FEDERAL REGISTER

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Pages 18603–18640

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Agricultural Stabilization and Conservation Service
Air Force Department
Atomic Energy Commission
Civil Aeronautics Board
Coast Guard
Consumer and Marketing Service
Farm Credit Administration
Federal Aviation Administration
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Interior Department
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
Public Health Service
Securities and Exchange Commission
Tariff Commission

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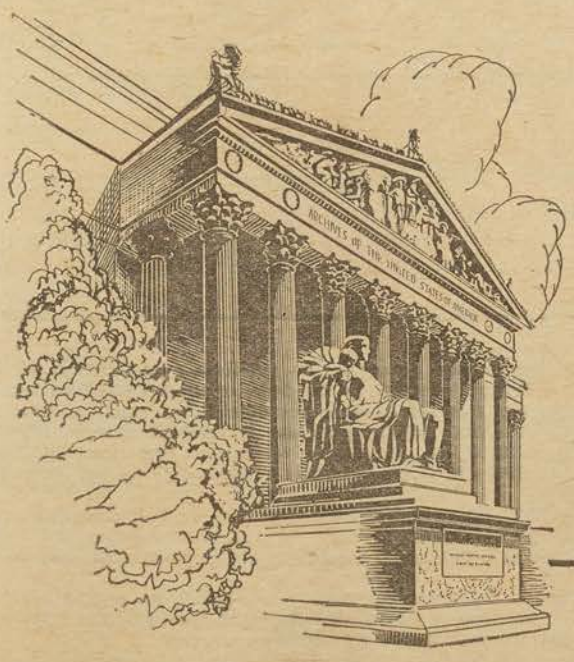

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SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1969 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

COUNTY RESERVES

Section 722.472 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section establishes the county reserves for the 1969 crop of upland cotton. Such determinations were made initially by the respective county committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (29 F.R. 16210, 33 F.R. 542, 4275).

Notice that the Secretary was preparing to establish State and county allotments and reserves was published in the FEDERAL REGISTER on September 25, 1968 (33 F.R. 14414), in accordance with 5 U.S.C. 553. No written submission relative to the establishment of county reserves were received in response to such notice.

Since the establishment of county reserves requires immediate action by the county committees, it is essential that § 722.472 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and § 722.472 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.472 County reserves for the 1969 crop of upland cotton.

The county reserves for the 1969 crop of upland cotton are established in accordance with § 722.408 of the Regulations for Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton (33 F.R. 895, as amended). The following table sets forth the county reserves:

ALABAMA

County	County reserve (acres)	County	County reserve (acres)
Autauga	27.5	Chambers	22.9
Baldwin	5.4	Cherokee	32.8
Barbour	61.4	Chilton	14.9
Bibb	3.4	Choctaw	208.9
Blount	143.2	Clarke	6.3
Bullock	23.1	Clay	5.3
Butler	128.0	Cleburne	5.3
Calhoun	27.2	Coffee	40.8

ALABAMA—Continued

County	County reserve (acres)	County	County reserve (acres)
Colbert	35.2	Lowndes	52.3
Conecuh	81.2	Macon	40.2
Coosa	1.6	Madison	35.2
Covington	92.0	Marengo	114.4
Crenshaw	59.5	Marion	88.6
Cullman	340.5	Marshall	204.7
Dale	37.1	Mobile	10.7
Dallas	122.4	Monroe	31.1
De Kalb	17.3	Montgomery	16.0
Elmore	38.4	Morgan	43.5
Escambia	16.6	Perry	29.4
Etowah	82.5	Pickens	59.7
Fayette	36.6	Pike	47.4
Franklin	35.9	Randolph	99.2
Geneva	50.2	Russell	26.1
Greene	20.8	St. Clair	46.9
Hale	44.6	Shelby	10.0
Henry	30.0	Sumter	63.9
Houston	79.8	Talladega	33.8
Jackson	138.7	Tallapoosa	36.2
Jefferson	25.1	Tuscaloosa	19.3
Lamar	55.5	Walker	180.5
Lauderdale	109.5	Washington	32.0
Lawrence	11.4	Wilcox	30.9
Lee	24.3	Winston	44.2
Limestone	28.2		

ARIZONA

Cochise	14.2	Pima	3.2
Gila	0	Pinal	2.8
Graham	5.7	Santa Cruz	1.0
Greenlee	1.9	Yavapai	0
Maricopa	61.0	Yuma	17.3
Mohave	2.1		

ARKANSAS

Arkansas	24.7	Lawrence	15.7
Ashley	2.4	Lee	35.8
Baxter	0	Lincoln	8.1
Bradley	17.7	Little River	1.8
Calhoun	.7	Logan	.4
Chicot	26.1	Lonoke	22.2
Clark	8.1	Marion	0
Clay	28.5	Miller	3.1
Cleburne	28.1	Mississippi	46.3
Cleveland	3.4	Monroe	7.2
Columbia	33.1	Nevada	18.2
Conway	3.7	Newton	.1
Craighead	18.0	Ouachita	1.6
Crawford	0	Perry	1.4
Crittenden	351.8	Phillips	26.8
Cross	74.8	Pike	2.0
Dallas	6.9	Poinsett	7.8
Desha	34.4	Pope	5.1
Drew	20.9	Prairie	16.2
Faulkner	30.9	Pulaski	5.5
Franklin	.3	Randolph	11.3
Fulton	2.7	St. Francis	12.6
Grant	7.3	Scott	0
Greene	59.8	Searcy	0
Hempstead	.6	Sebastian	0
Hot Spring	6.3	Sevier	2.2
Howard	.3	Sharp	25.8
Independence	4.0	Stone	0
Izard	3.0	Union	4.9
Jackson	60.4	Van Buren	0
Jefferson	10.8	Washington	0
Johnson	5.8	White	3.2
Lafayette	3.7	Woodruff	9.9
		Yell	3.0

CALIFORNIA

Fresno	17.6	Madera	13.0
Imperial	19.5	Merced	4.7
Kern	93.5	Riverside	18.7
Kings	16.1	San Benito	0

CALIFORNIA—Continued

County	County reserve (acres)	County	County reserve (acres)
San Bernardino	1.0	Stanislaus	0
San Diego	.3	Tulare	17.1

FLORIDA

Alachua	0.2	Lafayette	5.1
Baker	0	Leon	8.4
Bay	1.3	Levy	0
Calhoun	.8	Liberty	0
Clay	0	Madison	82.9
Columbia	14.7	Okaloosa	14.8
Dixie	0	Santa Rosa	33.8
Escambia	43.2	Suwannee	14.6
Gadsden	9.1	Taylor	0
Hamilton	50.4	Union	1.0
Holmes	72.6	Walton	87.7
Jackson	207.1	Washington	42.5
Jefferson	7.7		

GEORGIA

Appling	5.1	Forsyth	32.2
Atkinson	.2	Franklin	23.5
Bacon	4.7	Fulton	10.9
Baker	15.5	Glascock	2.5
Baldwin	5.6	Gordon	20.6
Banks	18.6	Grady	20.4
Barrow	25.7	Greene	4.8
Bartow	26.5	Gwinnett	51.2
Ben Hill	19.9	Habersham	0
Berrien	9.4	Hall	6.8
Bibb	2.0	Hancock	6.9
Bleckley	5.6	Haralson	13.9
Brantley	0	Harris	5.9
Brooks	15.0	Hart	31.8
Bryan	4.4	Heard	7.4
Bulloch	76.6	Henry	107.2
Burke	33.8	Houston	4.4
Butts	23.2	Irwin	4.3
Calhoun	9.2	Jackson	164.3
Candler	11.1	Jasper	1.9
Carroll	19.1	Jeff Davis	4.2
Catoosa	9.8	Jefferson	20.4
Charlton	0.1	Jenkins	6.9
Chatham	0	Johnson	107.7
Chattahoochee	0	Jones	.5
Chattooga	1.9	Lamar	5.2
Cherokee	8.8	Lanier	9.4
Clarke	5.3	Laurens	29.4
Clay	2.4	Lee	13.6
Clayton	4.0	Liberty	1.8
Clinch	.4	Lincoln	7.7
Cobb	19.5	Long	4.5
Coffee	14.9	Lowndes	3.9
Colquitt	20.5	Lumpkin	1.0
Columbia	3.0	McDuffie	12.7
Cook	28.0	Macon	3.3
Coweta	88.9	Madison	120.0
Crawford	18.8	Marion	23.1
Crisp	15.3	Meriwether	83.9
Dade	10.9	Miller	61.6
Dawson	.1	Mitchell	23.0
Decatur	65.0	Monroe	1.9
De Kalb	6.7	Montgomery	20.6
Dodge	46.3	Morgan	12.1
Dooly	3.7	Murray	6.6
Dougherty	4.3	Newton	37.7
Douglas	.3	Oconee	11.2
Early	10.4	Oglethorpe	58.8
Echols	0	Paulding	4.8
Effingham	14.5	Peach	6.5
Elbert	75.1	Pickens	1.3
Emanuel	40.4	Pierce	3.0
Evans	30.2	Pike	42.7
Fayette	14.9	Polk	65.3
Floyd	20.3	Pulaski	9.6
		Putnam	3.1

GEORGIA—Continued

County	County reserve (acres)	County	County reserve (acres)
Quitman	4.3	Treutlen	18.0
Randolph	31.9	Troup	7.9
Richmond	4.4	Turner	6.0
Rockdale	14.9	Twiggs	9.0
Schley	7.7	Upson	1.0
Screven	31.8	Walker	26.8
Seminole	37.5	Walton	123.2
Spalding	6.0	Ware	.5
Stephens	1.7	Warren	11.2
Stewart	21.9	Washington	34.6
Sumter	32.6	Wayne	24.0
Talbot	7.1	Webster	10.2
Taliaferro	2.0	Wheeler	14.3
Tattnall	11.5	White	4.2
Taylor	20.3	Whitfield	31.3
Telfair	1.9	Wilcox	16.3
Terrell	8.2	Wilkes	12.9
Thomas	30.3	Wilkinson	16.7
Tift	22.3	Worth	23.2
Toombs	19.7		

