's claim and appeal may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed to set forth his complaint and the respondent shall be so notified.

(2) *Answer.* Within 30 days from receipt of said complaint, or the aforesaid notice from the Board, respondent shall prepare and file with the Board an original and two copies of an answer thereto, setting forth simple, concise, and direct statements of respondent's defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counterclaims, as appropriate. Upon receipt thereof, the Board shall serve a copy upon appellant. Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified.

(g) *Rule 7; amendments of pleadings or record.* (1) The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer.

(2) The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in paragraph (d) of this section (Rule 4), are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or the documentation in paragraph (d) of this section (Rule 4) (which shall be deemed part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal: *Provided, however,* That the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

(h) *Rule 8; hearing—election.* Upon receipt of respondent's answer or the notice referred to in the last sentence of paragraph (f)(2) of this section (Rule 6), appellant shall advise the Board whether he desires a hearing, as prescribed in paragraphs (q) through (y) of this section (Rules 17 through 25), or whether in the alternative he elects to submit his case on the record without a hearing, as prescribed in paragraph (k) of this section (Rule 11). In appropriate cases, the appellant shall also elect whether he desires the optional accelerated procedure prescribed in paragraph (l) of this section (Rule 12).

(i) *Rule 9; prehearing briefs.* Based on an examination of the documentation described in paragraph (d) of this section (Rule 4), the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may in its discretion require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to paragraph (h) of this section (Rule 8). In the absence of a Board requirement therefor, either party may in its discretion, and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

(j) *Rule 10; perhearing or presubmission conference.* (1) Whether the case is to be submitted pursuant to paragraph (k) of this section (Rule 11), or heard pursuant to paragraphs (q) through (y) of this section (Rules 17 through 25), the Board may upon its own initiative or upon the application of either party, call upon the parties to appear before a member of the Board for a conference to consider:

(i) The simplification or clarification of the issues;

(ii) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(iii) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(iv) The possibility of agreement disposing of all or any of the issues in dispute;

(v) Such other matters as may aid in the disposition of the appeal.

(2) The results of the conference shall be reduced to writing by the Board member in the presence of the parties, and this writing shall thereafter constitute part of the record.

(k) *Rule 11; submission without a hearing.* Either party may elect to waive a hearing and to submit his case upon the Board record, as settled pursuant to paragraph (m) of this section (Rule 13). In the event of such election to submit, the submission may be supplemented by oral argument (transcribed if requested), and/or by briefs, arranged in accordance with paragraphs (r) and (w) of this section (Rules 18 and 23).

(l) *Rule 12; optional accelerated procedure.* Should an appeal involve $10,000 in amount or less, it may at the option of appellant be processed under this paragraph. In the event of such election, the Board will undertake to issue a decision on the appeal on an expedited basis, without regard to its normal position on the docket. Under this accelerated procedure, the case will be further expedited if the parties elect to waive pleadings and/or elect to waive the hearing and submit on the record. In all other respects, the rules in this section will apply.

(m) *Rule 13; settling of the record.* (1) A case submitted on the record pursuant to paragraph (k) of this section (Rule 11) shall be ready for decision when the parties are so notified by the Board. A case which is heard shall be ready for decision upon receipt of transcript, or upon receipt of briefs when briefs are to be submitted. At any time prior to the date that a case is ready for decision, either party, upon notice to the other, may supplement the record with documents and exhibits deemed relevant and material by the Board. The Board upon its own initiative may call upon either party, with appropriate notice to the other, for evidence deemed by it to be relevant and material. The weight to be attached to any evidence of record will rest within the sound discretion of the Board. Either party may at any stage of the proceeding, on notice to the other party, raise objection to material in the record or offered into the record, on the grounds of relevancy and materiality.

(2) The Board record shall consist of documentation described in paragraph (d) of this section (Rule 4), and any additional material, pleadings, prehearing briefs, record of prehearing or presubmission conferences, depositions, interrogatories, admissions, transcripts of hearing, hearing exhibits, and posthearing briefs, as may thereafter be developed pursuant to the rules in this section.

(3) This record will at all times be available for inspection by the parties at the office of the Board. In the interest of convenience, prior arrangements for inspection of the file should be made with the Board. Copies of material in the record may, if practicable, be furnished to appellant at the cost of reproduction.

(n) *Rule 14; depositions*—(1) *When permitted.* After an appeal has been docketed, the Board may, for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(2) *Orders on depositions.* The time, place, and manner of taking depositions shall be governed by order of the Board.

(3) *Use as evidence.* No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instance, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases otherwise heard on the record, the Board may, on motion of either party and in its discretion, receive depositions as evidence in supplementation of that record.

(4) *Expenses.* All expenses of taking the deposition of any person shall be borne by the party taking that deposition, except that the other party shall be entitled to copies of the transcript of the deposition only upon paying therefor.

(o) *Rule 15; interrogatories to parties; inspection of documents; admission of facts.* For good cause shown, the Board may permit a party to serve written interrogatories upon the opposing party, order a party to produce and permit inspection and copying or photographing of designated documents relevant to the appeal, or permit the serving on the opposing party of a request for admission of facts. Such permission will be granted and orders entered as are consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay.

(p) *Rule 16; service of papers.* Service of papers in all proceedings pending before the Board may be made personally, or by mailing the same in a sealed envelope, registered, or certified, postage prepaid, addressed to the party upon whom service shall be made and the date of delivery as shown by return receipt shall be the date of service. Waiver of the service of any papers may be noted thereon or on a copy thereof or on a separate paper, signed by the parties and filed with the Board.

(q) *Rule 17; hearings, where and when held.* Hearings will ordinarily be held in Washington, D.C., except that upon request seasonably made and upon good cause shown, the Board may in its discretion set the hearing at another location. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals and other pertinent factors. On request or motion by either party and upon good cause shown, the Board may in its discretion advance a hearing.

(r) *Rule 18; notice of hearings.* The parties shall be given at least 15 days' notice of the time and place set for hearings. In scheduling hearings, the Board will give due regard to the desires of the parties, and to the requirement for just and inexpensive determination of appeals without unnecessary delay. Notices of hearing shall be promptly acknowledged by the parties. A party failing to acknowledge a notice of hearing shall be deemed to have submitted his case upon the Board record as provided in paragraph (k) of this section (Rule 11).

(s) *Rule 19; unexcused absence of a party.* The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in paragraph (k) of this section (Rule 11).

(t) *Rule 20; nature of hearings.* Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Appellant and respondent may offer at a hearing on the merits such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the sound discretion of the presiding member in supervising the extent and manner of presentation of such evidence. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be admitted in the discretion of the presiding member. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by the parties.

(u) *Rule 21; examination of witnesses.* Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the Board member shall otherwise order. If the testimony of a witness is not given under oath the Board may, if it seems expedient, warn the witness that his statements may be subject to the provisions of Title 18, United States Code, sections 287 and 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

(v) *Rule 22; copies of papers.* When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

(w) *Rule 23; posthearing briefs.* Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties and the presiding member at the conclusion of the hearing. Ordinarily they will be simultaneous briefs, exchanged within 20 days after receipt of transcript.

(x) *Rule 24; transcript of proceedings.* Testimony and argument at hearings shall be reported verbatim unless the Board otherwise orders. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract between the Board and the reporter. If the proceedings are reported by an employee of the Government, the appellant may receive transcripts upon payment to the Government at the same rates as those set by contract between the Board and the independent reporter.

(y) *Rule 25; withdrawal of exhibits.* After a decision has become final the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

(z) *Rule 26; the appellant.* An individual appellant may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or any of these by an attorney at law duly licensed in any State, Commonwealth, Territory, or in the District of Columbia.

(aa) *Rule 27; the respondent.* Government counsel may in accordance with their authority represent the interests of the Government before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or his attorney in the form specified by the Board from time to time. Whenever at any time it appears that appellant and Government counsel are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal in order to permit reconsideration by the contracting officer: *Provided, however,* That if the Board is advised thereafter by either party that the controversy has not been disposed of by agreement, the case shall be restored to the Board's calendar without loss of position.

(bb) *Rule 28; decisions.* Decisions of the Board will be made in writing and authenticated copies thereof will be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions (except those required for good cause to be held confidential and not cited as precedents) shall be open for public inspection at the offices of the Board in Washington, D.C. Decisions of the Board will be made upon the record, as described in paragraph (m) of this section (Rule 13).

(cc) *Rule 29; motions for reconsideration.* A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

(dd) *Rule 30; dismissal without prejudice.* In certain cases, appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. In any such case where the suspension has continued, or it appears that it will continue, for an inordinate length of time, the Board may in its discretion dismiss such appeals from its docket without prejudice to their restoration when the cause of suspension has been removed.

5. Former §§ 1.774 and 1.775 are revised and redesignated §§ 1.775 and 1.776 to read as follows:

§ 1.775 Miscellaneous provisions.

(a) *Limitations on award.* The decision of the Board shall not be in an amount, if any, greater than that claimed in the proceedings before the Board nor shall a decision otherwise grant relief greater than that so claimed by the appellant.

(b) *Litigation.* The Board will not proceed with consideration of an appeal if the matter is the subject of a lawsuit to which the United States is a party, unless:

(1) The appellant files with the Board a certified copy of a court order staying or suspending further court proceedings pending completion of administrative action by the Board; and

(2) Clearance is obtained from the Department of Justice for further administrative consideration and final disposition of the appeal.

(c) *Claims pending before the Comptroller General of the United States.* The Board will not proceed with consideration of an appeal while the same matter is involved in a claim pending before the Comptroller General unless clearance is secured.

(d) *Notification by parties.* The parties will promptly notify the Board of any litigation pending or any claim filed in the General Accounting Office, involving any matter in an appeal.

(e) *Ex parte communications.* Any communication between a Board member or employee and a party to a proceeding before the Board respecting the merits of such proceeding, which is not made in the presence of, or communicated to, any other party to the proceedings, with a full opportunity on their part to respond, is prohibited. Any communication respecting the merits of any pending appeal, other than those specifically mentioned hereinabove in these regulations, will be in writing with copy simultaneously supplied by the communicant to any other party thereto who shall be afforded a period of 15 calendar days from the date of receipt thereof to file a response, which, with the incoming communication, shall be made a part of the appeal file.

(f) *Duties of contracting officers in remanded cases.* When an appeal is remanded to the contracting officer for implementation, the contracting officer shall upon accomplishment thereof inform the Board and furnish a copy of the documents evidencing the same.

§ 1.776 Effective date and applicability.

The revised rules in § 1.774 shall take effect 60 days following publication in the FEDERAL REGISTER. Except as otherwise directed by the Board and agreed to by the parties, the rules in § 1.774 shall not apply to appeals which have been docketed prior to their effective date.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective 60 days following date of publication in the FEDERAL REGISTER.

Approved: August 20, 1968.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 68-10233; Filed, Aug. 23, 1968; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 142—PRECANCELED STAMPS

Precancel Permits

Section 142.4 is revised to show the deletion of the requirement of a statement from the patron that precanceled stamps sold under the permit will be used only on mailings for local delivery or on mailings prepared for local patrons who shall be named. In addition, this revision shows that the Director of the Classification and Special Services Division is now the recipient of answers from precanceled permit holders to notices of revocation.

Accordingly, § 142.4 now reads as follows and is effective upon publication in the FEDERAL REGISTER:

§ 142.4 Precancel permits.

(a) *Application for permit.* Applications for permits to use precanceled stamps, precanceled stamped envelopes, and mailer's precancel postmarks must be filed on Form 3620 at the post office where mailings will be made. Copies of this application form may be obtained from local postmasters. Applications to use the mailer's precancel postmarks must be accompanied with an imprint of the cancellation to be used.

(b) *Issuance of permit.* The postmaster will approve or disapprove the application. If it is approved, he will issue a "Precancel Permit" on Form 3620 to the applicant. If the permit covers the use of a mailer's precancel postmark, the permit will include a statement to that effect.

(c) *Revocation.* (1) Permits may be revoked if used in operating any schemes or enterprise of an unlawful character, or for the purpose of purchasing or acquiring stamps for other than mailing purposes, or for any noncompliance with the instructions on the "Permit," Form 3620.

(2) The permit holder will be notified by letter by the postmaster at the post office that issued the permit that it is to be canceled, with the reasons for cancellation. The permit holder will be allowed 10 days within which to file a written statement showing why the permit should not be revoked. When no answer is filed, the postmaster will cancel the permit. If an answer is filed it should be forwarded with a statement of the facts to the Director, Classification and Special Services Division, Bureau of Operations, who will determine whether the permit shall be continued in effect. Notice of decision will be given the permit holder through the postmaster.

NOTE: The corresponding Postal Manual section is 142.4.

As the foregoing revision of § 142.4 of Title 39, Code of Federal Regulations, relates to a proprietary function of the Government and does not affect substantive rights, public rule making procedures, advance notice, or a delayed effective date are unnecessary.

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

TIMOTHY J. MAY,
General Counsel.

AUGUST 21, 1968.

[F.R. Doc. 68-10248; Filed, Aug. 23, 1968; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 20—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Field Solicitors

Pursuant to the authority contained in E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104, the appendix to Part 20, Title 43 of the Code of Federal Regulations is amended as set forth below:

Under "Office of the Secretary", "Office of the Solicitor", after the item: "Field Solicitors (17)" add: "Field Solicitors (1), GS-12".

This amendment was approved by the Civil Service Commission on July 30, 1968, and is effective on publication in the FEDERAL REGISTER.

DAVID S. BLACK,
Acting Secretary of the Interior.

AUGUST 20, 1968.

[F.R. Doc. 68-10208; Filed, Aug. 23, 1968; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

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

ALABAMA

EUFAULA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Eufaula National Wildlife Refuge, Ala., is permitted only on those areas designated by signs as open to hunting. These open areas, comprising 200 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of mourning doves subject to the following special conditions:

(1) Hunting dates and hours are as follows:

(a) Houston Tract Unit (c.d.s.t.), September 28 (12 noon until 6:29 p.m.); October 5 (12 noon until 6:20 p.m.); October 12 (12 noon until 6:11 p.m.); October 19 (12 noon until 6:03 p.m.); and October 26 (12 noon until 5:55 p.m.).

(b) Molnar Bottoms Unit (c.s.t.), December 28 (12 noon until 4:42 p.m.); January 4 (12 noon until 4:47 p.m.); and January 8, 1969 (12 noon until 4:51 p.m.).

(2) Each hunter must have on his person a validated refuge hunting permit. Hunters participating in the Houston Tract Unit dove hunts during the first half of a split season will be selected by an impartial drawing to be held September 16, 1968, on the refuge. Applications for the hunt will be accepted only during the period September 6 through September 13, 1968. Applications may be submitted by mail or in person to the Refuge Manager, Eufaula National Wildlife Refuge, Post Office Box 258, Eufaula, Ala. 36027. No applications will be accepted for hunts held in the Molnar Bottoms Unit during the second half of the split season. Permits will be issued at the refuge on each day of the hunt on a first-come-first-serve basis.

(3) No hunters will be permitted within hunting areas before 11:45 a.m. each day. All hunters must be situated in hunting area before 1 p.m. each day.

(4) All firearms must be encased and/or unloaded when outside designated hunting area.