ILLINOIS

Alexander	10.2	Pulaski	5.5
Massac	0		

KANSAS

Montgomery	0

KENTUCKY

Ballard	0	Graves	.2
Calloway	0	Hickman	0
Carlisle	0	McCracken	0
Fulton	5.3	Marshall	0

LOUISIANA

Acadia	398.3	Madison	25.0
Allen	41.6	Morehouse	168.9
Ascension	0	Natchitoches	275.2
Avoyelles	255.9	Ouachita	43.1
Beauregard	2.0	Pointe Coupee	19.0
Bienville	1.6	Rapides	251.6
Bossier	251.0	Red River	.4
Caddo	356.0	Richland	363.8
Caldwell	102.9	Sabine	29.7
Catahoula	25.6	St. Helena	30.4
Claiborne	27.9	St. Landry	209.6
Concordia	126.1	St. Martin	61.5
De Soto	99.3	St. Tammany	0
East Baton Rouge	.9	Tangipahoa	1.8
East Carroll	8.5	Tensas	166.2
East Feliciana	1.3	Union	114.5
Evangeline	39.5	Vermilion	125.2
Franklin	358.8	Vernon	11.9
Grant	57.5	Washington	176.5
Iberia	5.2	Webster	62.2
Iberville	0	West Baton Rouge	36.7
Jackson	5.2	West Carroll	336.5
Jefferson Davis	2.3	West Feliciana	1.1
Lafayette	398.3	Winn	12.0
La Salle	6.3		
Lincoln	20.3		
Livingston	1.8		

MISSISSIPPI

Adams	7.1	Franklin	2.1
Alcorn	37.8	George	3.1
Amite	10.5	Greene	10.9
Attala	5.8	Grenada	15.8
Benton	19.4	Hancock	0
Bolivar	34.8	Hinds	90.4
Calhoun	57.2	Holmes	8.5
Carroll	41.8	Humphreys	130.8
Chickasaw	38.0	Issaquena	2.5
Choctaw	11.6	Itawamba	25.1
Claiborne	13.9	Jackson	0
Clarke	10.5	Jasper	17.3
Clay	54.1	Jefferson	11.9
Coahoma	5.9	Jefferson Davis	61.7
Copiah	23.0	Jones	22.0
Covington	161.0	Lafayette	35.0
De Soto	11.8	Kemper	8.5
Forrest	1.8		

MISSISSIPPI—Continued

County	County reserve (acres)	County	County reserve (acres)
Lamar	1.3	Quitman	22.6
Lauderdale	11.1	Rankin	21.0
Lawrence	12.4	Scott	128.5
Leake	56.5	Sharkey	3.0
Lee	72.1	Simpson	30.3
Leflore	5.8	Smith	69.6
Lincoln	12.5	Sunflower	7.3
Lowndes	69.1	Tallahatchie	26.5
Madison	68.4	Tate	37.4
Marion	99.8	Tippah	8.2
Marshall	95.8	Tishomingo	9.2
Monroe	238.7	Tunica	23.6
Montgomery	21.6	Union	51.6
Neshoba	35.6	Walthall	41.5
Newton	52.8	Warren	20.3
Noxubee	74.9	Washington	7.3
Oktibbeha	49.3	Wayne	17.2
Panola	13.2	Webster	9.7
Pearl River	1.6	Wilkinson	1.2
Perry	5.9	Winston	34.9
Pike	7.6	Yalobusha	39.2
Pontotoc	57.1	Yazoo	4.4
Prentiss	39.7		

MISSOURI

Bollinger	2.3	New Madrid	59.8
Butler	38.2	Oregon	10.7
Cape Girardeau	.5	Pemiscot	11.2
Carter	0	Ripley	6.0
Dunklin	2.0	Scott	23.0
Howell	0	Stoddard	5.2
Mississippi	11.9	Vernon	0
		Wayne	0

NEVADA

Clark	0	Nye	0

NEW MEXICO

Chaves	24.2	Lea	6.6
Curry	.5	Luna	1.8
De Baca	.3	Otero	2.3
Dona Ana	13.6	Quay	5.9
Eddy	42.0	Roosevelt	18.9
Grant	0	Sierra	5.8
Harding	0	Socorro	9.2
Hidalgo	5.4		

NORTH CAROLINA

Alamance	1.0	Iredell	171.1
Alexander	7.5	Johnston	0
Anson	10.3	Jones	18.5
Beaufort	66.4	Lee	20.2
Bertie	12.0	Lenoir	92.5
Bladen	65.6	Lincoln	105.5
Brunswick	2.5	Martin	13.0
Burke	0	Mecklenburg	82.6
Cabarrus	50.1	Montgomery	7.0
Caldwell	0	Moore	45.5
Camden	24.5	Nash	30.0
Carteret	0.2	Northampton	14.4
Catawba	6.1	Onslow	14.7
Chatham	29.6	Orange	3.9
Chowan	10.0	Pamlico	15.1
Cleveland	50.0	Pasquotank	6.3
Columbus	3.0	Pender	24.8
Craven	27.1	Perquimans	77.3
Cumberland	11.0	Person	0
Currituck	7.0	Pitt	10.0
Davidson	48.1	Polk	10.0
Davie	60.7	Randolph	2.0
Duplin	82.4	Richmond	7.0
Durham	9.9	Robeson	58.2
Edgecombe	8.0	Rowan	139.5
Forsyth	7.2	Rutherford	10.0
Franklin	10.6	Sampson	15.0
Gaston	79.1	Scotland	10.0
Gates	112.7	Stanly	15.0
Granville	0	Tyrrell	3.4
Greene	13.0	Union	270.8
Guilford	2.3	Vance	5.0
Halifax	11.8	Wake	157.1
Harnett	13.4	Warren	15.8
Hertford	19.8	Washington	33.5
Hoke	5.0	Wayne	15.0
Hyde	6.2	Wilkes	3.7

NORTH CAROLINA—Continued

County	County reserve (acres)	County	County reserve (acres)
		Wilson	6.0
		Yadkin	1.7

OKLAHOMA

Adair	0	Latimer	0
Atoka	50.6	Le Flore	4.8
Beaver	0	Lincoln	46.3
Beckham	91.3	Logan	45.1
Blaine	47.9	Love	7.7
Bryan	153.1	McClain	76.8
Caddo	54.7	McCurtain	9.8
Canadian	66.3	McIntosh	1.3
Carter	32.4	Major	85.2
Cherokee	0	Marshall	19.0
Choctaw	5.9	Mayes	0.9
Cimarron	0	Murray	0.8
Cleveland	15.4	Muskogee	242.0
Coal	16.5	Noble	1.8
Comanche	183.5	Nowata	5.1
Cotton	37.4	Okfuskee	39.2
Craig	4.4	Oklahoma	2.5
Creek	94.9	Okmulgee	65.4
Custer	111.0	Osage	2.9
Dewey	81.0	Pawnee	49.9
Ellis	12.0	Payne	57.5
Garfield	0	Pittsburg	35.1
Garvin	7.4	Pontotoc	10.0
Grady	97.0	Pottawatomie	30.1
Grant	6.8	Pushmataha	0.1
Greer	15.6	Roger Mills	214.9
Harmon	21.6	Rogers	1.9
Harper	0	Seminole	30.3
Haskell	42.9	Sequoyah	2.5
Hughes	82.3	Stephens	38.2
Jackson	72.5	Texas	0
Jefferson	98.9	Tillman	27.7
Johnston	31.2	Tulsa	41.7
Kay	8.3	Wagoner	13.1
Kingfisher	10.1	Washita	345.0
Kiowa	150.0	Woodward	0.1

SOUTH CAROLINA

Abbeville	49.4	Hampton	49.9
Aiken	136.0	Horry	11.5
Allendale	72.0	Jasper	12.4
Anderson	149.4	Kershaw	121.1
Bamberg	94.7	Lancaster	46.1
Barnwell	100.7	Laurens	102.5
Beaufort	4.8	Lee	271.6
Berkeley	45.4	Lexington	54.2
Calhoun	43.2	McCormick	27.0
Charleston	27.5	Marion	96.2
Cherokee	72.2	Marlboro	293.8
Chester	63.6	Newberry	44.4
Chesterfield	195.0	Oconee	39.1
Clarendon	267.6	Orangeburg	421.1
Colleton	37.7	Pickens	23.2
Darlington	225.0	Richland	40.8
Dillon	171.1	Saluda	164.4
Dorchester	58.1	Spartanburg	113.1
Edgefield	66.4	Sumter	291.6
Fairfield	25.4	Union	30.3
Florence	230.9	Williamsburg	255.0
Georgetown	20.3	York	96.0
Greenville	74.1		
Greenwood	23.4		

TENNESSEE

Bedford	3.6	Hardeman	43.0
Benton	26.6	Hardin	6.2
Bradley	1.7	Haywood	10.8
Cannon	.4	Henderson	22.7
Carroll	47.1	Henry	15.4
Chester	27.6	Humphreys	0
Coffee	3.2	Lake	16.8
Crockett	98.7	Lauderdale	22.7
Decatur	41.9	Lawrence	28.9
Dyer	92.1	Lewis	1.8
Fayette	5.5	Lincoln	8.0
Franklin	5.5	Loudon	0
Gibson	128.0	McMinn	.7
Giles	87.5	McNairy	30.6
Grundy	.4	Madison	85.7
Hamilton	.5	Marion	1.6