(5) Each hunter who successfully takes a limit of mourning doves must leave the hunting area immediately.

(6) Retrievers used by hunters shall be under the control of the owner at all times.

(7) All hunters must check in and out of the refuge at the designated checking station.

(8) All litter (paper, empty shell boxes, etc.) must be removed by individual hunters.

(9) Wounded or dead doves falling outside the hunting area may be recovered but firearms must be left inside hunting area.

(10) Vehicle parking will be limited to areas designated by refuge personnel.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 8, 1969.

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

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Eastern Neck National Wildlife Refuge, Md., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,169 acres, is delineated on maps available at refuge headquarters, Rock Hall, Md., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) White-tailed deer may be taken from sunrise to sunset during the following open seasons:

Bow and arrow hunt only: October 19, 21, 22, and 23, 1968.

Shotgun hunt only: October 26, 28, 29, and 30, 1968.

(2) Bag limits: One deer per day, either sex.

(3) All participants in the deer hunt must report at the designated check station before entering or leaving the refuge. All deer killed must be presented for examination at the check station.

(4) Hunters may not enter the refuge before one-half hour before sunrise and check out no later than one hour after sunset.

(5) Possession of loaded weapons before or after legal hunting hours is prohibited.

(6) All hunters must enter and leave the refuge by way of State Road 445 only. Entry by boat is prohibited.

(7) Dogs are prohibited.

(8) Unauthorized entry into any building or designated "Closed Area" is prohibited.

(9) Hunters must not hunt or possess loaded guns or arrows notched in bow on the county roads or designated parking areas.

(10) Vehicles must be parked only in designated parking areas.

(11) During the shotgun hunt all hunters must furnish and wear so as to be readily noticeable, red, yellow, or orange caps, hats, vests, shirts, or coats while on the hunting area.

(12) Hunters under 18 years of age must be accompanied by an adult.

(13) Hunters shall not disturb, damage, or destroy any unharvested crops.

(14) Camping and fires are prohibited.

(15) A Federal permit will be required of all participants in the deer hunts. Permits will be limited to 350 per day for the bow and arrow hunt and 150 per day for the firearm hunt. They will be issued in advance of the season to hunters selected by an impartial drawing from applications received. Applications must be received no later than September 30, 1968, at the Eastern Neck National Wildlife Refuge, Route 2, Box 193, Rock Hall, Md. 21661. Permits will not be transferable nor will permits be issued at the checking station on any day of the hunt.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 30, 1968.

TENNESSEE

TENNESSEE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Tennessee National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,700 acres for bow hunting only, and 3,300 acres gun and bow hunting are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special conditions:

(1) The open season for archery hunting of deer on the refuge extends from October 5 through October 13, 1968.

(2) The open season for gun hunting of deer on the refuge extends from November 22 through November 26, 1968.

(3) The bag limit is one deer of either sex per hunter.

(4) The use of dogs is not permitted.

(5) Camping on the area is not permitted.

(6) Bobcats, gray foxes, woodchucks, and crows may be taken.

(7) Driving of deer is prohibited.

(8) Hunters may enter public hunting area at sunrise and must be out of area by one hour after sunset.

(9) Bow hunters desiring to hunt Britton Ford Peninsula opening day will be required to possess a Federal permit. Permits will be issued to the first 300 written requests marked "Archery Deer Hunt" and submitted to the refuge office, Bureau of Sport Fisheries and Wildlife, Box 849, Paris, Tenn. 38242, and received postmarked on or after September 1, 1968. Permits will be free and transferable. Only one permit will be furnished each of the first 300 requests. No permit is required to bow hunt the other archery areas and no permit is required on any area open for bow hunting after opening day, during the archery hunt.

(10) Hunters must check in and out of the designated checking station.

(11) Hunters desiring to hunt deer in the area open to gun hunting will require a Federal permit. Applications will be submitted in writing to the refuge office, Bureau of Sport Fisheries and Wildlife, Box 849, Paris, Tenn. 38242, during the month of September 1968. Acceptable applications shall be marked "Gun Deer Hunt." A public drawing will be held on October 3, 1968, in the refuge office. Applications will be drawn for a maximum of 60 permits for the opening day and 80 per day thereafter. Permits are free and nontransferable. There will be no permits issued after October 3, 1968. All applicants will be notified as to the results of their application. Successful applicants will be notified of the date or dates to hunt.

(12) Group applications of no more than two per group will be accepted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 26, 1968.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Chincoteague National Wildlife Refuge, Va., is permitted only on the area designated by signs as open to hunting. This open area, comprising 8,496 acres, is delineated on maps available at refuge headquarters, Chincoteague, Va., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following conditions:

(1) Species to be taken: (a) Sika deer and white-tailed deer, either sex; (b) free-ranging goats.

(2) Bag limits: (a) Sika deer or white-tailed deer, one per license year, either sex; (b) goats, no limit; however, a hunter may not hunt goats after he has taken a deer.

(3) Season: (a) Bow and arrow—4 days, October 16–19, 1968. (b) Shotgun or bow and arrow—2 days, October 25–26, 1968.

(4) Weapons: Archers must use broadhead arrows with blades at least ⅞-inch wide and bows having a minimum pull of 35 pounds at 28 inches draw. Archers may not have firearms in their possession during the 4-day bow and arrow hunt, October 16–19, 1968. Shotguns, 20 gauge or larger and not capable of holding more than three shells, will be permitted during the shotgun hunt, October 25–26. Slugs or buckshot no smaller than No. 1 buck will be permitted. Any weapon which is a combination rifle-shotgun is prohibited. Possession of any firearm or ammunition on the refuge which is not stipulated as permitted in these regulations is prohibited.

(5) Dogs are prohibited.

(6) Hunting hours: (a) Bow and arrow—7 a.m.–6:15 p.m. e.d.t. (b) Shotgun or bow and arrow—7:15 a.m.–6 p.m. e.d.t.

(7) All hunters must check out at the check station before leaving the refuge. Hunters must be checked out by 7:15 p.m. e.d.t.

(8) Carrying loaded firearms in or on or shooting from a vehicle is prohibited.

(9) Shooting within 100 yards of the public beach road or the deer check station is prohibited.

(10) Camping and fires are prohibited.

(11) Hunters must furnish and wear red, yellow, or orange caps, hats, coats, shirts or vests on hunting areas at all times—except archers during the bow and arrow season, October 16–19.

(12) All hunters under 18 years old must be accompanied by an adult.

(13) No refuge hunting permit is required. Hunters must have in their possession a valid hunting license and deer tag in compliance with the laws of the State of Virginia. Proper State license will serve as a permit to hunt on Chincoteague National Wildlife Refuge during the special deer hunt.

(14) All hunters must enter and leave the refuge by the Assateague Channel bridge. Entering and leaving the refuge by boat is prohibited.

(15) Scouting: Scouting will be permitted on the refuge from sunrise to sunset on the 3 days preceding each hunt, October 13–15 and 22–24.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 26, 1968.

PRESQUILE NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Presquile National Wildlife Refuge is permitted on the entire refuge except within 200 yards of all buildings. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) A Federal permit costing $2 for a 2-day hunt will be required. Permits will be issued for a 2-consecutive-day period. Permits will be limited to 75 for each 2-day period and will be issued in advance of the season to hunters selected by an impartial drawing from applications received. Applications must be received on a post card no later than September 25, 1968, at the Presquile National Wildlife Refuge, Post Office Box 658, Hopewell, Va. 23860. Permits are nontransferable.

(2) White-tailed deer may be taken with bow and arrow only from one-half hour before sunrise to 5 p.m. on October 17, 18, 21, 22, 25, 26, 31, and November 1, 1968.

(3) Bag limits: One deer per day, either sex.

(4) All hunters must enter the refuge on the refuge ferry at 5 a.m. e.s.t. Entry by boat is prohibited. There will be an official State checking station on the refuge.

(5) All travel on the refuge will be on foot or by refuge vehicles. Horses and dogs are prohibited.

(6) Possession of firearms on the refuge is prohibited.

(7) Hunters shall not disturb, damage or destroy any unharvested crops.

(8) Camping, fires, and littering are prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 1, 1968.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 15, 1968.

[F.R. Doc. 68-10202; Filed, Aug. 23, 1968; 8:45 a.m.]

PART 32—HUNTING

Piedmont and Blackbeard Island National Wildlife Refuges, Ga.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of wild turkey on the Piedmont National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 31,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of wild turkey subject to the following special conditions.

(1) Turkeys of either sex may be taken during the open period October 21–26, 1968.

(2) Bag limits: Only one turkey per hunter may be taken during the 6-day hunt.

(3) Dogs are prohibited.

(4) Hunters will be allowed on the portions of the refuge open for turkey hunting and on refuge maintained roads from 6:30 a.m. to 8 p.m., on hunting days only.

(5) Camping and fires are restricted to the designated camping area in Compartment 19, during the period October 20–27, 1968.

(6) Turkeys killed must be checked out at refuge headquarters before hunters leave the area.

(7) Hunters not having reached their 18th birthday must be accompanied by an adult.

(8) Submission of an individual's name more than one time for this hunt shall be cause for rejecting all his applications.

(9) Hunt permits are nontransferable.

(10) It shall be unlawful to drive a nail, spike, or other metal object into any tree or to hunt from any tree into which a nail, spike, or other metal object has been driven.

(11) Apprehension of permittee for any infraction of refuge regulations shall be cause for immediate revocation of his hunt permit by any officer authorized to enforce refuge regulations.

(12) A Federal permit is required to enter the public hunting area. Permits will be limited to 1,200 for the hunt and shall be issued to hunters selected by an impartial drawing from applications received. Applications must be on the form obtainable from Piedmont Refuge Headquarters, Round Oak, Ga. 31080. Each application must bear the signature of the applicant. Applications must be in office of the Piedmont National Wildlife Refuge, Round Oak, Ga. 31080, by 4:30 p.m. on September 25, 1968.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 26, 1968.

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of wild turkeys and raccoon on the Blackbeard Island National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,585 acres is delineated on a map available at the refuge headquarters, Route 1, Hardeeville, S.C. 29927, and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of turkey and raccoon subject to the following conditions:

(1) Turkey gobblers and raccoons may be taken during the following open periods: October 23–26, 1968; November 27–30, 1968; and December 30, 1968–January 2, 1969.

(2) Hunting hours will be from daylight to 9:30 a.m. and from 3:30 p.m. to sunset daily.

(3) The bag limit for turkey is two gobblers per season. Turkey hunting will be halted when a total of 20 gobblers are killed. No bag limit on raccoons.

(4) Only bows and arrows may be used. Bows must have not less than 40 pounds pull. Firearms, crossbows, and mechanical bows are prohibited.

(5) Dogs are prohibited.

(6) Camping and fires will be permitted only at the designated camping area.

(7) Participants must arrange their own transportation to the island, and may not enter the refuge more than 3 days in advance of each opening date.

(8) Hunters will be restricted to the camping area until the morning of the first day of each hunt period.

(9) A Federal permit is required. Permit applications must be received by the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, S.C. 29927, by the following dates:

October 17 for the hunt beginning October 23.

November 20 for the hunt beginning November 27.

December 23 for the hunt beginning December 30.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 2, 1969.

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

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Piedmont National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 31,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Season—(a) Bow and arrow hunt—October 1 through October 13, 1968. (b) Gun hunt—November 4, 5, and 30, 1968.

(2) Species and season limit—(a) Bow and arrow hunt: Two deer. (b) Gun hunt: Two deer, bucks with visible antlers, except the season on November 30 is one deer of either sex.

(3) Additional species—Bobcats, foxes and raccoons may be taken on all deer hunts.

(4) Sidearms and buckshot may not be used or possessed.

(5) Dogs on leash may be used to track wounded game only during the hunt October 1 through October 13, provided written permission is obtained in advance from the Refuge Manager.

(6) Camping and fires are restricted to the designated area in Compartment 19 during the periods September 20–23, September 30–October 14, October 20–27, November 3–6, and November 29–December 1, 1968.

(7) Hunters are allowed on the portions of the refuge open for deer hunting and/or refuge maintained roads only on hunting days from 6 a.m. to 8:30 p.m., during the bow and arrow hunt, October 1–13, 1968, and from 5:30 a.m. to 7 p.m. during the gun hunt, November 4, 5, and 30, 1968.

(8) All deer killed must be checked out at refuge headquarters on the day killed.

(9) Firearms containing ammunition in the magazine and/or chamber are prohibited in vehicles on refuge roads.

(10) Hunters shall furnish and wear red, orange, or yellow caps, coats or hats while hunting on the refuge November 4, 5, and 30, 1968.

(11) Hunters not having reached their 18th birthday must be accompanied by an adult.

(12) Apprehension for infraction of any refuge regulations shall be cause for immediate revocation of refuge hunting privileges by any officer authorized to enforce these regulations.

(13) It shall be unlawful to drive a nail, spike or other metal object into any tree or to hunt from any tree into which a nail, spike, or other metal object has been driven.

(14) All areas open for hunting may be visited during daylight hours September 21 and 22, October 26 and 27, 1968.

(15) A Federal permit is required to enter the public hunting area on November 4, 5, and 30, 1968. Permits will be limited to 1,500 for the November 4–5 hunt and 2,500 for November 30, 1968. Hunters will be selected by an impartial public drawing from applications received. Applications must be on forms obtainable from Piedmont Refuge Headquarters, Round Oak, Ga. 31080. Each applicant must indicate a first choice of the Novemebr 4–5 hunt, or the November 30 hunt on his application. He may indicate a second choice on the same application. In the event there are not enough applicants to fill each hunt quota, a second drawing will be made to fill the quota. Each application must bear the signature of the applicant. Permits are nontransferable. Submission of an individual's name more than one time for this hunt shall be cause for rejecting all his applications. Applications must be in the office of the Piedmont National Wildlife Refuge, Round Oak, Ga. 31080, by 4:30 p.m. on October 3, 1968.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 1, 1968.

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting for deer on Blackbeard Island National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,585 acres, is delineated on a map available at the refuge headquarters, Route 1, Hardeeville, S.C. 29927, and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Deer of either sex may be taken during the following open periods: October 23–26, 1968; November 27–30, 1968; and December 30, 1968–January 2, 1969.

(2) Hunting hours will be from daylight to 9:30 a.m. and from 3:30 p.m. to sunset daily.

(3) The season bag limit is two deer of either sex.

(4) Only bows and arrows may be used. Bows must have not less than 40 pounds pull and arrows must be broadhead, seven-eighths inch or more in width. Firearms, crossbows, and mechanical bows are prohibited.

(5) Dogs are prohibited.

(6) Camping and fires will be permitted only at the designated camping area.

(7) Participants must arrange their own transportation to the island and may not enter the refuge more than three days in advance of each opening date.

(8) Hunters will be restricted to the camping area until the morning of the first day of each hunt period.

(9) A Federal permit is required. Permit applications must be received by the Refuge Manager Savannah National Wildlife Refuge, Route 1, Hardeeville, S.C. 29927, by the following dates:

October 17 for the hunt beginning October 23.

November 20 for the hunt beginning November 27.

December 23 for the hunt beginning December 30.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 2, 1969.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 15, 1968.