TENNESSEE—Continued

County	County reserve (acres)	County	County reserve (acres)
Marshall	10.5	Rutherford	12.8
Maury	1.5	Shelby	45.7
Meigs	.4	Tipton	124.4
Moore	0.1	Warren	.2
Obion	38.8	Wayne	19.1
Perry	.2	Weakley	75.1
Polk	1.5	Williamson	0
Rhea	0	Wilson	3.0
Robertson	0		

TEXAS

Anderson	11.6	Falls	19.3
Andrews	47.8	Fannin	180.2
Angelina	55.6	Fayette	279.8
Aransas	2.7	Fisher	8.2
Archer	8.1	Floyd	6.7
Armstrong	1.0	Foard	19.2
Atascosa	74.3	Fort Bend	10.9
Austin	21.9	Franklin	12.2
Bailey	29.6	Freestone	26.9
Bastrop	9.5	Frio	6.0
Baylor	1.8	Gaines	33.0
Bee	20.6	Garza	14.9
Bell	39.0	Gillespie	25.1
Bexar	22.8	Glasscock	1.3
Blanco	0	Goliad	5.0
Borden	2.2	Gonzales	6.7
Bosque	90.3	Gray	0
Bowie	20.7	Grayson	24.6
Brazoria	11.6	Gregg	5.9
Brazos	20.5	Grimes	18.8
Brewster	0	Guadalupe	44.6
Briscoe	18.1	Hale	29.4
Brooks	4.7	Hall	26.2
Brown	26.1	Hamilton	19.9
Burleson	115.2	Hansford	2.9
Burnet	15.6	Hardeman	56.1
Caldwell	25.4	Harris	5.8
Calhoun	16.3	Harrison	36.0
Callahan	23.6	Hartley	.1
Cameron	39.1	Haskell	24.1
Camp	7.4	Hays	14.2
Carson	5.8	Hemphill	1.7
Cass	19.7	Henderson	19.0
Castro	18.6	Hidalgo	203.8
Cherokee	77.8	Hill	379.0
Childress	67.1	Hockley	35.2
Clay	19.0	Hood	25.0
Cochran	7.7	Hopkins	15.6
Coke	8.2	Houston	247.3
Coleman	106.5	Howard	.1
Collin	140.4	Hudspeth	5.2
Collingsworth	58.1	Hunt	251.6
Colorado	23.4	Hutchinson	.2
Comal	1.4	Irion	1.1
Comanche	35.5	Jack	15.0
Concho	27.8	Jackson	6.9
Cooke	74.3	Jasper	5.0
Coryell	36.3	Jeff Davis	0
Cottle	6.0	Jefferson	.4
Crockett	0	Jim Hogg	.3
Crosby	0.4	Jim Wells	13.8
Culberson	3.4	Johnson	276.6
Dallas	299.9	Jones	52.5
Dawson	29.5	Karnes	35.3
Deaf Smith	4.2	Kaufman	111.7
Delta	25.7	Kendall	0
Denton	49.2	Kent	2.2
De Witt	56.4	Kimble	4.2
Dickens	12.8	King	.6
Dimmit	9.7	Kinney	0
Donley	8.9	Kleberg	15.9
Duval	10.0	Knox	24.3
Eastland	13.6	Lamar	37.4
Ector	5.0	Lamb	.5
Ellis	431.7	Lampasas	17.2
El Paso	13.3	La Salle	5.9
Erath	23.6	Lavaca	51.7
		Lee	14.0

TEXAS—Continued

County	County reserve (acres)	County	County reserve (acres)
Leon	23.0	Rusk	67.9
Liberty	99.6	Sabine	8.1
Limestone	32.0	San Augustine	4.3
Live Oak	8.9	San Jacinto	4.7
Llano	4.0	San Patricio	23.1
Loving	0	San Saba	17.0
Lubbock	17.5	Schleicher	2.9
Lynn	12.2	Scurry	22.7
McCulloch	87.7	Shackelford	19.4
McLennan	342.0	Shelby	8.2
McMullen	5.2	Smith	26.0
Madison	9.4	Somervell	9.6
Marion	5.0	Starr	45.4
Martin	4.4	Stephens	5.6
Mason	10.0	Sterling	25.2
Matagorda	4.5	Stonewall	15.0
Maverick	2.1	Swisher	71.9
Medina	25.6	Tarrant	38.1
Menard	5.0	Taylor	9.7
Midland	27.1	Terry	13.8
Milam	107.3	Throckmorton	10.5
Mills	21.3	Titus	25.4
Mitchell	64.7	Tom Green	79.7
Montague	27.4	Travis	45.5
Montgomery	9.8	Trinity	9.9
Moore	.2	Tyler	3.5
Morris	11.9	Upshur	18.7
Motley	4.1	Upton	4
Nacogdoches	3.2	Uvalde	58.9
Navarro	187.8	Val Verde	1.2
Newton	2.3	Van Zandt	175.5
Nolan	24.4	Victoria	6.1
Nueces	33.4	Walker	6.3
Ochiltree	.2	Waller	6.0
Oldham	0	Ward	.8
Palo Pinto	21.0	Washington	430.2
Panola	23.7	Webb	7.3
Parker	167.9	Wharton	27.3
Parmer	5.6	Wheeler	80.4
Pecos	2.7	Wichita	9.4
Polk	9.9	Wilbarger	45.8
Potter	.9	Willacy	9.5
Presidio	.1	Williamson	96.2
Rains	10.0	Wilson	30.8
Randall	7.0	Winkler	0
Reagan	3.3	Wise	30.9
Red River	49.9	Wood	10.9
Reeves	3.3	Yoakum	29.7
Refugio	5.5	Young	13.3
Roberts	0	Zapata	10.7
Robertson	71.2	Zavala	8.9
Rockwall	45.2		
Runnels	65.5		

VIRGINIA

Brunswick	25.5	Nansemond	43.6
Charlotte	.3	Prince Edward	.2
Dinwiddie	9.1	Prince George	1.6
Greensville	18.1	Southampton	17.1
Isle of Wight	11.0	Surry	.2
Lunenburg	5.3	Sussex	28.2
Mecklenburg	26.1		

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

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

Signed at Washington, D.C., on December 9, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-14913; Filed, Dec. 16, 1968; 8:45 a.m.]

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

[Navel Orange Reg. 159, Amdt. 1]

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

Limitation of Handling

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

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

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 907.459 (Navel Orange Reg. 159, 33 F.R. 18087), are hereby amended to read as follows:

§ 907.459 Navel Orange Regulation 159.

* * * * *

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

(i) District 1: 1,375,000 cartons;
(ii) District 2: 116,155 cartons;
(iii) District 3: 225,000 cartons.

* * * * *

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

Dated: December 12, 1968.

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

[F.R. Doc. 68-15006; Filed, Dec. 16, 1968; 8:48 a.m.]

[Lemon Reg. 351, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 910.651 (Lemon Reg. 351, 33 F.R. 18228); are hereby amended to read as follows:

§ 910.651 Lemon Regulation 351.

* * * * *

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

(i) District 1: 19,530 cartons;

(ii) District 2: 62,310 cartons;

(iii) District 3: 127,410 cartons.

* * * * *

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

Dated: December 12, 1968.

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

[F.R. Doc. 68–15007; Filed, Dec. 16, 1968; 8:48 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Technical Specifications for Facility Licenses; Safety Analysis Reports

On August 16, 1966, the Atomic Energy Commission published in the FEDERAL REGISTER (31 F.R. 10891) for public comment proposed amendments to 10 CFR Part 50 which would (1) establish a revised system of technical specifications which focuses attention on items more directly related to public safety, (2) provide for systematic documentation of the technical and operational bases for specifications, and (3) provide guidance as to the content of preliminary safety analysis reports and safety analysis reports required of applicants for permits to construct, and licenses to operate, production or utilization facilities.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 120 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After careful consideration of the comments received and other factors involved, the Commission has adopted the amendments set forth below which, except at noted, are the same as those set out in the notice of proposed rule making.

Licenses to operate utilization or production facilities include "technical specifications" in accordance with section 182 of the Atomic Energy Act of 1954, as amended (the Act). Technical specifications set forth the specific characteristics of the facility and the conditions for its operation that are required to provide adequate protection for the health and safety of the public. The technical specifications are a part of the license, and cannot be changed without prior Commission approval.[1]

In the revised system, emphasis is placed on two general classes of technical matters: (1) Those related to prevention of accidents, and (2) those related to mitigation of the consequences of accidents. By systematic analysis and evaluation of a particular facility, each applicant is required to identify at the construction permit stage, those items that are directly related to maintaining the integrity of the physical barriers designed to contain radioactivity. Such items are expected to be the subjects of technical specifications in the operating license.

Section 50.34 has been amended to add a new paragraph (a) which explicitly requires the applicant to submit a preliminary safety analysis report at the construction permit stage and defines the information required at that time. The preliminary safety analysis report will emphasize the principal safety features of the facility and their relation to the site.

The requirement for a preliminary safety analysis report is intended to provide early and adequate information which is expected to expedite the processing of construction permit applications by reducing the time consuming exchanges between the applicant and the AEC staff required to fill information gaps. The identification of probable subjects for technical specifications in the preliminary safety analysis report is expected to minimize burdensome design changes at the operating license stage resulting from design deficiencies in relation to technical specification requirements.

With respect to final safety analysis reports, § 50.34 has been further revised to emphasize the need for analysis and evaluation, and to indicate more definitively what information the Commission requires. As amended, § 50.34 requires that the report include information describing the facility, an explanation of the design bases and limits on facility operation, and evaluations to show that safety functions will be accomplished.

Under § 50.36 as revised, with the filing of an application for an operating license, the applicant is required to propose for Commission review and approval, and the license will include, technical specifications derived from the analysis and evaluation presented in the safety analysis report. The technical specifications for nuclear reactors fall into five general categories, which are defined in § 50.36(c): (1) Safety limits and limiting safety system settings, (2) limiting conditions for operation, (3) surveillance requirements, (4) design features, and (5) administrative controls. For each of the specifications other than those covering administrative controls, the applicant is required to provide a summary of the technical bases for the specifications.

The analysis and evaluation of the facility required under § 50.34 must provide (1) the necessary information from which technical specifications will be selected, and (2) the detailed bases for the specifications derived. Since Appendix A to Part 50 no longer serves a useful function, the Appendix and references to it in § 50.36 have been deleted.

Section 50.59 has been revised to (1) clarify the requirement for records of changes made by a licensee, (2) redefine the term "unreviewed safety question" aid (3) make referral of proposed changes to the Advisory Committee on Reactor Safeguards (ACRS) permissive rather than mandatory. Paragraph (e) of § 50.59 presently requires the Commission to refer to the ACRS requests for changes, tests or experiments or for changes in technical specifications for facilities of a type described in § 50.21(b) or § 50.22, or a testing facility, which present significant hazards considerations not described in or implicit in the safety analysis report. Under the amended rule, such referral is not mandatory.

Several changes have been incorporated in the amendments as adopted as a result of comments and further Commission consideration.

In § 50.2, the definition of "design bases" has been revised. Changes have been made in § 50.34 to better define the extent of the safety analysis and to emphasize the reasons for early and thorough consideration of technical specifications. New subparagraphs relating to

[1] Experience has shown that the degree of detail contained in technical specifications prepared in accordance with present § 50.36 and Appendix A, which has been deleted by this rule making action, is not necessary for purposes of public safety.

quality control, research and development, and site evaluation factors have been added.

Several changes have been made in § 50.36(d), which has been redesignated § 50.36(c). The categories of technical specifications to be included in an operating license would be applicable only to nuclear reactors.

Safety system settings having significant safety functions have been included in the requirements of § 50.36(c)(1)(ii). The word "limiting" has been substituted for the words "minimum" and "maximum" in describing safety system settings and conditions for operations. Subparagraph (4) has been revised to emphasize that the Commission's interest is in only those design features whose alteration or modification might affect safety.

Section 50.59(b) has been modified to reflect the Commission's primary interest in assuring that changes, tests or experiments have been responsibly reviewed and evaluated. Certain editorial and corrective changes from the proposed amendments have also been made in §§ 50.34, 50.36 and 50.59.

Some consideration is also being given to further amendments to Part 50 to specify the circumstances under which the modification of a facility or facility design may be required by the Commission, or authorized by the Commission at the request of a licensee.

Since the amendments place increased emphasis on analysis and evaluation of a facility, in order to provide a sound basis for each technical specification, the preparation of technical specifications by the applicant requires a carefully prepared safety analysis report. A "Guide for the Organization and Contents of Safety Analysis Reports for Nuclear Reactors" has been prepared. In addition, a "Guide to Content of Technical Specifications for Nuclear Reactors," has been prepared for use with the revised system of technical specifications.[2] These documents are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and copies may be obtained by addressing a request to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545. Technical specifications in accordance with the revised system have been prepared for several reactor facilities for which operating licenses have recently been issued, and copies of these are also available for inspection at the Commission's Public Document Room.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to 10 CFR Part 50 are published as a document subject to codification, to be effective 30 days after publication in the FEDERAL REGISTER.

1. A new paragraph (u) is added to § 50.2 to read as follows:

§ 50.2 Definitions.

* * * * *

(u) "Design bases" means that information which identifies the specific functions to be performed by a structure, system, or component of a facility, and the specific values or ranges of values chosen for controlling parameters as reference bounds for design. These values may be (1) restraints derived from generally accepted "state of the art" practices for achieving functional goals, or (2) requirements derived from analysis (based on calculation and/or experiments) of the effects of a postulated accident for which a structure, system, or component must meet its functional goals.

2. Section 50.34 is revised to read as follows:

§ 50.34 Contents of applications: technical information.

(a) *Preliminary safety analysis report.* Each application for a construction permit shall include a preliminary safety analysis report. The minimum information[3] to be included shall consist of the following:

(1) A description and safety assessment of the site on which the facility is to be located, with appropriate attention to features affecting facility design. Special attention should be directed to the site evaluation factors identified in Part 100 of this chapter.

(2) A summary description and discussion of the facility, with special atention to design and operating characteristics, unusual or novel design features, and principal safety considerations.

(3) The preliminary design of the facility, including:

(i) The principal design criteria for the facility;[4]

(ii) The design bases and the relation of the design bases to the principal design criteria;

(iii) Information relative to materials of construction, general arrangement, and approximate dimensions, sufficient to provide reasonable assurance that the final design will conform to the design bases with adequate margin for safety.

(4) A preliminary analysis and evaluation of the design and performance of structures, systems, and components of the facility with the objective of assessing the risk to public health and safety resulting from operation of the facility and including determination of (i) the margins of safety during normal operations and transient conditions anticipated during the life of the facility, and (ii) the adequacy of structures, systems, and components provided for the prevention of accidents and the mitigation of the consequences of accidents.

(5) An identification and justification for the selection of those variables, conditions, or other items which are determined as the result of preliminary safety analysis and evaluation to be probable subjects of technical specifications for the facility, with special attention given to those items which may significantly influence the final design: *Provided, however,* That this requirement is not applicable to an application for a construction permit filed prior to January 16, 1969.

(6) A preliminary plan for the applicant's organization, training of personnel, and conduct of operations;

(7) A description and evaluation of the quality assurance program to be applied to the design, fabrication, construction, and testing of the structures, systems and components of the facility.

(8) An identification of those structures, systems or components of the facility, if any, which require research and development to confirm the adequacy of their design; an identification and description of the research and development program which will be conducted to resolve any safety questions associated with such structures, systems or components; and a schedule of the research and development program showing that such safety questions will be resolved at or before the latest date stated in the application for completion of construction of the facility.

(b) *Final safety analysis report.* Each application for a license to operate a facility shall include a final safety analysis report. The final safety analysis report shall include information that describes the facility, presents the design bases and the limits on its operation, and presents a safety analysis of the structures, systems, and components and of the facility as a whole, and shall include the following:

(1) All current information, such as the results of environmental and meteorological monitoring programs, which has been developed since issuance of the construction permit, relating to site evaluation factors identified in Part 100 of this chapter.

(2) A description and analysis of the structures, systems, and components of the facility, with emphasis upon performance requirements, the bases, with technical justification therefor, upon which such requirements have been established, and the evaluations required to show that safety functions will be accomplished. The description shall be sufficient to permit understanding of the system designs and their relationship to safety evaluations.

(i) For nuclear reactors, such items as the reactor core, reactor coolant system, instrumentation and control systems, electrical systems, containment system, other engineered safety features, auxiliary and emergency systems, power conversion systems, radioactive waste handling systems, and fuel handling systems shall be discussed insofar as they are pertinent.

[2] Guides for preparation of safety analysis reports and technical specifications for chemical processing facilities are being developed.

[3] The applicant may provide information required by this paragraph in the form of a discussion, with specific references, of similarities to and differences from, facilities of similar design for which applications have previously been filed with the Commission.

[4] For interim guidance in determining principal design criteria for nuclear reactors, the applicant may consult the proposed amendment to Part 50, "General Design Criteria for Nuclear Power Plant Construction Permits," 32 F.R. 10213, July 11, 1967. General design criteria for chemical processing facilities are being developed.

(ii) For facilities other than nuclear reactors, such items as the chemical, physical, metallurgical, or nuclear process to be performed, instrumentation and control systems, ventilation and filter systems, electrical systems, auxiliary and emergency systems, and radioactive waste handling systems shall be discussed insofar as they are pertinent.

(3) The kinds and quantities of radioactive materials expected to be produced in the operation and the means for controlling and limiting radioactive effluents and radiation exposures within the limits set forth in Part 20 of this chapter.

(4) A final analysis and evaluation of the design and performance of structures, systems, and components with the objective stated in paragraph (a)(4) of this section and taking into account any pertinent information developed since the submittal of the preliminary safety analysis report.

(5) A description and evaluation of the results of the applicant's programs, including research and development, if any, to demonstrate that any safety questions identified at the construction permit stage have been resolved.

(6) The following information concerning facility operation:

(i) The applicant's organizational structure, allocations or responsibilities and authorities, and personnel qualifications requirements;

(ii) Managerial and administrative controls to be used to assure safe operation;

(iii) Plans for preoperational testing and initial operations;

(iv) Plans for conduct of normal operations, including maintenance, surveillance, and periodic testing of structures, systems, and components;

(v) Plans for coping with emergencies; and

(vi) Proposed technical specifications prepared in accordance with the requirements of § 50.36.

3. Section 50.36 is revised to read as follows:

§ 50.36 Technical specifications.

(a) Each applicant for a license authorizing operation of a production or utilization facility shall include in his application proposed technical specifications in accordance with the requirements of this section. A summary statement of the bases or reasons for such specifications, other than those covering administrative controls, shall also be included in the application, but shall not become part of the technical specifications.

(b) Each license authorizing operation of a production or utilization facility of a type described in § 50.21 or § 50.22 will include technical specifications. The technical specifications will be derived from the analyses and evaluation included in the safety analysis report, and amendments thereto, submitted pursuant to § 50.34. The Commission may include such additional technical specifications as the Commission finds appropriate.