[F.R. Doc. 68-10203; Filed, Aug. 23, 1968; 8:45 a.m.]

PART 32—HUNTING

Reelfoot National Wildlife Refuge, Ky., and Lake Isom National Wildlife Refuge, Tenn.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KENTUCKY

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Reelfoot National Wildlife Refuge, Ky., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of raccoons subject to the following special conditions:

(1) Raccoons may be taken without limit on the refuge from September 23 through September 28, 1968, and October 7 through October 12, 1968.

(2) Hunting hours shall be from 7 p.m. to midnight.

(3) No axes, saws, or other cutting implements will be permitted.

(4) All hunters will be required to check in and check out at the designated check stations, the location of which may be obtained by contacting the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn. 38254.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 12, 1968.

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Reelfoot National Wildlife Refuge, Ky., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels subject to the following special conditions:

(1) Squirrels may be hunted on the refuge from September 16 through September 21, 1968, and from September 30 through October 5, 1968.

(2) The hunting of crows, woodchucks, and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 5, 1968.

TENNESSEE

LAKE ISOM NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on Lake Isom National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. This open area, comprising 1,350 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels subject to the following special conditions:

(1) Squirrels may be hunted on the refuge from September 16 through September 21, 1968, and September 30 through October 5, 1968.

(2) The hunting of crows, woodchucks, and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 5, 1968.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Lake Isom National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. This open area, comprising 1,350 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of raccoons, subject to the following special conditions:

(1) Raccoons may be taken without limit on the refuge on September 24, 26, and 28, 1968, and on October 8, 10, and 12, 1968.

(2) Hunting hours shall be from 7 p.m. to midnight.

(3) No axes, saws, or other cutting implements will be permitted.

(4) All hunters will be required to check in and check out at the designated check station, the location of which may be obtained by contacting the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn. 38254.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 12, 1968.

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,585 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of raccoons subject to the following special conditions:

(1) Raccoons may be taken without limit on the Grassy Island area of the refuge on September 23, 25, and 27, 1968, and October 7, 9, and 11, 1968. Raccoon may be taken without limit on the North Unit of the refuge from September 23 through September 28, 1968, and October 7 through October 12, 1968.

(2) Hunting hours shall be from 7 p.m. to midnight.

(3) No axes, saws, or other cutting implements will be permitted.

(4) All hunters will be required to check in and check out at the designated check station, the location of which may be obtained by contacting the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 12, 1968.

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,585 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels subject to the following conditions:

(1) Squirrels may be hunted on the refuge from September 16 through September 21, 1968, and from September 30 through October 5, 1968.

(2) The hunting of crows, woodchucks, and gray foxes, without limit is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 5, 1968.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 16, 1968.

[F.R. Doc. 68-10204; Filed, Aug. 23, 1968; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

RUSSELL CAVE NATIONAL MONUMENT, ALA.

Exploration

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), 245 DM-I (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southeast Region Order No. 4 (31 F.R. 8135), as amended, it is proposed to revise § 7.68 of Title 36 of the Code of Federal Regulations as set forth below:

The purpose of this revision is to clarify the purpose and intent of the regulation with regard to cave exploration.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Russell Cave National Monument, Bridgeport, Ala. 35740, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 7.68 of Title 36 of the Code of Federal Regulations is hereby revised to read as follows:

§ 7.68 Russell Cave National Monument.

(a) *Caves*—(1) *Closed areas*. Entering, exploring, or remaining within any cave area other than the public archeological exhibit without prior written permission of the Superintendent is prohibited.

(2) *Permits*. Permits for entry into other than public exhibit areas of the cave will be issued within limitations of safety provided the applicant satisfies the Superintendent that he has proper equipment for cave exploration, such as lighting equipment, protective headwear, and appropriate shoes or boots. Other reasonable administrative requirements may be imposed by the Superintendent provided reasonable notice of these requirements is given to the applicant.

(3) *Solo exploration*. Solo exploration is not permitted in the caves other than in the public archeological exhibit areas.

JOHN W. FISHER,
Superintendent,
Russell Cave National Monument.

[F.R. Doc. 68-10220; Filed, Aug. 23, 1968; 8:47 a.m.]

[36 CFR Part 7]

PADRE ISLAND NATIONAL SEASHORE, TEX.

Fishing, Hunting, Speed

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and section 5 of the Act of September 28, 1962 (76 Stat. 652; 16 U.S.C. 459d-4), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southwest Region Order No. 4 (31 F.R. 8134), as amended, § 7.75 of Title 36 of the Code of Federal Regulations is amended as set forth below.

The purpose of these amendments is to eliminate materials on speed and fishing which are no longer needed in view of the provisions of Parts 2 and 4 of this chapter, and to clarify the regulation concerning hunting of waterfowl.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Padre Island National Seashore, Box 8560, Corpus Christi, Tex. 78412, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Paragraphs (a), (b), and (g) of § 7.75 are amended as set forth below:

§ 7.75 Padre Island National Seashore.

(a) *Fishing*. [Revoked]

(b) *Hunting*. During the open season prescribed by State and Federal agencies, hunting of waterfowl is permitted upon the waters of Laguna Madre wherever a floating vessel of any type is capable of operating, at whatever tide level may exist; except that posted waters immediately adjacent to North and South Bird Islands shall be closed to all hunting. Such hunting, where authorized, shall be in accordance with all applicable Federal, State, and local laws for the protection of wildlife. All other hunting is prohibited.

* * * * *

(g) *Speed*. [Revoked]

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ERNEST J. BORGMAN,
Superintendent,
Padre Island National Seashore.

[F.R. Doc. 68-10219; Filed, Aug. 23, 1968; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

COFFEE

Enforcement Regulations for Fair Packaging and Labeling Act; Termination of Proposed Rule Making Regarding Exemption From Certain Labeling Requirements

In the matter of exempting roasted whole coffee beans and roasted ground coffee, excluding instant coffee, in 1-, 2-, and 3-pound packages or containers from the requirements of § 1.8b (f) and (j) (1) of the regulations for the enforcement of the Fair Packaging and Labeling Act (21 CFR Part 1) that the net quantity of contents declaration be within the bottom 30 percent of the area of the principal display panel and in both avoirdupois ounces and pounds.

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of April 2, 1968 (33 F.R. 5268), based on petitions filed by the Great Atlantic & Pacific Tea Co., Inc., 420 Lexington Avenue, New York, N.Y. 10017, and S and W Fine Foods, Inc., 333 Schwerin Street, San Francisco, Calif. 94134.

In response to the notice, 20 State agencies filed comments in opposition to the proposed exemption on the grounds that it would defeat the purpose of providing uniformity in packaging—the primary purpose of the Fair Packaging and Labeling Act. The U.S. Department of Commerce filed a comment in opposition for the same reason. Two State agencies do not oppose exemption from dual declaration but do oppose exemption from placement of the quantity of contents declaration within the bottom 30 percent of the label panel.

The Foods Division of the Coca-Cola Co. and the American Coffee Co. filed comments in support of the proposal.

Further information available to the Commissioner of Food and Drugs indicates that coffee is packaged in containers of 8 ounces and 14 ounces—sizes that could lead to consumer confusion if the requested exemptions were adopted.

Having considered the petitions, the comments received in response to the proposal, and other relevant information, the Commissioner of Food and Drugs concludes that for the adequate protection of consumers the proposed exemption should not be adopted. Accordingly, the proposed rulemaking in this matter is hereby terminated.

The Commissioner also concludes that since there was no opportunity for coffee packers to make label changes during the pendency of the exemption proposal, any roasted whole or ground coffee bean label changes made necessary by the regulations under the Fair Packaging and Labeling Act (21 CFR Part 1) shall be made before July 1, 1969, rather than before July 1, 1968.

This action is taken pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455), and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 19, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10281; Filed, Aug. 23, 1968; 8:52 a.m.]

[21 CFR Part 121]

RADIATION AND RADIATION SOURCES

Food Additives Intended for Use in Processing of Canned Bacon; Proposed Revocations

In the FEDERAL REGISTER of February 15, 1963 (28 F.R. 1465), an order was published establishing § 121.3002 that provided for the use of gamma radiation from cobalt 60 for the high-dose processing of canned bacon. The section was amended April 1, 1964 (29 F.R. 4673), to provide for the use of cesium 137 as an alternate source of gamma radiation.

Orders were published August 30, 1963 (28 F.R. 9526), and December 19, 1964 (29 F.R. 18056), respectively providing for the use of electron beam radiation (§ 121.3004) and X-radiation (§ 121.3005) in the processing of canned bacon.

Recently, additional data have been received from long-term feeding studies of bacon processed by ionizing radiation. Evaluation of all data now available has raised doubts that the safety of irradiated bacon has been demonstrated.

Specifically, significant adverse effects on reproduction were observed in animals fed irradiated bacon. Other adverse effects associated with irradiated bacon or pork diets involved increased mortality in rats, slight depression in rate of body-weight gain in mice and dogs, and reduced red blood cell counts in dogs and rats. Indications were also present that animals on the irradiated diets may show a higher incidence in the development of cataracts and tumors than animals on control diets.

The Commissioner of Food and Drugs concludes that further research on the wholesomeness of this product is necessary to establish the conditions of safe use for irradiation of bacon.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 121 be amended by revoking §§ 121.3002 *High-dose gamma radiation for the processing of food*, 121.3004 *High-dose electron beam radiation for the processing of food*, and 121.3005 *High-dose X-radiation for the processing of food*, each of which authorizes the processing of canned bacon by ionizing radiation.

Any interested person may, within 30 days from the date of publication of this notice 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 comments (preferably in quintuplicate), regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10282; Filed, Aug. 23, 1968; 8:52 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 68-SW-60]

AIRWORTHINESS DIRECTIVE

Navion Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to all Navion airplanes. There have been reports of intergranular corrosion and delamination of the rudder horn P/N 145-24401 that could result in substantially reduced strength. Since this condition is likely to exist or develop in airplanes of the same type design, the proposed AD would require periodic inspection or replacement of the rudder horn on all Navion airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101.

All communications received within 30 days after date of publication of this notice will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be made a part of the official Docket and will be available for examination by interested persons, both before and after the closing date for comments, at the office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex.

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, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

NAVION: Applies to all Navion airplanes through Navion H airplanes.

Compliance required within the next 50 hours time in service after the effective date of this AD and at each annual inspection thereafter.

To prevent failure of the Rudder Horn, P/N 145-24401, accomplish the following:

Inspect for horizontal cracks in the edge of the rudder horn.

These cracks would appear as delaminations.

Replace horns with cracks with unused part of the same part number or Federal Aviation Administration approved equivalent part before further flight.

Issued in Forth Worth, Tex., on August 13, 1968.

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

[F.R. Doc. 68-10223; Filed, Aug. 23, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-71]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Wabash, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the

Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Wabash Municipal Airport, Wabash, Ind., utilizing the Kokomo, Ind. VORTAC as a navigational aid. Consequently, it is necessary to provide controlled airspace protection of aircraft executing this new approach procedure by designating a transition area at Wabash, Ind. The new procedure will become effective concurrently with the designation of the transition area. The Grissom Air Force Base approach control facility will control instrument approaches at Wabash Municipal Airport.

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

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

WABASH, INDIANA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Wabash Municipal Airport (latitude 40°46'20" N., longitude 85°48'10" W.); and within 2 miles each side of the Kokomo, Ind. VORTAC 040° radial, extending from the 5-mile radius area to 14 miles northeast of the VORTAC, excluding the portion that overlies the Peru, Ind. transition area.

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

Issued at Kansas City, Mo., on August 1, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68-10214; Filed, Aug. 23, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WE-65]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the 1,200 foot portion of the Jackson, Wyo., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The additional proposed 1,200-foot floor transition area is required to provide controlled airspace for climb to the base of Continental Control Area for Frontier Airlines non-Part 95 route between Jackson and Riverton, Wyo.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (33 F.R. 2199) the Jackson, Wyo. transition area is amended to read as follows:

JACKSON, WYO.

That airspace extending upward from 700 feet above the surface within a 5-mile radius circle centered on Jackson Hole Airport, Wyo. (latitude 43°36'24" N., longitude 110°44'13" W.); that airspace extending upward from 1,200 feet above the surface within 6 miles west and 9 miles east of the Jackson VOR 200° and 020° radials, extending from 23 miles south to 11 miles north of the VOR, and within 6 miles north and 9 miles south of the Dunoir, Wyo. VOR 282° and 102° radials, extending from 8 miles east to 21 miles west of the VOR, and that airspace within 5 miles each side of the Jackson VOR 107° radial extending from 9 to 15 miles east of the VOR.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on August 15, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 68-10224; Filed, Aug. 23, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WE-63]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate a new transition area to be known as San Carlos, Ariz.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The new transition area is required to insure that sufficient controlled airspace is available to provide air traffic control services to aircraft operating within and adjacent to the Williams Two Intensive Student Jet Training Area.

In view of the foregoing, the FAA proposes the following airspace action:

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

SAN CARLOS, ARIZ.

That airspace extending upward from 12,000 feet MSL bounded on the northwest by the southeast edge of V-190, on the east by an arc of a 115 mile radius circle centered on Williams AFB, Ariz. (latitude 33°18'25" N., longitude 111°39'35" W.); on the south by the north edge of V-94 and on the west by longitude 110°52'00" W.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on August 15, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 68-10225; Filed, Aug. 23, 1968; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 8]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Concern for Purpose of Sales of Government-owned Timber

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the definition of a small business concern for the purpose of sales of Government-owned timber.

The currently effective definition provides that, in order to qualify as a small business for the purpose of Government sales of timber reserved for or involving preferential treatment of small businesses, a concern purchasing such timber must agree that it will not resell more than thirty percent (30%) of such timber to a concern which does not qualify as a small business unless an exemption is granted on mixed stumpage of hardwood and softwood species.

It has come to the attention of the Small Business Administration that, in most timber tracts in the State of Alaska, approximately fifty percent (50%) of the timber is best suited for the manufacture of pulp, rather than for the manufacture of lumber and plywood, etc., and that, since there are few if any small business pulp mills competing in that area, it may be unreasonable to prohibit a small business concern from reselling more than thirty percent (30%) of the timber it purchases to a concern which does not qualify as small business.

Therefore, it is proposed to lower the restriction by increasing the percentage applicable to resales of Alaskan timber from thirty percent (30%) to fifty percent (50%), but to leave the percentage applicable to resales of other timber at thirty percent (30%). In the interest of clarity it also is proposed to define the term "forest products industry," as used in § 121.3-9(b) of Part 121, to mean logging, wood preserving and the manufacture of lumber and wood related products such as veneer, plywood, hardboard, particle board, and woodpulp, and of products of which lumber or wood related products are the principal raw material.

Further, SBA has found that during the many years the set-aside program for sale of Government-owned timber has been in operation it has not been necessary to grant exemptions on mixed stumpage of hardwood and softwood species. Therefore, SBA has determined that the exemption provision is not necessary and the proposed amendment has deleted such an exemption.

Interested persons may file with the Small Business Administration within thirty (30) days after publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. Attention: Size Standards Staff.

It is proposed to amend the regulation as follows:

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby further amended by:

1. Revising § 121.3-9(b)(2)(ii) to read as follows:

§ 121.3-9 Definition of small business for sales of Government property.