(c) Technical specifications for nuclear reactors will include items in the following categories: [5]

(1) *Safety limits and limiting safety system settings.* (i) Safety limits are limits upon important process variables which are found to be necessary to reasonably protect the integrity of certain of the physical barriers which guard against the uncontrolled release of radioactivity. If any safety limit is exceeded, the reactor shall be shut down until the Commission authorizes resumption of operation.

(ii) Limiting safety system settings are settings for automatic protective devices related to those variables having significant safety functions. Where a limiting safety system setting is specified for a variable on which a safety limit has been placed, the setting shall be so chosen that automatic protective action will correct the most severe abnormal situation anticipated before a safety limit is exceeded. If, during operation, the automatic safety system does not function as required, the licensee shall take appropriate action, which may include shutting down the reactor. He shall notify the Commission, review the matter and record the results of the review, including the basis for corrective measures taken.

(2) *Limiting conditions for operation.* Limiting conditions for operation are the lowest functional capability or performance levels of equipment required for safe operation of the facility. When a limiting condition for operation is not met, the licensee shall shut down the reactor or follow any remedial action permitted by the technical specification until the condition can be met. The licensee shall notify the Commission, review the matter and record the results of the review, including the basis for corrective measures taken.

(3) *Surveillance requirements.* Surveillance requirements are requirements relating to test, calibration, or inspection to assure that the necessary quality of systems and components is maintained, that facility operation will be within the safety limits, and that the limiting conditions of operation will be met.

(4) *Design features.* Design features to be included are those features of the facility such as materials of construction and geometric arrangements, which, if altered or modified, would have a significant effect on safety and are not covered in categories described in subparagraphs (1), (2), and (3) of this paragraph (c).

(5) *Administrative controls.* Administrative controls are the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner.

(d)(1) This section shall not be deemed to modify the technical specifications included in any license issued prior to January 16, 1969. A license in which technical specifications have not been designated shall be deemed to include the entire safety analysis report as technical specifications.

(2) An applicant for a license authorizing operation of a production or utilization facility to whom a construction permit has been issued prior to January 16, 1969, may submit technical specifications in accordance with this section, or in accordance with the requirements of this part in effect prior to January 16, 1969.

(3) At the initiative of the Commission or the licensee, any license may be amended to include technical specifications of the scope and content which would be required if a new license were being issued.

4. Paragraphs (b), (c), and (e) of § 50.59 are revised to read as follows:

§ 50.59 Authorization of changes, tests, and experiments.

* * * * *

(b) The licensee shall maintain records of changes in the facility and of changes in procedures made without prior Commission approval pursuant to this section, to the extent that such changes constitute changes in the facility as described in the safety analysis report or constitute changes in procedures as described in the safety analysis report. The licensee shall also maintain records of tests and experiments carried out without prior Commission approval pursuant to this section. These records shall include a written safety evaluation which provides the bases for the determination that the change, test, or experiment does not involve an unreviewed safety question. The licensee shall furnish to the Commission, annually or at such shorter intervals as may be specified in the license, a report containing a brief description of such changes, tests, and experiments, including a summary of the safety evaluation of each.

(c) A proposed change, test, or experiment shall be deemd to involve an unreviewed safety question (1) if the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased; or (2) if a possibility for an accident or malfunction of a different type than any evaluated previously in the safety analysis report may be created; or (3) if the margin of safety as defined in the basis for any technical specification is reduced.

* * * * *

(e) With respect to requests for changes, tests, or experiments or for changes in technical specifications for a facility of a type described in § 50.21(b) or § 50.22, or a testing facility:

(1) If the Commission determines that the proposed change, test, or experiment presents significant hazards considerations not described or implicit in the safety analysis report it may refer the request to the Advisory Committee on Reactor Safeguards. The Commission

[5] Categories of technical specifications for chemical processing facilities are being developed.

will promptly notify the licensee of any referral to the Advisory Committee on Reactor Safeguards.

(2) If the Commission determines that the proposed change, test, or experiment does not present significant hazards considerations not described or implicit in the safety analysis report, it may authorize such change, test, or experiment without referral to the Advisory Committee on Reactor Safeguards for a report and without prior public hearing, upon finding that there is reasonable assurance that the health and safety of the public will not be endangered.

5. Appendix A is deleted.

(Secs. 161, 182, 68 Stat. 948, 953, 42 U.S.C. 2201, 2232)

Dated at Washington, D.C. this 11th day of December 1968.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 68-15032; Filed, Dec. 16, 1968; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter VI—Farm Credit Administration

SUBCHAPTER D—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

PART 650—PRODUCTION CREDIT ASSOCIATIONS

Subpart A—Loans to Members

Subpart C—General Provisions

OFFICIAL LOANS AND RETIREMENT OF CLASS B STOCK

Part 650 of Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising § 650.163 (31 F.R. 16253), and by adding § 650.361, as follows:

§ 650.163 "Official" loans.

(a) Loans to the following shall be subject to prior approval by the Bank:

(1) A director or officer of the association.

(2) A director of the Bank.

(b) Loans to the following shall be subject to prior approval by the board of directors of the Bank:

(1) A member of the Federal Farm Credit Board.

(2) An officer, employee, or agent of the Bank.

(c) Loans to the following shall be subject to prior approval by the board of directors of the Bank and by the Farm Credit Administration.

(1) An officer (as distinguished from an employee) of the Farm Credit Administration.

(d) A loan to a partnership, firm, or corporation in which any of the aforesaid directors, officers, employees, agents, or a member of the Federal Farm Credit Board is a member or stockholder shall be subject to the same prior approval as a loan to such person individually.

(e) Any loan shall be subject to prior approval of the Bank if a director or officer of the Bank or the association, or any employee or agent of the Bank, or a member of the Federal Farm Credit Board, or an officer of the Farm Credit Administration will receive more than $1,000 of the proceeds; or if more than $1,000 will be used in connection with real or personal property in which any such person has a legal or equitable interest; or if any such person is a creditor of or endorser for the borrower to the extent of more than $1,000: *Provided, however,* That the board of directors of the Bank may prescribe an amount other than $1,000.

§ 650.361 Retirement of class B stock.

Class B stock of an association shall be retired as provided in bylaws approved by the Governor.

(Sec. 20, 48 Stat. 259, as amended, sec. 23, 48 Stat. 261, as amended; 12 U.S.C. 1131d, 1131g)

R. B. Tootell,
Governor,
Farm Credit Administration.

[F.R. Doc. 68-14998; Filed, Dec. 16, 1968; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8846; Amdt. 63-9]

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

Special Purpose Flight Engineer Certificates

The purpose of these amendments to Part 63 of the Federal Aviation Regulations is to authorize the issuance of special purpose flight engineer certificates to qualified holders of current foreign flight engineer licenses issued by contracting States to the Convention on International Civil Aviation.

These amendments were proposed in Notice 68-10 issued on April 26, 1968, and published in the FEDERAL REGISTER on May 3, 1968 (33 F.R. 6720). Three public comments were received on the notice. Two of the comments expressed no objection to the proposals. The third comment expressed the opinion that reciprocal arrangements, such as those proposed, should provide for a U.S. equivalency standard. Thus, if the foreign flight engineer license issued by contracting States to the Convention on Civil Aviation requires competency equivalent to that required for the U.S. flight engineer certificate, this commentator would have no objection to the proposal.

These amendments add to Part 63 provisions for the issuance of special purpose flight engineer certificates authorizing qualified holders of foreign flight engineer licenses to act as flight crewmembers on U.S. registered aircraft, as stated in the notice. This action provides for flight engineers the recognition of their foreign licenses that is provided for pilots by § 61.33. These provisions include appropriate rules for required current medical certifications; for certificates, and aircraft class ratings to correspond with those on the foreign flight engineer license (or in the absence of the latter, ratings issued after testing or showing of currently meeting the requirements for exercising the privilege of his foreign license on that class of aircraft); for 2-year duration of the certificates issued, further limited by the time during which the holder's foreign flight engineer license is valid; for limitations appropriate to any inability of the holder to read, speak, or understand the English language; for a prohibition to act as flight engineer of a civil aircraft of U.S. registry that is carrying persons or property for compensation or hire; and for renewal of certificates.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matter presented.

In consideration of the foregoing, Part 63 of the Federal Aviation Regulations is amended as follows, effective January 17, 1969:

1. By inserting the following sentence at the end of paragraph § 63.3(a):

§ 63.3 Certificates and ratings required.

(a) * * * However, evidence of medical qualification accepted for the issue of a flight engineer certificate under § 63.42 is used in place of a medical certificate.

* * * * *

2. By amending § 63.15 to read as follows:

§ 63.15 Duration of certificates.

(a) Except for flight engineer certificates issued under § 63.42, a certificate issued under this part is issued without a specific expiration date.

(b) A flight engineer certificate (with any amendment thereto) issued under § 63.42 expires at the end of the 24th month after the month in which the certificate was issued or renewed. However, the holder may exercise the privileges of that certificate only while the foreign flight engineer license on which that certificate is based is effective.

(c) Any certificate issued under this part ceases to be effective if it is surrendered, suspended, or revoked. The holder of any certificate issued under this part that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

3. By amending paragraph (a) of § 63.15a to read as follows:

§ 63.15a Reissuance: expired certificates.

(a) Except for flight engineer certificates issued under § 63.42, any certificate covered by this part bearing an expiration date and issued after September 26, 1950; to a person who was not a citizen

of the United States may be reissued to that person without an expiration date.

* * * * *

4. By amending paragraph (c) of § 63.31 to read as follows:

§ 63.31 Eligibility requirements: general.

* * * * *

(c) Hold at least a second-class medical certificate issued under Part 67 of this chapter within the 12 months before the date he applies, or other evidence of medical qualification accepted for the issue of a flight engineer certificate under § 63.42; and

* * * * *

5. By adding a new § 63.42 to read as follows:

§ 63.42 Special purpose flight engineer certificate.

(a) *Certificates issued.* The holder of a current foreign flight engineer license issued by a contracting State to the Convention on International Civil Aviation, who meets the requirements of this section, may have a flight engineer certificate issued to him for the operation of civil aircraft of U.S. registry. Each flight engineer certificate issued under this section specifies the number and State of issuance of the foreign flight engineer license on which it is based. If the holder of the certificate cannot read, speak, or understand the English language, the Administrator may place any limitation on the certificate that he considers necessary for safety.

(b) *Medical standards and certification.* An applicant must submit evidence that he currently meets the medical standards for the foreign flight engineer license on which the application for a certificate under this section is based. A current medical certificate issued under Part 67 of this chapter will be excepted as evidence that the applicant meets those standards. However, a medical certificate issued under Part 67 of this chapter is not evidence that the applicant meets those standards outside the United States unless the State that issued the applicant's foreign flight engineer license also accepts that medical certificate as evidence of the applicant's physical fitness for his foreign flight engineer license.

(c) *Ratings issued.* Aircraft class ratings listed on the applicant's foreign flight engineer license, in addition to any issued to him after testing under the provisions of this part, are placed on the applicant's flight engineer certificate. An applicant without an aircraft class rating on his foreign flight engineer license may be issued a class rating if he shows that he currently meets the requirements for exercising the privileges of his foreign flight engineer license on that class of aircraft.

(d) *Privileges and limitations.* The holder of a flight engineer certificate issued under this section may act as a flight engineer of a civil aircraft of U.S. registry subject to the limitations of this part and any additional limitations placed on his certificate by the Administrator. He is subject to these limitations while he is acting as a flight engineer of the aircraft within or outside the United States. However, he may not act as flight engineer or in any other capacity as a required flight crewmember, of a civil aircraft of U.S. registry that is carrying persons or property for compensation or hire.

(e) *Renewal of certificate and ratings.* The holder of a certificate issued under this section may have that certificate and the ratings placed thereon renewed if, at the time of application for renewal, the foreign flight engineer license on which that certificate is based is in effect. Application for the renewal of the certificate and ratings thereon must be made before the expiration of the certificate.

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on December 11, 1968.

OSCAR BAKKE,
Acting Administrator.

[F.R. Doc. 68-15010; Filed, Dec. 16, 1968; 8:48 a.m.]

[Docket No. 9311; Amdt. 77-8]

PART 77—OBJECTS AFFECTING NAVIGABLE AIRSPACE

Revision of Notice Form

The purpose of this amendment to Part 77 of the Federal Aviation Regulations is to revise the reference to the form on which notices of proposed construction or alteration are filed to reflect the new form number that has been adopted and to correct an editorial error.

The FAA is adopting Form 7460-1 entitled, "Notice of Proposed Construction or Alteration" to replace Form 117. This new form more adequately reflects informational requirements concerning proposed construction or alteration of objects which might affect navigable airspace. Reference is made to FAA Form 117 in several places throughout Subpart B of Part 77. Therefore, an amendment is required to revise the references to this notice form.

Amendment 77-6, effective May 2, 1968, to § 77.11 erroneously identified FAA Advisory Circular AC 70/7460-1 as AC 70/7460. Therefore, this section is being changed to reflect the correct advisory circular number.

Since this amendment involving the substitution and correction of form numbers is editorial in nature, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Subpart B of Part 77 of the Federal Aviation Regulations is amended, effective February 1, 1969, as follows:

1. By amending § 77.11(b)(3) to read as follows:

§ 77.11 Scope.

* * * * *

(b) * * *

(3) Recommendations for identifying the construction or alteration in accordance with the current Federal Aviation Administration Advisory Circular AC 70/7460-1 entitled "Obstruction Marking and Lighting," which is on sale at the U.S. Government Printing Office, Washington, D.C. 20402;

* * * * *

2. Paragraphs (a) and (d) of § 77.17 are amended to read:

§ 77.17 Form and time of notice.

(a) Each person who is required to notify the Administrator under § 77.13(a) shall send one executed form set (four copies) of FAA Form 7460-1, "Notice of Proposed Construction or Alteration," to the Chief, Air Traffic Branch, FAA Area Office (or Chief, Air Traffic Division, for the Alaskan and Pacific Region) having jurisdiction over the area within which the construction or alteration will be located. Copies of FAA Form 7460-1 may be obtained from the headquarters of the Federal Aviation Administration, the regional, and the area offices.

* * * * *

(d) In the case of an emergency involving essential public services, public health, or public safety that requires immediate construction or alteration, the 30-day requirement in paragraph (b) of this section does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed FAA Form 7460-1 submitted within 5 days thereafter. Outside normal business hours, emergency notices by telephone or telegraph may be submitted to the nearest FAA Flight Service Station.

* * * * *

(Secs. 307, 313, 1101, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, 1501); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued in Washington, D.C., on December 11, 1968.

OSCAR BAKKE,
Acting Administrator.

[F.R. Doc. 68-15009; Filed, Dec. 16, 1968; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8762]

PART 13—PROHIBITED TRADE PRACTICES

Associated Chinchilla Breeders, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;*

§ 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1715 *Quality.*

(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) [Cease and desist order, Associated Chinchilla Breeders, Inc., San Jose, Calif., Docket 8762, Oct. 29, 1968]

In the Matter of Associated Chinchilla Breeders, Inc., a Corporation, and A. W. Halvorson, Individually and as an Officer of Said Corporation and as a Former Officer of Said Corporation

Order requiring a San Jose, Calif., distributor of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of its stock, deceptively guaranteeing the fertility of its stock, and misrepresenting its service to purchasers.

The order to cease and desist is as follows:

It is ordered, That respondents Associated Chinchilla Breeders, Inc., a corporation, and its officers, and A. W. Halvorson, individually and as an officer of said corporation, and Bryon R. Hoffman individually and as a former officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products, in commerce, "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, garages, or spare rooms, or other quarters or buildings or that large profits can be made in this manner: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented quarters or buildings have the requisite space, temperature, humidity, ventilation and other environmental conditions which would make them adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis and that large profits can be made in this manner.

2. Breeding chinchillas for profit can be achieved without previous knowledge or experience in the feeding, care, and breeding of such animals.

3. Pelts from the offspring of respondents' breeding stock generally sell for $28 to $61 each.

4. Chinchilla pelts produced from respondents' breeding stock will sell for any price or range of prices per pelt: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented price or range of prices are usually received for pelts produced by chinchillas purchased from respondents or by the offspring of said chinchillas.

5. The offspring of chinchilla breeding stock purchased from respondents will produce pelts selling for the average price of $28.44 each.

6. Purchasers of respondents' breeding stock will receive for chinchilla pelts from such stock any average price or prices: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented average price or prices per pelt are those usually received for pelts produced by chinchillas purchased from respondents, or by the offspring of said chinchillas.

7. Chinchillas are hardy animals or are not susceptible to diseases.

8. Each female chinchilla purchased from respondents or each female offspring produce at least three live young per year.

9. The number of live offspring produced per female chinchilla is any number: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented number of offspring are usually and customarily produced by female chinchillas purchased from respondents or the offspring of said chinchillas.

10. Each female chinchilla purchased from respondents and each female offspring will produce successive litters of one to five live offispring at 111 day intervals.

11. The number of litters and sizes thereof produced per female is any number: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented number of litters and sizes thereof are usually and customarily produced by the chinchillas sold by respondents or the offspring of said chinchillas.

12. A purchaser starting with three females and one male will have, from the sale of pelts, an annual income, earnings or profits of $10,000 in the 4th year after purchase.

13. Purchasers of respondents' breeding stock will realize earnings, profits or income in any amount or range of amounts: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented amount or range of amounts of earnings, profits or income are usually realized by purchasers of respondents breeding stock who invest substantially the same amount.

14. Breeding stock purchased from respondents is warranted or guaranteed without clearly and conspicuously disclosing the nature and extent of the guarantee, the manner in which the guarantor will perform thereunder and the identity of the guarantor.

15. Purchasers of respondents' chinchilla breeding stock are given guidance in the care and breeding of chinchillas or are furnished advice by respondents as to the breeding of chinchillas: *Provided, however,* That it shall be a defense in any enforcement proceedings instituted hereunder for respondents to establish that purchasers are actually given the represented guidance in the care and breeding of chinchillas or are furnished the represented advice by respondents as to the breeding of chinchillas.

B. 1. Using the trade or corporate name "Associated Chinchilla Breeders, Inc." or any other name of similar import or meaning.

2. Representing, directly or by implication, that respondents are an association or group or organization of chinchilla breeders.

3. Representing, directly or by implication, that respondents are chinchilla breeders.

4. Misrepresenting, in any manner, the organization, kind, nature, or character of respondents' business.

C. 1. Misrepresenting, in any manner, the assistance, training, services or advice supplied by respondents to purchasers of their chinchilla breeding stock.

2. Misrepresenting, in any manner, the earnings, or profits of purchasers of respondents' chinchilla breeding stock.

D. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of the respondents' products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That respondents Associated Chinchilla Breeders, Inc., a corporation; A. W. Halvorson, individually and as an officer of said corporation; and Bryon R. Hoffman, individually and as a former officer of said corporation, shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by such respondents setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: October 29, 1968.

By the Commission.

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

[F.R. Doc. 68-14975; Filed, Dec. 16, 1968; 8:45 a.m.]