*   *   *   *   *

(b) *Sales of Government-owned timber.* * * *

(2) * * *

(ii) It agrees that it will not sell to a concern which is not a small business within the meaning of this paragraph more than thirty percent (30%) of such timber or, in the case of timber from certain geographical areas set forth in Schedule E of this part, more than the percentage established therein for such area.

*   *   *   *   *

2. Adding Schedule E to Part 121 to read as follows:

SCHEDULE E—GOVERNMENT-OWNED TIMBER RESALE STANDARDS FOR SPECIFIC GEOGRAPHICAL AREAS

Area from which timber is cut: Alaska. Percentage of timber purchased that may be sold to other than small business: 50 percent.

3. Inserting new paragraph (l-1) immediately following § 121.3-2(l) to read as follows:

§ 121.3-2 Definition of terms used in this part.

*   *   *   *   *

(l-1) "Forest products industry" as used in § 121.3-9(b) means logging, wood preserving, and the manufacture of lumber and wood related products such as veneer, plywood, hardboard, particle board, or wood pulp, and of products of which lumber or wood related products are the principal raw material.

*   *   *   *   *

Dated: August 19, 1968.

HOWARD J. SAMUELS,
Administrator.

[F.R. Doc. 68-10249; Filed, Aug. 23, 1968; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 68-205]

AUTOMATED ACCOUNTING SYSTEM

Notice of Effective Date of Implementing Regulations; Region VII

In accordance with Treasury decision 67-155, dated June 28, 1967, published in the FEDERAL REGISTER dated July 11, 1967 (32 F.R. 10200), notice is hereby given that September 1, 1968, is the effective date of the regulations implementing the automated accounting system in Region VII with headquarters at Los Angeles, Calif.

Importers or their agents filing dutiable formal entries on and after September 1, 1968, in this region must have on file or file with the entry a customs Form 5106, Notification of or Application for Importer's Number, required by § 24.5, Customs Regulations (19 CFR 24.5), and must submit with each dutiable formal entry a customs Form 5101, Entry Record, which is required by § 8.8(c) of the Customs Regulations (19 CFR 8.8(c)).

Attention is called to the provision of § 8.8(c) of the Customs Regulations which requires the agent's importer number to also be reported on the customs Form 5101 if an importer of record desires to have refunds, bills, or notices of liquidation pertaining to his entry mailed in care of his agent. In such a case, the importer of record shall file or shall have filed previously a customs Form 4811, Special Address Notification (July 1966), authorizing the mailing of refunds, bills, or notices of liquidation to his agent. Further, attention is called to the fact that although courtesy notices of liquidation will be issued under the automated procedure, the posting of the bulletin notice of liquidation provided for in § 16.2 of the Customs Regulations (19 CFR 16.2) will continue to constitute full compliance with the requirements for giving notice of liquidation under section 505, Tariff Act of 1930 (19 U.S.C. 1505).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 16, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-10253; Filed, Aug. 23, 1968; 8:50 a.m.]

Comptroller of the Currency

[Delegation Order No. 11]

FIRST DEPUTY COMPTROLLER OF THE CURRENCY ET AL.

Order of Succession To Act as Comptroller

By virtue of the authority vested in me by Treasury Department Order No. 129 (Rev. No. 2), dated April 22, 1955, it is hereby ordered as follows:

1. The following officers in the Bureau of Comptroller of the Currency, in the order of succession enumerated, shall act as Comptroller of the Currency during the absence or disability of the Comptroller of the Currency or when there is a vacancy in such office:

(1) Justin T. Watson, First Deputy Comptroller of the Currency.
(2) John Nicoll, Administrative Assistant to the Comptroller of the Currency.
(3) Thomas G. DeShazo, Deputy Comptroller of the Currency.
(4) David C. Motter, Deputy Comptroller of the Currency.
(5) John D. Gwin, Deputy Comptroller of the Currency.
(6) Frank H. Ellis, Chief National Bank Examiner.
(7) Dean E. Miller, Deputy Comptroller of the Currency.
(8) Richard J. Blanchard, Deputy Comptroller of the Currency.
(9) Albert J. Faulstich, Deputy Comptroller of the Currency.
(10) Regional Administrator of National Banks at Richmond, Va.
(11) Regional Administrator of National Banks at Philadelphia, Pa.
(12) Regional Administrator of National Banks at New York City, N.Y.
(13) Regional Administrator of National Banks at Cleveland, Ohio.
(14) Regional Administrator of National Banks at Atlanta, Ga.
(15) Regional Administrator of National Banks at Boston, Mass.
(16) Regional Administrator of National Banks at Chicago, Ill.
(17) Regional Administrator of National Banks at Memphis, Tenn.
(18) Regional Administrator of National Banks at Kansas City, Mo.
(19) Regional Administrator of National Banks at Minneapolis, Minn.
(20) Regional Administrator of National Banks at Dallas, Tex.
(21) Regional Administrator of National Banks at Denver, Colo.
(22) Regional Administrator of National Banks at San Francisco, Calif.
(23) Regional Administrator of National Banks at Portland, Oreg.

2. In the event of an enemy attack on the continental United States, all Regional Administrators of National Banks, including any Acting Regional Administrators, are authorized in their respective regions to perform any function of the Comptroller of the Currency, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

Dated: August 20, 1968.

3. Delegation Order No. 10 is hereby repealed.

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

[F.R. Doc. 68-10252; Filed, Aug. 23, 1968; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N-1029]

NEVADA

Notice of Proposed Classification

AUGUST 16, 1968.

Notice is hereby given of a proposal to classify the lands described below for disposal through exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g), for lands on the western slopes of the Sonoma Mountain Ranges and the East Range Mountains in the vicinity of Auld Lang Syne Peak, Humboldt and Pershing Counties, Nev. This publication is made pursuant to the Act of September 19, 1964 (43 U.S.C. 1412).

This proposal has been discussed with the District Advisory Board, local governmental officials, and other interested parties. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.13(c)(4), which authorizes classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal Program." Information concerning the lands, including the record of public discussions, is available for inspection and study at the Bureau of Land Management District Office, Winnemucca, Nev. For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager, Winnemucca District Office, Post Office Box 71, Winnemucca, Nev. 89445.

The lands affected by this proposal are located in Humboldt and Pershing Counties and are described as follows:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 37 E.,
 Sec. 2, Lots 4, SW¼NW¼, W½SW¼;
 Sec. 12, E½, NW¼, NW¼SW¼, E½SW¼.
T. 34 N., R. 37 E.,
 Sec. 4, W½;
 Sec. 10, N½, N½S½;
 Sec. 12, W½, SE¼;
 Sec. 14, W½, SE¼;
 Sec. 24;
 Sec. 26, NE¼NE¼, S½S½;
 Sec. 36.
T. 35 N., R. 37 E.,
 Sec. 20;
 Sec. 28, NW¼;
 Sec. 32, SW¼NE¼, NW¼NW¼, S½NW¼, S½;
 Sec. 34.
T. 33 N., R. 38 E.,
 Secs. 6, 8, 16.
T. 34 N., R. 38 E.,
 Sec. 18;
 Sec. 30, N½;
 Sec. 32.

The areas described aggregate 9,403.57 acres.

For the State Director.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 68-10205; Filed, Aug. 23, 1968; 8:46 a.m.]

Federal Water Pollution Control Administration

NOTICE OF ORGANIZATION CHANGE

The statement of the Organization of the Department of the Interior, Federal Water Pollution Control Administration, published at 32 F.R. 10674 and amended at 32 F.R. 21042 and 33 F.R. 4953 is further revised by the following change of address:

SEC. 4.30 *Federal Water Pollution Control Administration.*

REGIONAL OFFICE

Region: Missouri Basin.
Headquarters: 911 Walnut Street, Kansas City, Mo. 64106.

ROBERT C. MCCONNELL,
Assistant Secretary for Administration.

AUGUST 19, 1968.

[F.R. Doc. 68-10207; Filed, Aug. 23, 1968; 8:46 a.m.]

National Park Service

[Order 1]

ADMINISTRATIVE OFFICER, NAVAJO LANDS GROUP

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. *Administrative Officer.* The Administrative Officer may execute, approve and administer contracts not in excess of $25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

2. The authority stated herein is applicable to the Navajo Lands Group in its entire jurisdiction.

(National Park Service Order No. 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2; Southwest Region Order No. 4 (31 F.R. 8134))

JOHN E. COOK,
General Superintendent, Navajo Lands Group.

[F.R. Doc. 68-10221; Filed, Aug. 23, 1968; 8:47 a.m.]

Office of the Secretary

JOHN S. ANDERSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 1, 1968.

Dated: August 1, 1968.

JOHN S. ANDERSON.

[F.R. Doc. 68-10234; Filed, Aug. 23, 1968; 8:48 a.m.]

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 6, 1968.

Dated: August 6, 1968.

C. A. CAMPBELL.

[F.R. Doc. 68-10235; Filed, Aug. 23, 1968; 8:48 a.m.]

HUBBELL CARPENTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 2, 1968.

Dated: August 2, 1968.

HUBBELL CARPENTER.

[F.R. Doc. 68-10236; Filed, Aug. 23, 1968; 8:48 a.m.]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) FMC Corp., Howmet Corp., Morrison-Knudsen Co., General Electric Co., Amalgamated Sugar Co., Idaho Power Co., First Security Bank Corp., Union Carbide Corp., Air West Airlines, Pacific Power & Light Co., Utah Power & Light Co., Portland General Electric Co., Washington Water Power Co., Montana Power Co., Westinghouse Electric Co.
(3) None.
(4) None.

This statement is made as of August 1, 1968.

Dated: August 1, 1968.

GLENN J. HALL.

[F.R. Doc. 68-10237; Filed, Aug. 23, 1968; 8:48 a.m.]

VIVAN B. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 6, 1968.

Dated: August 6, 1968.

VIVAN B. JONES.

[F.R. Doc. 68-10238; Filed, Aug. 23, 1968; 8:48 a.m.]

J. W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change (other than company should have been listed as American Electric Power Co., instead of American Electric Pr. Svc. Corp.)
(3) No change.
(4) No change.

This statement is made as of August 2, 1968.

Dated: August 2, 1968.

J. W. KEPNER.

[F.R. Doc. 68-10239; Filed, Aug. 23, 1968; 8:48 a.m.]

RUSSELL V. KNAPP

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 2, 1968.

Dated: August 2, 1968.

RUSSELL V. KNAPP.

[F.R. Doc. 68-10240; Filed, Aug. 23, 1968; 8:49 a.m.]

LEWIS W. LENGNICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Exchanged American Commercial Lines stock for Texas Gas Transmission on merger. Bought United Nuclear Corp. Transferred Far West Finance.
(3) No change.
(4) No change.

This statement is made as of August 1, 1968.

Dated: August 1, 1968.

LEWIS W. LENGNICK.

[F.R. Doc. 68-10241; Filed, Aug. 23, 1968; 8:49 a.m.]

CHARLES S. McNEER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 2, 1968.

Dated: August 2, 1968.

CHARLES S. MCNEER.

[F.R. Doc. 68-10242; Filed, Aug. 23, 1968; 8:49 a.m.]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 1968.

Dated: August 2, 1968.

JULIO A. NEGRONI.

[F.R. Doc. 68-10243; Filed, Aug. 23, 1968; 8:49 a.m.]

JOHN PAUL NEUBAUER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 2, 1968.

Dated: August 2, 1968.

J. P. NEUBAUER.

[F.R. Doc. 68-10244; Filed, Aug. 23, 1968; 8:49 a.m.]

RAFAEL RAMIREZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

Dated: August 2, 1968.

RAFAEL RAMIREZ.

[F.R. Doc. 68-10245; Filed, Aug. 23, 1968; 8:49 a.m.]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 2, 1968.

Dated: August 2, 1968.

C. W. WATSON.

[F.R. Doc. 68-10246; Filed, Aug. 23, 1968; 8:49 a.m.]

CARL H. WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 31, 1968.

Dated: August 1, 1968.

CARL H. WILLIAMS.

[F.R. Doc. 68-10247; Filed, Aug. 23, 1968; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

GRAZING AND HARVESTING OF HAY ON DIVERTED ACREAGE IN DESIGNATED COUNTIES

Notice of Authorization

Notice is hereby given that the Secretary of Agriculture has authorized the grazing or harvesting of hay, as indicated, on acreage designated as diverted from the production of crops under the Soil Bank Program (7 CFR Part 750), the Cropland Adjustment Program (7 CFR Part 751), the Cropland Conversion Program (7 CFR Part 751), the Feed Grain Program (7 CFR Part 775), and the Upland Cotton Program (7 CFR Part 722), in the counties specified in this notice. The grazing and harvesting of hay on the diverted acreage shall be subject to the terms and conditions in the regulations for each program and instructions issued with respect thereto, which are available in the county ASCS offices. The designated counties are as follows:

GRAZING AND HARVESTING HAY

ALABAMA

Butler.	Lawrence.
Chambers.	Lee.
Conecuh.	Marengo.
Covington.	Marion.
Crenshaw.	Morgan.
De Kalb.	Perry.
Elmore.	Pickens.
Franklin.	Pike.
Greene.	Russell.
Hale.	Sumter.
Houston.	Walker.
Lauderdale.	Winston.

GEORGIA

Dodge.	Laurens.

IDAHO

Cassia.	Lincoln.

IOWA

Appanoose.	Mills.
Audubon.	Montgomery.
Cass.	Page.
Davis.	Shelby.
Decatur.	Van Buren.
East Pottawattamie.	Wayne.
Fremont.	West Pottawattamie.

KANSAS

Barton.	Rush.
Jewell.	Wichita.
Rice.	

KENTUCKY

Meade.

LOUISIANA

Bossier.	Natchitoches.

MISSOURI

Andrew.	Harrison.
Atchison.	Holt.
Buchanan.	Nodaway.
Clinton.	Putnam.
Daviess.	Schuyler.
De Kalb.	Scotland.
Gentry.	Worth.
Grundy.	

MONTANA

Daniels.	Sheridan.
Dawson.	Valley.
Fallon.	Wibaux.
Roosevelt.	

NEBRASKA

Antelope.	Gage.
Boone.	Garfield.
Boyd.	Greeley.
Cedar.	Holt.
Chase.	Howard.
Custer.	Johnson.
Dakota.	Knox.
Dixon.	Lancaster.
Dundy.	Loup.

NEBRASKA—continued

Madison.	Sherman.
Nemaha.	Stanton.
Otoe.	Valley.
Pawnee.	Wayne.
Pierce.	Webster.
Richardson.	Wheeler.

NEW MEXICO

Colfax.	Union.
Harding.	

NORTH DAKOTA

Adams.	Mercer.
Benson.	Pierce.
Billings.	Renville.
Dunn.	Rolette.
Hettinger.	Sioux.
McHenry.	Stark.
McKenzie.	Ward.

OREGON

Grant.	Jefferson.
Harney.	

SOUTH DAKOTA

Bon Homme.	Hutchinson.
Charles Mix.	Perkins.