[Docket No. C-1454]

PART 13—PROHIBITED TRADE PRACTICES

Gemini Enterprises, Inc., and Richard Misemer

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits.* § 13.225 *Services.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance.* § 13.1615 *Earnings and profits.* Misrepresenting oneself and goods—Services: § 13.1843 *Terms and conditions.* Subpart—Securing agents or representatives by misrepresentation: § 13.2120 *Dealer or seller*

assistance; § 13.2130 *Earnings;* § 13.-2165 *Terms and conditions.*

(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) [Cease and desist order, Gemini Enterprises, Inc., et al., Brentwood, Mo., Docket C–1454, Nov. 20, 1968]

In the Matter of Gemini Enterprises, Inc., a Corporation, and Richard Misemer, Individually and as an Officer of Said Corporation

Consent order requiring a Brentwood, Mo., distributor of radio and television tube-testing machines and supplies to cease securing dealerships for its machines by making exaggerated earning claims, and misrepresenting location, service, and resale of its machines.

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

It is ordered, That respondents Gemini Enterprises, Inc., a corporation, and its officers, and Richard Misemer, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of radio and television tube testing devices or the tubes, supplies, and equipment for use in connection therewith, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. Respondents' already have established routes or machines located at profitable locations at the time the offer of sale is made;

2. Respondents, their agents, representatives, or employees will obtain chain store, top traffic, or similar highly profitable locations for the machines purchased from them.

3. Purchasers investing $2,290 or more in respondents' tube testing devices and the tubes, supplies, and equipment for use in connection therewith can expect earnings of $500 or more per month;

4. Persons investing in respondents' products will derive gross or net profits or other earnings in any stated amount or range of amounts; *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that such represented profits or earnings were not in excess of those which have been usually and customarily earned by purchasers of said products who invest equivalent amounts.

5. A machine purchased from respondents will return the purchaser's complete investment therein within 8 months to a year from the date of purchase; or misrepresenting in any manner the time within which a purchaser's investment will be returned.

6. Purchasers of respondents' machines or other products will receive frequent or regular visits from respondents or their representatives: or that respondents or their representatives will provide training, or other advice and assistance, in the operation of and the methods to be used in servicing respondents' said machines or any other products; *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that training, advice and assistance in the operation of and the methods to be used in servicing respondents' machines or other products were afforded to each purchaser to the extent of and in conformity with the representations made to the purchaser.

7. Respondents will relocate machines for purchasers at any time they prove unprofitable in their original locations; *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that said machines were relocated promptly for purchasers to the extent of and in conformity with the representations made to the purchaser.

8. If the purchaser becomes dissatisfied, of for any reason wishes to go out of the business, the respondents will accept a return of the machines and tube stock or will help the purchaser to resell them.

B. Failing to deliver a copy or this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

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 sixty (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: November 20, 1968.

By the Commission.

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

[F.R. Doc. 68–14976; Filed, Dec. 16, 1968; 8:45 a.m.]

[Docket No. C–1456]

PART 13—PROHIBITED TRADE PRACTICES

Kim Fashions, 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; 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; 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, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 68 69f) [Cease and desist order, Kim Fashions, Inc., et al., New York, N.Y., Docket C–1456, Nov. 20, 1968]

In the Matter of Kim Fashions, Inc., a Corporation, Styles By Heidi, Inc., a Corporation, and Corette By Heidi, Inc., a Corporation, and Hyman Deutchman, Individually and as an Officer of Said Corporations

Consent order requiring three affiliated New York City clothing manufacturers to cease misbranding and falsely invoicing their fur and wool products and falsely guaranteeing their fur products.

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

It is ordered, That respondents Kim Fashions, Inc., a corporation, and its officers, Styles By Heidi, Inc., a corporation, and its officers, and Corette By Heidi, Inc., a corporation, and its officers, and Hyman Deutchman, individually and as an officer 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 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:

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

2. Failing to affix a label to such fur product 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 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 respondents Kim Fashions, Inc., a corporation, and its

officers, Styles By Heidi, Inc., a corporation, and its officers, and Corette By Heidi, Inc., a corporation, and its officers, and Hyman Deutchman, individually and as an officer 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 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 respondents Kim Fashions, Inc., a corporation, and its officers, Styles By Heidi, Inc., a corporation, and its officers, and Corette By Heidi, Inc., a corporation, and its officers, and Hyman Deutchman, individually and as an officer 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 the respondent corporations forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (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: November 20, 1968.

By the Commission.

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

[F.R. Doc. 68-14978; Filed, Dec. 16, 1968; 8:46 a.m.]

[Docket No. C-1455]

PART 13—PROHIBITED TRADE PRACTICES

William Schwartz & Son et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1953-35 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 order, William Schwartz & Son et al., New York, N.Y., Docket C-1455, Nov. 20, 1968]

In the Matter of William Schwartz & Son, a Partnership, and William Schwartz, Arthur Schwartz, and Milton Schwartz, Individually and as Copartners Trading as William Schwartz & Son

Consent order requiring a New York City manufacturing furrier to cease misbranding, deceptively invoicing and falsely guaranteeing 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 William Schwartz & Son, a partnership, and William Schwartz, Arthur Schwartz, and Milton Schwartz, individually and as copartners of said partnership, 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 any fur product 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 the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on a label affixed to such fur product.

B. 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 in 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. Misrepresenting in any manner on an invoice, directly or by implication, the country of origin of the fur contained in such fur product.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on an invoice pertaining to such fur product.

It is further ordered, That respondents William Schwartz & Son, a partnership, and William Schwartz, Arthur Schwartz, and Milton Schwartz, individually and as copartners of said partnership, 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 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 the respondents herein shall, within sixty (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: November 20, 1968.

By the Commission.

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

[F.R. Doc. 68-14977; Filed, Dec. 16, 1968; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4936]

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

Guides for Preparation and Filing of Registration Statements

On December 20, 1967, the Commission published in Securities Act Release No. 4890 (33 F.R. 507, Jan. 13, 1968) certain proposed guides for the preparation and filing of registration statements under the Securities Act of 1933 and invited the views and comments of interested persons thereon. These proposed guides represent a revision and expansion of those previously published in Securities Act Release No. 4666 (29 F.R. 2490, Feb. 15, 1964). A considerable number of very helpful comments were received in response to the above invitation and all of such comments have been carefully considered in the preparation of the definitive version of the guides, the text of which is attached hereto.

Certain changes have been made in the guides as a result of the staff's review of the comments submitted and as a result of its further consideration of the various matters involved. The guides are subject to review and modification from time to time as circumstances may require and interested persons are invited to submit, at any time, suggestions for such modifications or for the publication of guides covering additional matters.

These guides are not rules of the Commission nor are they published as bearing the Commission's official approval. They represent policies and practices followed by the Commission's Division of Corporation Finance in the administration of the registration requirements of the Act, but do not purport to furnish complete criteria for the preparation of registration statements.

The staff of the Division of Corporate Regulation is in the process of preparing guides describing the practices and policies followed by that Division in the examination and processing of registration statements filed by registered investment companies.

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NOTE AS TO APPLICABILITY OF RULE 408: Notwithstanding the provisions of these guides, attention is invited to Rule 408 which requires that there shall, in any case, be added to the information required such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

GENERAL PROVISIONS

1. *Prefiling conferences with registrants.* The Commission has a long established policy of holding its staff available for conferences with prospective registrants or their representatives in advance of filing a registration statement. These conferences may be held for the purpose of discussing generally the problems confronting a registrant in effecting registration or to resolve specific problems of an unusual nature which are sometimes presented by involved or complicated financial transactions.

Occasionally, a registrant will request a prefiling review of a registration statement, but such a review has been refused since it would delay the examination of material which has already been filed and would favor certain issuers at the expense of others. Registrants or their representatives also occasionally request the staff to draft a paragraph or other statement which will comply with some requirement or request for disclosure. The staff cannot undertake to prepare material for filing but limits itself to stating the kind of disclosure required, leaving the actual drafting to the registrant and its representatives.

2. *Letter of comment.* Letters of comment are sent out in most cases as a means of informing registrants of the respects in which a registration statement is deemed not to meet the disclosure and other requirements of the Act and the forms and regulations thereunder. A letter of comment may not be sent out, however, where the circumstances are such that an investigatory or stop order proceeding is deemed more appropriate.

3. *Applicability of amended rules and forms to previously filed statements.* Rule 401 provides that a registration statement shall be prepared in accordance with the form prescribed therefor as in effect on the date of filing. In view of the fact that the filing of an amendment to a registration statement establishes a new filing date for the statement, the question has been raised as to whether an amendment to the registration statement which is filed after the registration form or an applicable rule has been amended must comply with the amended requirements. The filing date referred to in Rule 401 is the initial filing date and in the absence of specific provisions to the contrary subsequent amendments to the form or to a rule do not apply, except to the extent noted below, to the registration statement, even though the statement may be thereafter amended.

Rule 432 provides that the form and contents of any prospectus need conform only to the applicable "rules" in effect at the time the registration statement became effective notwithstanding subsequent amendments to such rules. Although reference is made to "rules" this is deemed to include the registration forms also so that any amendment to a rule or registration form after the effective date of the registration statement does not apply to section 10(a)(3) prospectuses except to the extent provided in paragraph (b) of Rule 432. That paragraph provides that the contents of any prospectus used after the lifting of a stop order shall conform to the applicable rules in effect at the time the stop order ceases to be effective.

4. *Registration of securities for delayed offering.* The last sentence of section 6(a) of the Act provides that a registration statement shall be deemed effective only as to the securities specified therein as proposed to be offered. In view of this provision, securities cannot be registered if there is no intention to offer them within the proximate future. There are, however, certain types of deferred or extended offerings for which registration is permitted or required. A brief description of these offerings follows. It should be noted that where securities are so registered, they may not be sold at a time when the prospectus has not been kept up to date in accordance with the requirements of section 10(a) of the Act.

(a) Where a company is engaged in a continuing program of issuing securities in connection with the acquisition of other companies under such circumstances that a public offering is involved, a reasonable amount of securities may be registered for such purpose.