TENNESSEE

Benton.	Lauderdale.
Bledsoe.	Lawrence.
Blount.	Lewis.
Bradley.	McMinn.
Cannon.	McNairy.
Carroll.	Madison.
Chester.	Marion.
Clay.	Marshall.
Coffee.	Maury.
Crockett.	Meigs.
Cumberland.	Montgomery.
Decatur.	Overton.
De Kalb.	Perry.
Dyer.	Pickett.
Fayette.	Polk.
Fentress.	Putnam.
Franklin.	Rhea.
Gibson.	Sequatchie.
Giles.	Shelby.
Hardeman.	Smith.
Hardin.	Stewart.
Haywood.	Sumner.
Henderson.	Tipton.
Henry.	Trousdale.
Hickman.	Van Buren.
Houston.	Warren.
Humphreys.	Wayne.
Jackson.	Weakley.
Johnson.	White.
Lake.	

GRAZING ONLY

COLORADO

Arapahoe.	Elbert.
Crowley.	Morgan.

IOWA

Bremer.	Jones.
Buchanan.	Linn.

LOUISIANA

Bossier.

Signed at Washington, D.C., on August 15, 1968.

CHARLES L. FRAZIER,
Acting Deputy Administrator for State and County Operations, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 10228; Filed, Aug. 23, 1968; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order No. 201.1 (Rev.), Amdt. 2]

BRANCH CHIEFS, OFFICE OF TARIFFS AND INFORMAL COMPLAINTS

Redelegation of Authority

The basic order is hereby amended by a restatement of section 5.04 in its entirety as follows:

5.04 Branch Chiefs, Office of Tariffs and Informal Complaints, in the absence or preoccupation of the Chief, Office of Tariffs and Informal Complaints are:

1. Delegated authority to reject tariff filings submitted by common carriers by water engaged in the foreign commerce of the United States which do not meet the timeliness requirements of section 18(b) of the Shipping Act, 1916.

2. Authorized to approve special permission applications covering cargo moving under contracts and/or rates negotiated by the Military Sea Transportation Service, Department of the Navy.

EDWARD SCHMELTZER,
Managing Director.

[F.R. Doc. 68-10271; Filed, Aug. 23, 1968; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

DEPARTMENT OF AGRICULTURE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897), and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00599-33-11700. Applicant: U.S. Department of Agriculture, Agricultural Research Service, 600 East Mermaid Lane, Philadelphia, Pa. 19118. Article: Cigarette smoking machine, Filtrona CSM 12. Manufacturer: Cigarette Components, Ltd., United Kingdom. Intended use of article: The article will be used for controlling the manufacture of experimental cigarettes and analyzing the smoke. The scientific objectives include the complete elucidation of the chemical composition of smoke, as well as study of the biological properties of whole smoke, crude fractions obtained therefrom, and the individually identified components. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a four-channel smoking machine which may be operated in either manual or automatic mode. Provision is made for varying puff duration from 0.5 to 6 seconds and puff interval from 10 to 104 seconds. Volumetric flow is variable from 25 to 40 cubic centimeters per 2 seconds and accurate to one percent. The article is intended for control use and smoke analysis in the manufacture of experimental cigarettes. We have been advised by the Department of Health, Education, and Welfare (HEW), in a memorandum dated July 15, 1968, that there is no equivalent domestic instrument or apparatus known to be produced in the United States.

The Department of Commerce knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

Charley M. Denton,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-10215; Filed, Aug. 23, 1968; 8:46 a.m.]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00550-33-46040. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Electron microscope EM9A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for reconstruction of serial section of microscopic objects of biological and medical interest, with particular emphasis on the virus infected mammalian cell. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU-4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to April 29, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU-4 relevant at that time. (1) The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope which can be used by students with a minimum of detailed programing and early use by the student with self-confidence. The only domestic electron microscope is the RCA Model EMU-4 which is a high resolution and relatively complex instrument designed for high level research. (2) The foreign article provides as low as 60 magnifications. This characteristic permits the student to make an easy transition from light microscopy. (3) The foreign article also provides a digital readout for focusing adjustments, which allows the instructor to check the correctness of the student's focusing adjustment and to exactly repeat focusing adjustment for several students performing an identical experiment.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

Charley M. Denton,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-10218; Filed, Aug. 23, 1968; 8:47 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00672-00-46040. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Exposure meter for Siemens electron microscope. Manufacturer: Siemens & Halske A.G., West Germany. Intended use of article: The article will be used as a photographic accessory to the applicant's microscope. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used is being manufactured in the United States. Reason: The foreign article, an exposure meter, is an accessory to an electron microscope now in the applicant's possession, which was manufactured by Siemens & Halske, A.G., of West Germany.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article.

Charley M. Denton,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-10216; Filed, Aug. 23, 1968; 8:47 a.m.]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00452-75-44500. Applicant: University of Chicago, Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Research Metallograph, Model MM-5-RT. Manufacturer: Ernst Leitz GMBH, West Germany. Intended use of article: The article will be used to examine highly radioactive experimental fuel materials for nuclear reactors. Comments: Comments have been received from one domestic manufacturer, Bausch and Lomb, Inc. (B&L), which alleged in a telegram dated April 22, 1968, that the firm has "an acceptable substitute" for the foreign article and that technical documentation supporting its claim would be submitted by May 23, 1968. Although the Department of Commerce has since that time notified B&L on two occasions that the supporting documentation had not been received, the domestic manufacturer has not provided such technical information. (See memorandum to record dated July 16, 1968.) Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used, was being manufactured in the United States and available to the applicant at the time it submitted its application for duty-free entry. Reasons: The foreign article is a research metallograph intended to be used for examining highly radioactive experimental fuel materials for nuclear reactors, to ascertain the changes in the physical properties of these materials resulting from their being irradiated. This requires a specially designed research metallograph which must meet specifications for resistance to nuclear radiation, shielding and other safety factors in addition to performance specifications. We are advised by the National Bureau of Standards (NBS) (memorandum dated June 25, 1968) that B&L has manufactured similar instruments in the past, but that it has no evidence that B&L is "willing or able to provide the particular design desired by the applicant." As indicated in the reply to Question 10 of the application, B&L did not respond to an invitation to bid on the instrument which was extended to it by the applicant. Furthermore, although afforded an opportunity by the Department of Commerce to provide evidence that it was willing to supply an instrument in accordance with the applicant's specifications, B&L has not furnished such documentation.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-10217; Filed, Aug. 23, 1968; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

E. I. DU PONT DE NEMOURS & CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 9B2321) has been filed by E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898, proposing that § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended to provide for the safe use of adipic acid and hexamethylenediamine as optional components of side-seam cements.

Dated: August 16, 1968.

J. K. KIRK,
Associate Commissioner, for Compliance.

[F.R. Doc. 68-10283; Filed, Aug. 23, 1968; 8:52 a.m.]

NORWICH PHARMACAL CO.

Notice of Filing of Petition for Food Additive Buquinolate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815, proposing that § 121.291 *Buquinolate* (21 CFR 121.291) be amended to provide for the safe use of buquinolate in the feed of chickens intended for use as caged layers, as an aid in the prevention of coccidiosis.

Dated: August 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10284; Filed, Aug. 23, 1968; 8:52 a.m.]

S. B. PENICK & CO.

Notice of Filing of Petition for Food Additives Bacitracin Methylene Disalicylate and Diethylstilbestrol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by S. B. Penick & Co., 100 Church Street, New York, N.Y. 10007, proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to provide for the safe use in cattle feed of bacitracin methylene disalicylate for reduction in the number of liver condemnations due to abscesses in feedlot beef cattle, with or without added diethylstilbestrol for fattening beef cattle.

Dated: August 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10285; Filed, Aug. 23, 1968; 8:52 a.m.]

UNION CARBIDE CORP.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), the Union Carbide Corp., New York, N.Y. 10017, has withdrawn its petition (PP 8F0694), notice of which was published in the FEDERAL REGISTER of March 2, 1968 (33 F.R. 4116), proposing (1) an exemption from the requirement of a tolerance for residues of the insecticide butoxypolypropylene glycol in or on meat and milk of livestock resulting from application of the insecticide to livestock or (2) a tolerance of 0.2 part per million for residues of the insecticide in or on meat and milk if such exemption was not established.

Dated: August 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10286; Filed, Aug. 23, 1968; 8:52 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 8M2314) has been filed by the Department of Agricultural Engineering, College of Agriculture, University of California, Davis, Calif. 95616, proposing that § 121.3001 *Sources of radiation used for inspection of food, for inspection of packaged food, and for controlling food processing* (21 CFR 121.3001) be amended to provide for the safe use of a radioactive control device for inspecting lettuce.

Dated: August 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10287; Filed, Aug. 23, 1968; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20075; Order 68-8-79]

POCONO AIRLINES, INC.

Order To Show Cause Regarding Service Mail Rates

Issued under delegated authority, August 20, 1968.

Pocono Airlines, Inc. (Pocono), is an air taxi operator providing services pursuant to Part 298 of the Board's Economic Regulations. By Order 68-7-5, July 1, 1968, the Board approved Agreement CAB 20271 between Allegheny Airlines, Inc., and Pocono. This agreement contemplates that Pocono will discharge Allegheny's certificate obligation to serve Hazleton, Pa., through the operation of small aircraft between Hazleton, Pa., and Newark, N.J. Initially, Pocono will utilize Beech 80 Queen Air type aircraft, and later will utilize Beech 99 turboprop type aircraft.

No service mail rate is currently in effect for this service by Pocono. By petition filed August 5, 1968, Pocono requested the establishment of final service mail rates for transportation of priority and nonpriority mail by air.[1] On August 15, 1968, the Postmaster General filed an answer in support of Pocono's petition. The Department stated it was the intention of the parties that the rates for Pocono's services would be the same as those paid to Allegheny under Board orders, either as now prevailing or as subsequently amended.

The rate for the transportation of priority mail applicable to service by Allegheny was established by the Board in the Domestic Service Mail Rate Investigation, Order E-25610, August 28, 1967. This rate is the same as that requested in Pocono's petition. Therefore, we propose to establish a service rate for the air transportation of priority mail by Pocono at the same level as that established in Order E-25610, and the terms and provisions of that order also shall be applicable to Pocono in the same manner as they were applicable to Allegheny in providing mail services between Hazleton, Pa., and Newark, N.J.

However, in the case of rates for the air transportation of nonpriority mail, an open-rate situation has existed since April 6, 1967, when the Post Office petitioned for the establishment of new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Allegheny) for the transportation of nonpriority mail are those established by Order E-17255, July 31, 1961, in the nonpriority Mail Rate Case, and these rates are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is the expressed intention of the Post Office Department and Pocono that Pocono will receive the same compensation as Allegheny would for the same services, we propose to establish a temporary service rate for nonpriority mail for Pocono at the level established in Order E-17255, as amende, and the terms and provisions of that order shall be applicable to Pocono in the same manner as they were applicable to Allegheny in providing mail service between Hazleton, Pa., and Newark, N.J. We will also make Pocono a party to the proceedings in Docket 18381 and the temporary nonpriority mail rate established herein shall be subject to such retroactive adjustment as may be ordered in that proceeding.

Under the circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Pocono Airlines, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between Hazleton and Newark. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Pocono Airlines, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Hazleton, Pa., and Newark, N.J., shall be the rate established by the Board in Order E-25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rate to be paid to Pocono Airlines, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Hazleton, Pa., and Newark, N.J., shall be the rates established by the Board in Order E-17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Pocono Airlines, Inc., the Postmaster General, and Allegheny Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable rates of compensation to be paid to Pocono Airlines, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within ten days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and an answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. Pocono Airlines, Inc., is hereby made a party in Docket 18381; and

6. This order shall be served upon Pocono Airlines, Inc., and the Postmaster General, and Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary*.

[F.R. Doc. 68-10250; Filed, Aug. 23, 1968; 8:49 a.m.]

[1] The petition proposed the following rates: Priority mail by air: 24 cents per ton-mile plus 9.36 cents per pound at Hazleton and 2.34 cents per pound at Newark. Nonpriority mail by air: 15.115 cents per ton-mile plus 4.98 cents per pound at Hagerstown and 1.660 cents per pound at Baltimore.

[2] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14 (g).

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18286, 18287; FCC 68-827]

MIAMI PIPER CORP. AND GENERAL AVIATION CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Miami Piper Corp., Miami, Fla., Docket No. 18286, File No. 20-A-L-38; General Aviation Corp., Miami, Fla., Docket No. 18287, File No. 181-A-L-38; for aeronautical advisory station to serve the new Tamiami Airport, Miami, Fla.

1. The Commission's rules (§ 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at the new Tamiami Airport, Miami, Fla., and therefore are mutually exclusive. Accordingly, it is necessary to designate the applications for hearing. Except for the issues specified herein each applicant is otherwise qualified.

2. In view of the foregoing: *It is ordered*, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

3. *It is further ordered*, That to avail themselves of an opportunity to be heard Miami Piper Corp. and General Aviation Corp., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: August 14, 1968.

Released: August 21, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-10261; Filed, Aug. 23, 1968; 8:50 a.m.]

[1] Commissioner Cox absent.

FEDERAL POWER COMMISSION

[Docket No. RI69-51, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 15, 1968.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Does not consolidate for hearing or dispose of the several matters herein.

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 October 2, 1968.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket nos
									Rate in effect	Proposed increased rate	
RI69-51	Humble Oil & Refining Co. (Operator), et al., Post Office Box 2180, Houston, Tex. 77001, Attn.: Mr. John J. Carter and Mr. Martin N. Erck.	5	61	El Paso Natural Gas Co. (Spraberry Field, Glasscock, et. al., Counties, Tex.) (R.R. District Nos. 7-C and 8).	$52,949	7-17-68	[2] 8-17-68	1-17-69	[5,6] 14.50	[3,4] 18.2430	
	do	31	17	El Paso Natural Gas Co. (Cooper Jal Field, Lea County, N. Mex.).	77,036	7-17-68	[2] 8-17-68	1-17-69	[5,9] 14.68	[3,4,7] 16.8882	
	do	118	13	El Paso Natural Gas Co.,[10] (Amacker Tippet and King Mountain Fields, Upton County, Tex.) (R.R. District No. 7-C).	1,342	7-17-68	[2] 8-17-68	1-17-69	[5,11] 14.10	[3,4] 15.2025	
	do	132	8	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (R.R. District No. 8).	164,933	7-17-68	[2] 8-17-68	1-17-69	[5,12] 14.39	[3,4] 18.0	
	do	144	7	El Paso Natural Gas Co. (Amacker Tippet Field, Upton County, Tex.) (R.R. District No. 7-C).	608	7-17-68	[2] 8-17-68	1-17-69	[5,13] 14.10	[3,4] 15.2025	
	do	260	11	El Paso Natural Gas Co. (Snyder Plant, Scurry County, Tex.) (R.R. District No. 8A).	36,226	7-17-68	[2] 8-17-68	1-17-69	[5,14] 16.20	[3,4] 17.1114	
	do	262	8	El Paso Natural Gas Co.,[10] (Wilshire Field, Upton County, Tex.) (R.R. District No. 7-C).	10,108	7-17-68	[2] 8-17-68	1-17-69	[5,15] 14.10	[3,4] 15.2025	
	do	138	6	El Paso Natural Gas Co. (Buckhorn Field, Schleicher County, Tex.) (R.R. District No. 7-C).	4,161	7-17-68	[2] 8-17-68	1-17-69	[5,16] 14.40	[3,4] 16.0	
	do	294	4	El Paso Natural Gas Co. (San Hill Field, Crane County, Tex.) (R.R. District No. 8).	76,769	7-17-68	[2] 8-17-68	1-17-69	[5] 16.50	[3,4] 18.2430	
	do	330	7	El Paso Natural Gas Co. (Clara Couch Field, Crockett County, Tex.) (R.R. District No. 7-C).	4,677	7-17-68	[2] 8-17-68	1-17-69	[5,17] 16.10	[3,4] 16.7228	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket nos.
RI69-52	Humble Oil & Refining Co.	9	13	El Paso Natural Gas Co. (Clara Couch Field, Crockett County, Tex.) (R.R. District No. 7-C).	$917	7-17-68	[2] 8-17-68	1-17-69	[5,17] 14.11	[3,4] 16.7228	
	do	16	15	El Paso Natural Gas Co. (Dollarhide Plant, Andrews County, Tex.) (R.R. District No. 8).	9,828	7-17-68	[2] 8-17-68	1-17-69	[5,18] 14.50	[3,4] 18.2430	
	do	28	14	El Paso Natural Gas Co. (Cooper Jal Field, Lea County, N. Mex.).	12,825	7-17-68	[2] 8-17-68	1-17-69	[5,19] 13.74	[3,4,7] 16.8882	
	do	33	11	do	601	7-17-68	[2] 8-17-69	1-17-69	[5,19] 12.57	[3,4] 16.8882	
	do	45	12	do	66	7-17-68	[2] 8-17-68	1-17-69	[5,19] 13.04	[3,4] 16.8882	
	do	116	15	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (R.R. District No. 8).	37,502	7-17-68	[2] 8-17-68	1-17-69	[5,20] 12.81	[3,4] 15.2025	
	do	159	5	El Paso Natural Gas Co. (South Pecos Valley Field, Pecos County, Tex.) (R.R. District No. 8).	468	7-17-68	[2] 8-17-68	1-17-69	[5,21] 13.66	[3,4] 16.7228	
	do	160	7	El Paso Natural Gas Co. (Roberts (Strawn) Field, Sutton County, Tex.) (R.R. District 7-C).	272	7-17-68	[2] 8-17-68	1-17-69	[5,21] 13.94	[3,4] 16.7228	
	do	259	7	El Paso Natural Gas Co. (Pecos Valley Field, Pecos County, Tex.) (R.R. District No. 8).	3,506	7-17-68	[2] 8-17-68	1-17-69	[5,21] 14.52	[3,4] 16.7228	
	do	288	10	El Paso Natural Gas Co. (Spraberry (J. F. Nunn) Field, Reagan County, Tex.) (R.R. District No. 7-C).	609	7-17-68	[2] 8-17-68	1-17-69	[5,22] 14.50	[3,4] 18.2430	
	do	289	10	El Paso Natural Gas Co. (Spraberry (E. Nunn) Field, Reagan County, Tex.) (R.R. District No. 7-C).	654	7-17-68	[2] 8-17-68	1-17-69	[5,22] 14.50	[3,4] 18.2430	
	do	290	9	El Paso Natural Gas Co. (Spraberry (Walker) Field, Reagan County, Tex.) (R.R. District No. 7-C).	342	7-17-68	[2] 8-17-68	1-17-69	[5,22] 14.50	[3,4] 18.2430	
	do	291	20	El Paso Natural Gas Co. (Spraberry (C. W. Merchant) Field, Reagan County, Tex.) (R.R. District No. 7-C).	1,417	7-17-68	[2] 8-17-68	1-17-69	[5,22] 14.50	[3,4] 18.2430	
	do	292	19	El Paso Natural Gas Co. (Spraberry (Merchant-13) Field, Reagan County, Tex.) (R.R. District No. 7-C).	(23)	7-17-68	[2] 8-17-68	1-17-69	[5,24] 1.450	[3,4] 18.2430	
	do	293	20	El Paso Natural Gas Co. (Spraberry (Nunn Est.) Field, Reagan County, Tex.) (R.R. District No. 7-C).	99	7-17-68	[2] 8-17-68	1-17-69	[5,24] 14.50	[3,4] 18.2430	
	do	320	15	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (R.R. District No. 7-C).	312	7-17-68	[2] 8-17-68	1-17-69	[5,24,25] 14.50	[3,4] 18.2430	
	do	361	6	El Paso Natural Gas Co. (XBC Field, Upton County, Tex.) (R.R. District No. 7-C).	67	7-17-68	[2] 8-17-68	1-17-69	[5,26] 14.50	[3,4] 18.2430	
	do	374	7	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (R.R. District No. 7-C).	790	7-17-68	[2] 8-17-68	1-17-69	[5,27] 14.50	[3,4] 18.2430	
	do	393	2	El Paso Natural Gas Co. (Three Barfield, Andrews County, Tex.) (R.R. District No. 8).	17,548	7-17-68	[2] 8-17-68	1-17-69	[5] 15.19	[4,28] 18.00	
	do	411	2	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex.) (R.R. District No. 8).	687	7-17-68	[2] 8-17-68	1-17-69	[5] 15.91	[4,29] 17.50	
	do	415	2	El Paso Natural Gas Co. (Wilshire (Devonian) Field, Upton County, Tex.) (R.R. District No. 7-C).	14,832	7-17-68	[2] 8-17-68	1-17-69	[5] 16.97	[4,30] 18.00	
	do	421	7	El Paso Natural Gas Co. and Pecos Co. (King Mountain (Strawn) Field, Upton County, Tex.) (R.R. District No. 7-C).	2,560	7-17-68	[2] 8-17-68	1-17-69	[5] 14.61	[4,29] 15.2025	
	do	276	8	Transwestern Pipeline Co. (Bell Lake Field, Lea County, N. Mex.).	(31) [33] 12,919	7-17-68	[2] 8-17-68	1-17-69	[31,32] 16.0774 [5,32,33] 16.04	[4,7,31] 18.5870 [4,7,29,33] 18.5870	
RI69-53	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103, Attn: C. E. Webber, Director, Natural Gas Administration.	124	6	Transwestern Pipeline Co. (Kermit Field, Winkler County, Tex.) (R.R. District No. 8).	10,152	[35] 7-17-68	[2] 8-17-68	1-17-69	[5,36] 14.86	[3,4] 20.50	
	do	132	8	Transwestern Pipeline Co. (Waha Field, Pecos County, Tex.) (R.R. District No. 8).	9,600	[35] 7-17-68	[2] 8-17-68	1-17-69	[5,37] 16.40	[3,4] 18.0	

[2] The stated effective date is the 1st day after expiration of the statutory notice.
[3] Increase from applicable area ceiling rate to contractually provided rate.
[4] Pressure base is 14.65 p.s.i.a.
[5] Rate established by previously accepted quality statement.
[6] Effective rate is 18.2430 cents per Mcf effective subject to refund in Docket No. RI65-11, except Supplement Nos. 45, 46, 49, 52, and 56 for which the present rate is 16 cents per Mcf.
[7] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[8] Footnote 8 is not used.
[9] Effective rate is 16.8882 cents per Mcf effective subject to refund in Docket No. RI65-25.
[10] Copurchaser is Pecos Co. as successor to Hunt Oil Co.,s 50 percent interest. Pecos Co. is a subsidiary of El Paso Natural Gas Co.
[11] Effective rate is 15.2025 cents per Mcf effective subject to refund in Docket No. RI65-11.
[12] Effective rate is 18 cents per Mcf effective subject to refund in Docket No. RI68-421.
[13] Effective rate is 15.2025 cents per Mcf effective subject to refund in Docket No. RI65-11.
[14] Effective rate is 17.1114 cents per Mcf effective subject to refund in Docket No. RI65-11.
[15] Effective rate is 15.2025 cents per Mcf effective subject to refund in Docket No. RI65-11.
[16] Effective rate is 15 cents per Mcf effective subject to refund in Docket No. RI65-238.
[17] Effective rate is 16.7228 cents per Mcf effective subject to refund in Docket No. RI65-24.

[18] Effective rate is 18.2430 cents per Mcf effective subject to refund in Docket No. RI65-24.
[19] Effective rate is 16.8882 cents per Mcf effective subject to refund in Docket No. RI65-24.
[20] Effective rate is 15.2025 cents per Mcf effective subject to refund in Docket No. RI65-10.
[21] Effective rate is 16.7228 cents per Mcf effective subject to refund in Docket No. RI65-10.
[22] Effective rate is 18.2430 cents per Mcf effective subject to refund in Docket No. RI65-10.
[23] Seller reports no current production.
[24] Effective rate is 18.2430 cents per Mcf effective subject to refund in Docket No. RI65-10.
[25] Effective rate for acreage dedicated by Supplement Nos. 6, 8, and 11 is 16 cents per Mcf.
[26] Current rate is 16 cents per Mcf for all dedicated acreage except for acreage added by Supplement No. 5, which has an effective rate of 14.5 cents per Mcf.
[27] Effective rate is 18 cents per Mcf effective subject to refund in RI65-56.
[28] Increase from rate provided by conditioned temporary certificate to contract rate (initial rate is 15.19 cents per Mcf).
[29] Increase from rate provided by conditioned temporary certificate to contract rate.
[30] Periodic rate increase.
[31] For gas produced from the Pennsylvania formation (operator anticipates no deliveries from this formation).
[32] Effective rate is 16.0774 cents per Mcf effective subject to refund in Docket No. RI64-42.
[33] For gas produced from the Devonian Formation.
[34] Effective rate is 16.7228 cents per Mcf effective subject to refund in Docket No. RI65-10, except for acreage added under Supplement Nos. 1 and 3 which is 16.10 cents per Mcf.
[35] Corrections filed July 29, 1968.
[36] Present effective rate is 20.50 cents per Mcf effective subject to refund in Docket No. RI66-198.
[37] Present effective rate is 18 cents per Mcf effective subject to refund in Docket No. RI68-79.

APPENDIX "A"

Humble Oil & Refining Co. and Humble Oil & Refining Co. (Operator), et al. (both referred to herein as Humble) request that should the Commission suspend their proposed rate increases that the suspension periods be shortened to 1 day, or as short a period as possible. Good cause has not been shown for granting Humble's request for limiting to 1 day the suspension periods with respect to their rate filings and Humble's request is denied.

Four of Humble's proposed rate increases reflect 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 these rate increases. 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 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 rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of Humble's proposed increased rates and charges.

Humble and Sun Oil Co.'s proposed increased rates and charges exceed the applicable ceiling rates established by the related quality statements previously accepted by the Commission pursuant to Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 68-10152; Filed, Aug. 23, 1968; 8:45 a.m.]

[Docket No. G-7004, etc.]

PENNZOIL UNITED, INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

AUGUST 14, 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 Federal Power 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 September 9, 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 § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after 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.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-7004 D 7-26-68	Pennzoil United, Inc., Post Office Drawer 1588, Parkersburg, W. Va. 26101 (partial abandonment).	Consolidated Gas Supply Corp., acreage in Kanawha County, W. Va.	(1)	-------
G-10115 (G-10775) (G-10963) (G-10904) C 8-5-68 [2]	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Texas Eastern Transmission Corp., Greenwood-Waskom Field, Caddo Parish, La.	16.7756	15.025
G-19534 E 7-24-68 [3]	CRA, Inc. (successor to Brooks Gas Corp.), c/o Carlyle W. Urban, General Attorney, 606 Houston First Savings Bldg., Houston, Tex. 77002.	Northern Natural Gas Co., Mertzon Plant, Irion County, Tex.	[4] 13.25	14.65
CI63-708 E 7-24-68	do	do	[5] 17.0 [6] 16.5	14.65 -------
CI65-700 E 7-24-68 [3]	do	do	[7] 1.5	14.65
CI66-1106 E 7-24-68 [3]	do	do	16.0	14.65
CI60-50 C 7-25-68	D. R. Lauck Oil Co., Inc., 301 South Broadway, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., acreage in Edwards County, Kans.	15.0	14.65
CI60-50 D 7-25-68	Do	Panhandle Eastern Pipe Line Company acreage in Stafford and Pratt Counties, Kans.	(9)	-------
CI60-252 D 7-26-68 [10]	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Guymon-Hugoton (Deep) Field, Texas County, Okla.	Assigned	
CI61-586 8-1-68 [11]	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	United Fuel Gas Co., Northeast Rayne Field, Acadia Parish, La.	21.5	15.025
CI61-691 C 8-7-68	Sinclair Oil & Gas Co. (Operator) et al., Post Office Box 521, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Northeast Cedardale Field, Major County, Okla.	[12] 15.0	14.65
CI61-1327 D 7-26-68 [13]	Mobil Oil Corp	Cities Service Gas Co., Guymon-Hugoton (Deep) Field, Texas County, Okla.	Assigned	

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.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI62-684 D 7-29-68	Lario Oil & Gas Co., 301 South Market St., Wichita, Kans. 67202 (partial abandonment).	El Paso Natural Gas Co., Judkins Field, Crane County, Tex.	(14)	--------
CI63-2 E 7-25-68	Progress Petroleum, Inc. (successor to L. J. Onstott, d.b.a. Progress Petroleum Products, Operator), 426 Oil & Gas Bldg., Wichita Falls, Tex. 76301.	Lone Star Gas Co., Vogtsberger Field, Archer County, Tex.	[15] 16.0	14.65
CI63-1091 E 7-31-68	Petroleum Promotions, Inc. (successor to Bear Run Oil & Gas Co.), c/o Ned S. Russell, president, G-8469 South Saginaw Rd., Grand Blanc, Mich. 48439.	Consolidated Gas Supply Corp., Hackers Creek District, Lewis County, W. Va.	25.0	15.325
CI65-80 C 7-31-68	J. C. Baker & Son, Inc., Gassaway, W. Va. 26624.	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	[16] 27.0	15.325
CI65-627 C 8-1-68	Milo M. Craig, Post Office Box 116, Ringwood, Okla. 73768.	Oklahoma Natural Gas Gathering Corp. & National Fuels Corp., acreage in Major County, Okla.	12.0	14.65
CI66-129 C 7-25-68	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co., Post Office Box 747, Dallas, Tex. 75221.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI66-939 D 7-25-68	D. R. Lauck Oil Co., Inc. (Operator) et al.	Northern Natural Gas Co., acreage in Edwards County, Kans.	Uneconomical	--------
CI66-942 C 8-5-68	Pan American Petroleum Corp (Operator) et al.	Northern Natural Gas Co., Tangier Field, Woodward County, Okla.	[17] 19.55	14.65
CI67-453 D 7-26-68	Edwin G. Bradley (Operator) et al. 826 Union Center Bldg., Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	(18)	--------
CI67-1683 C 7-29-68	Edwin G. Bradley and George R. Shaw d.b.a. Bradley-Shaw (Operator) et al. 826 Union Center Bldg., Wichita, Kans. 67202.	Plateau Natural Gas Co., Hugoton Gas Field, Kearny County, Kans.	13.5	14.65
CI67-1851 C 8-7-68	William V. Montin et al. 1390 First National Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., North Hopeton Field, Woods County, Okla.	[12] 15.0	14.65
CI68-164 C 8-5-68	Continental Oil Co.	El Paso Natural Gas Co., San Juan Basin, San Juan and Rio Arriba Counties, N. Mex.	13.0	15.025
CI68-200 C 8-6-68	Sun Oil Co. (Mid-Continent Division), 1608 Walnut St., Philadelphia, Pa. 19103.	Arkansas Louisiana Gas Co., Peno Field, LeFlore County, Okla.	15.0	14.65
CI69-113 (CI68-1285) F 7-30-68	King Resources Co. (successor to Border Exploration Co.), % Samuel L. McClaren, attorney, 550 Petroleum Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., East Boundary Butte Field, Apache County, Ariz.	[19] 18.7	15.025
CI69-114 A 7-31-68	Pan American Petroleum Corp.	Texas Gas Transmission Corp., North Shongaloo-Red Rock Field, Webster Parish, La.	[20] 18.75	15.025
CI69-115 A 7-31-68	Jack H. Choate, Post Office Box 218, Hennessey, Okla. 73742.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	[12] 17.0	14.65
CI69-116 B 7-30-68	Pioneer Production Corp. (Operator) et al., Post Office Box 2542, Amarillo, Tex. 79101.	Panhandle Eastern Pipe Line Co., acreage in Morton County, Kans.	Depleted	--------
CI69-117 (CI68-1052) F 7-29-68	Whitaker Oil Co. (successor to Barnwell Production Co.), Whitaker Bldg., Carthage, Tex.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	15.0	14.65
CI69-118 A 8-1-68	Appalachian Exploration & Development, Inc., Post Office Box 1473, Charleston, W. Va. 25325.	Mountain Gas Co., Rocky Fork Field, Kanawha County, W. Va.	27.0	15.325
CI69-119 A 8-2-68	Sohio Petroleum Co., 970 First National Bank Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Northwest Camrick Pool, Texas County, Okla.	[21] 18.75	14.65
CI69-120 A 7-31-68	Guy S. Williams, 196 East Valley St., Willits, Calif. 95490.	Phillips Petroleum Co., Acreage in Hutchinson County, Tex.	[22] 11.0	14.65
CI69-121 A 8-5-68	Natol Petroleum Corp. et al., 1400 Petroleum Club Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Hopeton Area, Woods County, Okla.	[12] 17.0	14.65
CI69-122 A 8-5-68	Har-Ken Oil Co. (Operator) et al., c/o D. Austin Stubblefield II, attorney, 613½ Frederica St., Owensboro, Ky. 42301.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	17.0	15.025
CI69-123 B 8-5-68	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Kansas-Nebraska Natural Gas Co., Inc., White Pool, Logan County, Colo.	(23)	--------
CI69-124 B 8-5-68	Hunt Oil Co., 1401 Elm St., Dallas, Tex. 75202.	Transcontinental Gas Pipe Line Corp., Thibodaux Field, Lafourche Parish, La.	Depleted	--------
CI69-125 A 8-5-68	Pan American Petroleum Corp.	Northern Natural Gas Co., West Sharon Field, Woodward County, Okla.	15.0	14.65
CI69-126 A 8-5-68	Mobil Oil Corp.	United Gas Pipe Line Co., Laura LaVelle Field, Houston County, Tex.	15.0	14.65
CI69-127 A 8-7-68	Apache Gas Products Corp., 823 South Detroit, Tulsa, Okla. 74120.	Montana-Dakota Utilities Co., Recluse Products Plant, Campbell County, Wyo.	15.384	15.025
CI69-128 A 8-6-68	Delta Drilling Co. (Operator) et al., Post Office Box 2012, Tyler, Tex. 75702.	El Paso Natural Gas Co., Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI69-129 A 8-7-68	MacDonald Spidel et al., Box 66, Route No. 3, M 40, Allegan, Mich. 49010.	Consolidated Gas Supply Corp., Courthouse District, Lewis County, W. Va.	25.0	15.325
CI69-130 A 8-7-68	Harris R. Fender et al., Post Office Box 449, Tyler, Tex. 75701.	United Gas Pipe Line Co., Laura LaVelle Field, Houston County, Tex.	15.0	14.65
CI69-131 (G-17906) F 7-18-68 [24]	Sohio Petroleum Co. (successor to Blanco Oil Co.), 970 First National Office Bldg., Oklahoma City, Okla. 73102.	El Paso Natural Gas Co., Ingham (Devonian) Field, Crockett County, Tex.	[25] 16.72275	14.65
CI69-132 (CI61-618) F 7-29-68	Sohio Petroleum Co. (successor to Blanco Oil Co.).	Natural Gas Pipeline Co. of America, Northeast Thompsonville Field, Webb County, Tex.	18.0	14.65

See footnotes at end of table.

[1] Purchaser has no facilities in the area to take the gas expected to be produced.
[2] Adds acreage acquired from Sunray DX Oil Co., Docket No. G-10775, Sinclair Oil & Gas Co., Docket No. G-10963, and Marathon Oil Co., Docket No. G-10904.
[3] Delta Drilling Co. & Pauley Petroleum, Inc., certificate holders in Docket No. CI65-581, sell gas produced in the Velrex Field Area, Schleicher County, Tex., to Northern Natural Gas Co. Brooks Gas Corp., certificate holder in Docket No. CI65-700, gathers the Delta and Pauley gas for Northern and delivers the gas to Brooks Pipeline Co., certificate holder in Docket No. CP64-121, which transports the gas to Brooks Gas' Mertzon Plant in Irion County, Tex., where the gas is processed and delivered to Northern. Brooks Gas, as certificate holder in Docket No. G-19534, purchases gas produced from the Mertzon Field and the Brooks Field in Irion and Tom Green Counties, Tex., for processing in the Mertzon Plant and resale to Northern and, as certificate holder in Docket No. CI63-708, purchases gas produced in the Velrex Field Area for processing in the Mertzon Plant and resale to Northern. Brooks Gas, as certificate holder in Docket No. CI66-1106, produces and purchases gas produced in Irion and Tom Green Counties for processing in the Mertzon Plant and sale and resale to Northern. Brooks Gas has succeeded to Brooks Pipeline Co. CRA, Inc., proposes in Docket Nos. G-19534, CI63-708, CI65-700, and CI66-1106 to continue the sales and service authorized in said dockets as successor in interest to Brooks Gas.
[4] Rate in effect subject to refund in Docket No. RI65-325.
[5] Rate for initial acreage. Rate in effect subject to refund in Docket No. RI68-416.
[6] Rate for additional acreage dedicated to contract.
[7] Gathering charge.
[8] (Omitted.)
[9] Deletes nonproductive acreage.
[10] Deletes acreage assigned to Samedan Oil Corp.
[11] Amendment to certificate filed to include the interest of nonsignatory party.
[12] Subject to upward and downward B.t.u. adjustment.
[13] Deletes acreage assigned to Samedan Oil Corp. and Edwin L. Cox.
[14] Buyer is unable to take additional gas.
[15] Rate in effect subject to refund in Docket No. RI68-396.
[16] Includes 2 cents per Mcf gathering and transportation charge.
[17] Includes 2.55 cents per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[18] Deletes nonproductive acreage.
[19] Rate in effect subject to refund in Docket No. RI67-169.
[20] Includes 1.75 cents per Mcf tax reimbursement.
[21] Includes 1.75 cents per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[22] Less .4466 cent for sour gas.

[22] Well is no longer capable of producing gas in commercial quantities.
[23] Application erroneously noticed Aug. 9, 1968, in Docket Nos. G-2602 et al., as a complete succession in Docket No. G-17906.
[24] Includes tax reimbursement.

[F.R. Doc. 68-10172; Filed, Aug. 23, 1968; 8:45 a.m.]

[Docket No. CP69-28]

EASTERN SHORE NATURAL GAS CO.

Notice of Application

AUGUST 19, 1968.

Take notice that on August 12, 1968, Eastern Shore Natural Gas Co. (Applicant), 144 East Main Street, Salisbury, Md. 21801, filed in Docket No. CP69-28 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and sale of 1,500 Mcf of storage gas service to certain of its resale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to furnish storage service in accordance with the following schedule:

Customer	*Storage demand (Mcf per day)*
Cambridge Gas Co	150
Citizens Gas Co	400
Dover Gas Light Co	750
Elkton Gas Service Co	200
Total	1,500

Applicant proposes to render storage service under a new Rate Schedule GSS-1. Applicant states that its storage service proposal is dependent upon the currently pending application at Docket No. CP68-316, filed by its supplier, Transcontinental Gas Pipe Line Corp. (Transco), wherein the latter pipeline seeks authority to sell 1,500 Mcf per day of storage gas service to Eastern Shore. Applicant further states that the terms and conditions of its proposed GSS-1 rate schedule are patterned after those of Transco's GSS rate schedule and that its service will provide substantial economic and operational benefits to the several distribution companies to which service is now proposed.

Applicant states that the proposed service can be made effective without the construction of any new transmission facilities and will not require any new delivery points to the proposed customers.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 16, 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 this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-10195; Filed, Aug. 23, 1968; 8:45 a.m.]

[Docket No. RI69-54]

HUMBLE OIL & REFINING CO.

Order Providing for Hearing on and Suspension of Proposed Amendatory Agreement

AUGUST 16, 1968.

On July 18, 1968, Humble Oil & Refining Co. (Humble),[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change is contained in the following designated filing:

Description: Supplemental Agreement,[2] dated July 9, 1968.

Purchaser and producing area: El Paso Natural Gas Co. (Walker Hollow Field, Uintah County, Utah).

Rate schedule designation: Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 296.

Effective date: August 18, 1968.[3]

Effective rate: 17 cents per Mcf.

Pressure base: 15.025 p.s.i.a.

Humble's proposed amendatory agreement dated July 9, 1968, increases the maximum daily quantity of gas buyer is required to take-or-pay for. The basic contract covers a sale of gas to El Paso Natural Gas Co. (El Paso), from the Walker Hollow Field, Uintah County, Utah. It provides that the buyer must take-or-pay for an average daily quantity which is the lessor of:

(a) 75 percent of the volume of gas attributable to seller's interest;

(b) 75 percent of the gas deliverable from seller's interest;

(c) 75 percent of the aggregate allowable for seller's interest;

However, buyer is not required to purchase in excess of 4,000 per day. The proposed supplement amends the contract by increasing the maximum from 4,000 to 7,000 Mcf per day.

[1] Address is: Post Office Box 2180, Houston, Tex. 77001. Attention: John J. Carter, General Manager, Natural Gas Department.

[2] Amends the basic contract to provide for a maximum daily contract quantity of 7,000 Mcf in lieu of the original 4,000 Mcf.

[3] The stated effective date is the first day after expiration of the statutory notice.

In view of the increase in the buyer's take-or-pay obligation resulting from the proposed change, we conclude that the effectiveness of the proposed supplement should be suspended for a period of 5 months. If the proposed change is made effective after such time any amounts collected by Humble for gas paid for but not taken as a result of the amendatory agreement should be collected subject to refund pending determination of the lawfulness of such change.

Humble's proposed rate filing may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 296 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed change contained in Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 296.

(B) Pending such hearing and decision thereon, Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 296 is hereby suspended and the use thereof deferred until January 18, 1969, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(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 October 2, 1968.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-10194; Filed, Aug. 23, 1968; 8:45 a.m.]

[Docket No. RI69-41, etc.]

WILLIAM V. MONTIN ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 7, 1968.

The Responents named herein have filed proposed increased rates and

[1] Does not consolidate for hearing or dispose of the several matters herein.

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A 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 October 2, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69-41	William V. Montin et al., First National Bldg., Oklahoma City, Okla. 73102.	2	4	Panhandle Eastern Pipe Line Co. (North Hopeton Field, Woods County, Okla.) (Oklahoma "Other" Area).	$2,856	7-18-68	[2] 8-18-68	1-18-69	[3] 15.0	[3 4 5] 17.0	
RI69-42	Douglas Resources Corp., 310 Kermac Bldg., Oklahoma City, Okla. 73102.	6	4	do	1,260	7-18-68	[2] 8-18-68	1-18-69	[3] 15.0	[3 4 5 6] 17.0	
RI69-43	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co., Post Office Box 747, Dallas, Tex. 75221.	91	5	Arkansas Louisiana Gas Co. (Chimsville Field, Logan County, Ark.).	165	7-17-68	[2] 9-1-68	2-1-69	15.0	[4 7] 16.0	
RI69-44	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	47	4	Lone Star Gas Co. (Knox Field, Grady and Stephens County, Okla.) (Carter-Knox Area).	163	7-18-68	[8] 8-18-68	1-18-69	[10] 17.915	[4 9 10] 18.80	RI68-704.
RI69-45	Texaco, Inc., Post Office Box 3109, Midland, Tex. 79701.	309	3	Panhandle Eastern Pipe Line Co. (North Hansford Field, Hansford County, Tex.) (RR. District No. 10).	12,000	7-19-68	[8] 8-19-68	1-19-69	17.0	[4 7] 18.0	
RI69-46	Arkla Exploration Co. et al., Slattery Bldg., Shreveport, Pa. 71101.	20	12	Arkansas Louisiana Gas Co. (Arkoma Area, Haskell and Le Flore Counties, Okla.) (Oklahoma "Other" Area).	23,193	7-18-68	[2] 9-1-68	2-1-69	15.0	[4 7 10] 16.015	
RI69-47	Arkla Exploration Co.	22	2	Arkansas Louisiana Gas Co. (Backbone Area, Le Flore County, Okla.) (Oklahoma "Other" Area).	102	7-18-68	[2] 9-1-68	2-1-69	15.0	[4 7 10] 16.015	
RI69-48	Arkla Exploration Co. (Operator) et al.	24	5	Arkansas Louisiana Gas Co. (Bonanza and Massard Fields, Sebastian and Crawford Counties, Ark.).	1,300	7-18-68	[2] 9-1-68	2-1-69	15.0	[4 7] 16.0	

[2] The stated effective date is the effective date proposed by Respondent.
[3] Filing from initial certificated rate to initial contract rate.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to upward and downward B.t.u. adjustment.
[6] Applicable only to Supplement No. 2.
[7] Periodic rate increase.
[8] The stated effective date is the first day after expiration of the statutory notice.
[9] "Fractured" rate increase. Respondent contractly due 19 cents plus tax reimbursement.
[10] Includes 0.015-cent tax reimbursement.

Texaco, Inc. (Texaco), requests that its proposed rate increase be permitted to become effective as of June 1, 1968. Marathon Oil Co. (Marathon) requests waiver of the statutory notice and an effective date for which adequate notice has not been given; and, if its proposed rate is suspended, Marathon requests that either the 30-day notice requirement or suspension period be shortened so that such rate may be allowed to go into effect no later than December 21, 1968. 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 Texaco and Marathon's rate filings and such requests are denied. Marathon's request for a shortened suspension period for its rate filing is also denied.

The rate increases filed by Joseph E. Seagram & Sons, Inc., doing business as Texas Pacific Oil Co. (Seagram), and Arkla Exploration Co. (Operator), et al., (Arkla) are for sales of gas in the Arkoma area of Arkansas where no formal rate ceilings have been established. The proposed 16 cents per Mcf rates exceed the 11 cents per Mcf increased rate ceiling for the adjacent Oklahoma "Other" area which has previously been applied to this area. Consistent with such action, we conclude that Seagram and Arkla's proposed 16 cents per Mcf rate should be suspended for 5 months from September 1, 1968, the proposed effective date.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56), with the exception of the rate increases filed by Seagram and Arkla for sales in Arkansas for which there is no announced formal ceiling rate for the area involved, but exceed the informal increased rate ceiling price for Arkansas.

[F.R. Doc. 68-10201; Filed, Aug. 23, 1968; 8:45 a.m.]

[Docket No. CP69-29]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

AUGUST 19, 1968.

Take notice that on August 13, 1968, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69-29 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate additional facilities on the 30-inch Louisiana Extension of its main Gulf Coast pipeline, in Cameron Parish, La., approximately 5 miles from the town of Johnsons Bayou, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to install a new compressor station with 3,120 horsepower of compression and appurtenant facilities, such compressor station to be denominated Applicant's Compressor Station No. 342.

The application states that the facilities sought herein will enable Applicant to take into its system and transport for delivery into its Gulf Coast line additional volumes of South Louisiana area gas already under contract, additional volumes which may be forthcoming from Applicant's already connected sources of supply, as well as a limited amount of gas which Applicant may subsequently acquire in this area.

Further, the application states that the proposed facilities will cost approximately $1,145,000, and that this cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 16, 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 this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-10196; Filed, Aug. 23, 1968; 8:45 a.m.]

[Docket No. CP68-193]

NORTHERN NATURAL GAS CO.

Notice of Amendment to Pending Application

AUGUST 19, 1968.

Take notice that on July 22, 1968, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP68-193 an amendment to the pending application in said docket, heretofore noticed in 33 F.R. 927 on January 25, 1968, in which Applicant now requests authorization of additional quantities of natural gas to be sold in interstate commerce to its existing resale customers, all as more fully set forth in the amendment to the application on file with the Commission and open to public inspection.

Applicant states that, since the filing of the original application, its existing customers have submitted revised estimates of their requirements for the 1968-69 heating season. Based on the original estimates, Applicant had requested authority to transport and sell additional firm volumes of 46,536 Mcf per day with an additional 10,000 Mcf per day of equivalent contract demand for the Argus System Communities and drilling and pumping customers.

By the instant amendment to the application, Applicant seeks authorization to transport and sell 24,881 Mcf per day to its customers in addition to the previously requested 46,536 Mcf, making for a total of 81,417 Mcf of natural gas being requested in the instant docket.

Applicant also requests authority to provide the firm gas service to large volume consumers and effectuate the decreases and termination of such service as set forth in the application.

Applicant proposes no new facilities to handle the proposed increase in transportation and sales of natural gas stating that its authorized facilities and facilities awaiting authorization provide sufficient capacity to handle the 81,417 Mcf per day increase.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 16, 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 this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-10197; Filed, Aug. 23, 1968; 8:45 a.m.]

[Docket No. CP65-224]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Petition To Amend

AUGUST 19, 1968.

Take notice that on August 12, 1968, South Georgia Natural Gas Co. (Petitioner), Thomasville, Ga. 31792, filed in Docket No. CP65-224 a petition to amend the order of the Commission issued in said docket June 3, 1965, which order authorized Petitioner to construct and operate natural gas facilities and to transport and sell natural gas in order to initiate gas service to the city of Shellman, Randolph County, Ga. (Shellman), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the instant filing, Petitioner seeks amendment of said order by requesting that the third year peak day requirements be increased from 227 Mcf to 335 Mcf with corresponding increase in annual volumes from 17,901 Mcf to 36,165 Mcf. Further, Petitioner requests that the time within which the facilities are to be constructed and placed in actual operation as set forth in the order issued June 3, 1965, and as extended by order issued on November 16, 1966, be reinstated and extended to March 31, 1969.

The Petitioner states that whereas Shellman encountered financial problems which stopped progress of its proposed distribution system, new financial arrangements have now been made which will now enable it to move forward and complete its natural gas system.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 16, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-10198; Filed, Aug. 23, 1968; 8:45 a.m.]

[Docket No. CP69-25]

SOUTHERN NATURAL GAS CO.

Notice of Application

AUGUST 16, 1968.

Take notice that on August 8, 1968, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP69-25 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities in Tuscaloosa County, Ala., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon by sale to Alabama Gas Corp. (Alabama Gas) its Veterans Administration Hospital lateral line and Veterans Administration Hospital and Tuscaloosa No. 2 measuring stations. Applicant states that Alabama Gas desires to integrate its distribution facilities in the Tuscaloosa area and in this connection desires to purchase from Applicant the facilities set forth above.

The application states that the abandonment will have no effect on its design daily delivery capacity, and that the only effect the abandonment will have on Applicant's operations in the Tuscaloosa area is that after abandonment of the proposed facilities, Alabama Gas, rather than Applicant, will provide service to the Veterans Administration Hospital lateral line; and gas will be delivered by Applicant to Alabama Gas at a new delivery point located on Applicant's McConnells-Selma line.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 13, 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 this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-10199; Filed, Aug. 23, 1968; 8:45 a.m.]

[Docket No. CI65-205, etc.]

THORNTON OIL CO.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity and Redesignating Proceedings

AUGUST 16, 1968.

On April 29, 1968, Thornton Oil Co. (Petitioner), Docket Nos. CI65-205, CS66-49, RI60-409, RI65-435, filed a notice of change in name to advise the Commission that its name had been changed from Rodman Oil Co., on July 12, 1967, all as more fully set forth in the notice of application published in the FEDERAL REGISTER on July 17, 1968 (33 F.R. 10250).

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Rodman Oil Co. are amended by changing the name of the certificate holder to Thornton Oil Co., and in all other respects said orders shall remain in full force and effect.

(B) The pending rate proceedings in which the Rodman Oil Co. is Respondent are redesignated to reflect the change in name to Thornton Oil Co.

(C) The FPC gas rate schedules of Rodman Oil Co. are redesignated as those of Thornton Oil Co. and are given the numerical designations set forth in the appendix.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX

Docket No.	Former rate schedule designation	New rate schedule designation	Contract date	Related rate proceeding
CI65-205	Rodman Oil Co., FPC gas rate schedule No. 1.	Thornton Oil Co., FPC gas rate schedule No. 1.	3-6-56	RI65-435. RI60-409.[1]
CS66-49	Rodman Oil Co., FPC gas rate schedule No. 3.	Thornton Oil Co., FPC gas rate schedule No. 2.	11-9-64	

[1] Only insofar as Docket No. RI60-409 pertains to the interest of Rodman Oil Co.

[F.R. Doc. 68-10200; Filed, Aug. 23, 1968; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COLOMBIA

Entry and Withdrawal From Warehouse for Consumption

AUGUST 21, 1968.

On May 8, 1968, the U.S. Government prohibited further entry of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Colombia and exported to the United States from Colombia during the period beginning July 1, 1967, and extending through June 30, 1968, because shipments in these categories to the United States from Colombia for that period exceeded the aggregate level specified in the bilateral cotton textile agreement of June 9, 1965, as amended. Consultations with the Government of Colombia have been held on this matter and it has been determined that the embargo should be terminated.

Accordingly, there is published below a letter of August 20, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, terminating, as soon aa possible, the directive of May 8, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

WASHINGTON, D.C. 20230,
AUGUST 20, 1968.

DEAR MR. COMMISSIONER: On May 8, 1968, the Chairman of the President's Cabinet Textile Advisory Committee directed you, effective as soon as possible, and until further notice, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Colombia and exported to the United States from Colombia during the period beginning July 1, 1967, and extending through June 30, 1968.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the cotton textile agreement of June 9, 1965, as amended, between the Governments of the United States and Colombia, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, the above mentioned directive of May 8, 1968, is hereby terminated, to be effective as soon as possible.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton textiles and cotton textile products from Colombia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

JOSEPH W. BARTLETT,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68-10251; Filed, Aug. 23, 1968; 8:50 a.m.]

OFFICE OF EMERGENCY PLANNING

MINNESOTA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated August 15, 1968, reading in part as follows:

I have determined that the damage in those areas of the State of Minnesota adversely affected by heavy rains and flooding beginning on or about August 6, 1968, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875.

I do hereby determine the following areas in the State of Minnesota to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 15, 1968:

The counties of:

Blue Earth.	Le Sueur.
Freeborn.	Nicollet.

Dated: August 19, 1968.

PRICE DANIEL,
Director,
Office of Emergency Planning.

[F.R. Doc. 68-10209; Filed, Aug. 23, 1968; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2946]

AMERICAN CEMENT CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 20, 1968.

In the matter of application of the Philadelphia Baltimore Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

American Cement Corp., File No. 7-2946.

Upon receipt of a request, on or before September 4, 1968, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-10210; Filed, Aug. 23, 1968; 8:46 a.m.]

[File No. 1-4672]

CAMEO-PARKWAY RECORDS, INC.

Order Suspending Trading

AUGUST 20, 1968.

The common stock, 10 cents par value of Cameo-Parkway Records, Inc., Philadelphia, Pa., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Cameo-Parkway Records, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 21, 1968, through August 30, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-10211; Filed, Aug. 23, 1968; 8:46 a.m.]

[File No. 1-2250]

COMSTOCK-KEYSTONE MINING CO.

Order Suspending Trading

AUGUST 20, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Comstock-Keystone Mining Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 21, 1968 through August 30, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-10212; Filed, Aug. 23, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 15, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41416—*Phosphate rock to Centrala, Ala.* Filed by O. W. South, Jr., agent (No. A6042), for interested rail carriers. Rates on phosphate rock, crude, other than ground phosphate rock, in bulk in covered hopper cars, in carloads, from Bartow, Fla., and points grouped therewith, to Centrala, Ala.

Grounds for relief—Rail-barge competition.

Tariff—Supplement 60 to Southern Freight Association, agent, tariff I.C.C. S-658.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-10254; Filed, Aug. 23, 1968; 8:50 a.m.]

[Notice 196]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 21, 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-70492. By order of August 14, 1968, the Transfer Board approved the transfer to State Trucking & Rigging Co., a corporation, Ridgewood, N.J.; of certificate in No. MC-43381, issued May 16, 1950, to William Tuma and Frank P. Tuma, a partnership, doing business as William Tuma & Son, East Rutherford, N.J.; authorizing the transportation of: Machinery, which because of size or weight requires special equipment, between points in Essex, Bergen, Passaic, and Hudson Counties, N.J., on the one hand, and, on the other, points in New York within 100 miles of Newark, N.J.; and, household goods, crated or in lift vans, between New York, N.Y., on the one hand, and, on the other, points in New Jersey. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, practitioner for applicants.

No. MC-FC-70710. By order of August 15, 1968, the Transfer Board approved the transfer to Leonard L. Carpenter, doing business as Carpenter Van Lines, 6301 East 120th Street Terrace, Kansas City, Mo. 64145, of the operating rights in certificate No. MC-89981 issued July 18, 1968, to Ferrara Interstate Movers, Inc., 100 Merrick Road, Rockville Centre, N.Y. 11570, authorizing the transportation, over irregular routes, of household goods between points in Connecticut, Rhode Island, Massachusetts, and New Jersey, those in New York on and southeast of New York Highway 7, and those in Pennsylvania east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 220 to Muncy, Pa., thence along the Susquehanna River to the Pennsylvania-Maryland State line.

No. MC-FC-70512. By order of August 14, 1968, the Transfer Board on reconsideration, approved the transfer to M&S Transfer, Inc., Osceola, Nebr., of the operating rights in certificate No. MC-7201 issued April 28, 1949, to Walter Stier and Harry Kilgore, doing business as Stier Transfer, David City, Nebr., authorizing the transportation of: *General commodities*, except those of unusual value, and except dangerous explosives, household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities requiring special equipment, and those injurious or contaminating to other lading, over a regular route, between David City, Nebr., and Omaha, Nebr.: From David City over Nebraska Highway 15 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Omaha, and return over the same route. Service is authorized to and from the intermediate and off-route points of Wahoo, Weston, and Brainard, Nebr. Delbert E. Dirrim, Post Office Box 94607, Lincoln, Nebr. 68509, attorney for applicants.

No. MC-FC-70619. By order of August 12, 1968, the Transfer Board, approved the transfer to The Glasgow & Davis Co., a corporation, Salisbury, Md., a portion of certificate No. MC-21006 (Sub-No. 17), issued February 18, 1966, to Joseph S. Triglia, Delmar, Md., authorizing the transportation of agricultural commodity containers from Woodland, N.C., and points within 15 miles thereof, to points in Georgia, Florida, and South Carolina (except from Murfreesboro, N.C., to points in Florida). M. C. Glasgow, Box 1717, Salisbury, Md. 21801, representative for applicants.

No. MC-FC-70654. By order of August 15, 1968, the Transfer Board approved the transfer to Phillip's Express, Inc., Methuen, Mass., of certificate No. MC-43724, issued May 6, 1941, to Leon A. Desrochers, doing business as Phillips Express, Methuen, Mass., authorizing the transportation of general commodities, except those of unusual value, and except dangerous explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Lawrence, Mass., and Boston, Mass., from Lawrence over Massachusetts Highway 28 to Boston, and return over the same route, authorizing service to and from all intermediate points. Margaret A. Desrochers, 80 Ashland Avenue, Methuen, Mass. 01844, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-10255; Filed, Aug. 23, 1968; 8:50 a.m.]

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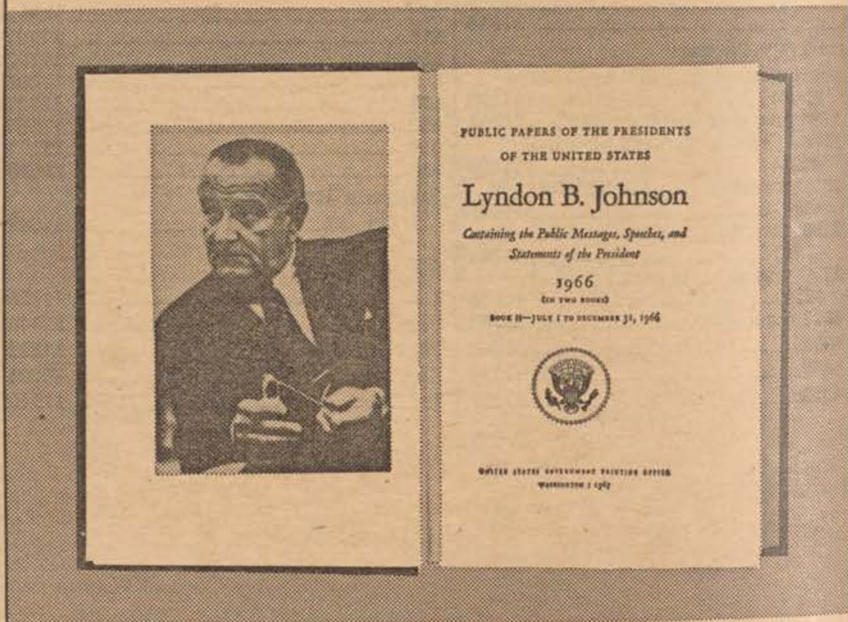

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