(b) Where the purchasers of presently convertible securities may be deemed underwriters of such securities or of the securities into which they are convertible, within the

meaning of Rule 155, both classes of securities may be registered prior to the purchase of the convertible securities. The securities into which presently convertible securities are convertible must, of course, be registered at the time of registration of the convertible securities for public offering.

(c) Where, in connection with a merger, consolidation or sale of assets, securities are issued to persons who may be deemed underwriters within the meaning of Rule 133(b), such securities may be registered even though an immediate offering is not contemplated.

(d) Where securities are to be pledged by persons in control of the issuer, such securities may be registered for the purpose of sale in the event of a default in compliance with the terms of the pledge agreement.

(e) Transferable options, warrants or rights issued to underwriters in connection with a public offering of securities, the securities issuable upon the exercise of such options, warrants or rights, and any securities sold to underwriters in connection with a public offering must be registered even though the underwriters represent that such options, warrants, rights or other securities are taken for investment and not with a view to distribution. (See No. 10)

(f) Securities may be registered if a representation is made that they will be publicly offered within a reasonable period of time after the effective date of the registration statement or if, because of particular circumstances, effective control over the resale of the securities by other persons would be difficult to maintain.

(g) Securities to be offered pursuant to options, warrants or rights may be registered if the options, warrants or rights are presently exercisable, or will become exercisable in the near future, even though such exercise may extend over a considerable period of time.

Registration statements of the above character may involve questions arising under Rules 10b–2, 10b–6, and 10b–7 under the Securities Exchange Act of 1934. (See No. 52)

5. *Voluminous and verbose prospectuses.* Prospectuses are sometimes difficult to read and to understand. Registrants have been encouraged to reduce the size of the prospectus by careful organization of the material, appropriate arrangement and subordination of information, use of tables and the avoidance of prolix or technical expression and unnecessary detail. In this connection, attention is directed to Rule 460(f).

Material on the cover page of the prospectus should be as brief as possible with an appropriate cross reference to more complete information elsewhere in the prospectus, particularly where the underwriters receive multiple benefits that cannot be completely described on the cover page. (See No. 17)

6. *Introductory statements.* Where appropriate to a clear understanding by investors there should be set forth immediately following the cover page of the prospectus under an appropriate caption a carefully organized series of short, concise paragraphs, under subcaptions where appropriate, summarizing the principal factors which make the offering one of high risk or speculative. These factors may be due to such matters as an absence of an operating history of the registrant, an absence of profitable operations in recent periods, an erratic financial history, the financial position of the registrant, or the nature of the business in which the registrant is engaged or proposes to engage. In this connection see In the Matter of Universal Camera Corporation, 19 S.E.C. 648 (1945) and Doman Helicopter, Inc., 41 S.E.C. 431 (1963).

Where there is substantial disparity between the public offering price and the effective cash cost to officers, directors, promoters and affiliated persons for shares acquired by them in a transaction which is currently significant, or which they have a right to acquire, there should be included a comparison of the public contribution under the proposed public offering and the effective cash contribution of such persons. In such cases, and in other instances where the extent of the dilution makes it appropriate, the following shall be given: (a) The net tangible book value per share before and after the distribution; (b) the amount of the increase in such net tangible book value per share attributable to the cash payments made by purchasers of the shares being offered; and (c) the amount of the immediate dilution from the public offering price which will be absorbed by such purchasers.

7. *Dating of prospectuses.* The date of the prospectus required by Rules 423 and 433 should be set forth on the cover page.

8. *Pictorial or graphic representations in prospectuses.* Oridinarily, photographic reproductions of management, principal properties or important products in prospectuses are not permissible, unless necessary to a fair understanding of the subject. The same is true of artists', architects' or engineers' conceptions or renderings, which may be misleading in that there is no assurance of completion of the structure or because of lack of accuracy of the conception or rendering. However, accurate maps or surveys are permissible where appropriate. Established corporate symbols or trademarks may be used, provided they do not create misleading impressions.

9. *Promoters.* The term "promoters" is defined in Rule 405 and used in various forms. All persons coming within the definition of the term "promoters" may be referred to as "founders" or "organizers" or some other term provided the term used is reasonably descriptive of their activities and the information called for by the form as to such persons is disclosed.

10. *Registration of options, warrants or rights and other securities issued or sold to underwriters.* Transferable options, warrants or rights and the stock to be issued upon the exercise thereof which are issued to underwriters in connection with a registered public offering are to be considered a part of such offering. Similarly, stock, or securities convertible into another security, sold to underwriters in connection with a registered public offering are to be considered a part of such offering. Accordingly, such options, warrants or rights and the stock which is subject thereto or such other security which is to be sold to underwriters must be registered along with the securities to be offered to the public, notwithstanding that it is represented that such options, warrants, rights, stock or other security have been acquired for investment and not with a view to the distribution thereof.

Where transferable options, warrants or rights are granted to underwriters by some person other than the issuer, at or about the time of the proposed registered offering, the same registration requirements apply. In such case, the registration statement should also be signed by such person as the issuer of the option warrants or rights, but it may be stated in the signature paragraph that such signature relates only to information regarding the options, warrants or rights.

The foregoing registration requirements apply whether the options, warrants or rights are exercisable immediately or are not exercisable until some future date.

Nontransferable options, warrants or rights granted to underwriters are not required to be registered but the stock subject thereto must be registered along with the securities to be offered to the public.

If registration is required in accordance with the foregoing and it is not contemplated that the security will be immediately distributed, the registration statement should include an appropriate undertaking substantially as follows:

"The registrant undertakes with respect to (identify security) issued (or to be issued) to underwriters, that (1) any prospectus revised to show the terms of offering of such shares (other than a transaction on a national securities exchange), and (2) any prospectus revised to comply with the requirements of section 10(a)(3) of the Securities Act of 1933, will be filed as a post-effective amendment to the registration statement prior to any offering thereof; and that the effective date of each such amendment shall be deemed the effective date of the registration statement with respect to securities sold after such amendment shall have become effective."

(See also Nos. 17 and 36)

UNDERWRITING AND DISTRIBUTION

11. *Finders.* The last sentence of Instruction 1 to Item 1 of Form S–1 requires appropriate disclosure on the cover page of the prospectus of any finder's fees or similar payments. Such disclosure should identify the finder and the nature of any relationship between him and the registrant, its officers, directors, promoters, principal stockholders and underwriters (including in each case, affiliates or associates thereof). Consideration should be given to all relevant circumstances in determining whether participation of the finder in the issuance and sale of the securities being offered is sufficient to constitute the finder an "underwriter" within the definition of that term in section 2(11) of the Act. Ordinarily a finder whose principal function is to introduce a registrant to an underwriter for a cash fee, need not be identified as an "underwriter." If a finder receives securities for his services, the securities should be registered. Whenever the finder is deemed to be an underwriter by reason of the receipt of securities for services, or otherwise, he should be identified as such in the prospectus.

12. *Over-the-counter trading in rights or warrants.* The Uniform Practice Code of the National Association of Securities Dealers, Inc., provides that, except as otherwise designated by the National Uniform Practice Committee, subscription rights issued to security holders to purchase additional securities of the issuer shall be traded in the over-the-counter market on the basis of one right accruing on each share of outstanding stock. Thus, the quotation will be based on a single right even though several rights may be necessary to purchase one new share. The Code also provides that, except as otherwise designated by the Committee, transactions in stock purchase warrants in the over-the-counter market shall be on the basis of one warrant representing the right to purchase one share of stock. However, where as a result of a stock split, stock dividend or similar event, a warrant for one share has come to represent more or less than one share, it is understood that the Association prescribes the basis upon which the warrants are to be traded.

Where warrants or rights are involved, appropriate disclosure of the basis upon which it is expected that they will be traded in the over-the-counter market should be stated on the cover page of the prospectus or under an appropriate caption to which reference is made on the cover page.

13. *Market quotations—absence of established market.* If there is an established market for the securities to be registered, it would normally be appropriate to set forth in the prospectus the high and low sale prices of such securities (or in the case of trading

in the over-the-counter market or in the absence of trading on an exchange, during a particular period, the high and low bid prices) for each quarterly period within the past 2 years and the nature of the market and source of the quotations. If the securities are traded on an exchange, the name of the exchange should also be given.

If there is no established trading market for the securities to be offered pursuant to the registration statement, the prospectus should so state in a prominent place, unless it is evident that no such market exists.

The existence of limited or sporadic quotations should not of itself be deemed to constitute an established trading market. If any known facts indicate the absence of an established trading market, reference to quotations in the prospectus should be qualified by appropriate explanation. See No. 53.

14. *Underwriters' compensation from conversion of funds into foreign currency.* In cases where an underwriter receives U.S. currency as a result of an offering but remits the proceeds to the issuer in a foreign currency, any material amount of profit accruing to the underwriter as a result of such conversion of the proceeds of the offering into a foreign currency may be considered as additional underwriting compensation and appropriate disclosure, per share and in the aggregate, should be made on the facing page of the prospectus.

15. *Expenses of issuance and distribution.* The itemized statement of "other expenses of issuance and distribution" called for in Part II of the registration statement (e.g., see Item 23 of Form S–1) should include, as a separate item, any premium paid by the registrant or any selling security holder on any policy obtained in connection with the offering or sale of the securities which insures or indemnifies directors or officers against any liabilities they may incur in connection with the registration, offering or sale of the securities to be registered.

The total of such expenses, stated separately for the registrant and for the selling security holders (if any) as a group, should be set forth in a note to the net proceeds column of the underwriting table on the cover page of the prospectus.

16. *Disclosure with respect to newly organized underwriting firms.* Where an underwriter or a new speculative issue of securities is newly organized or reactivated, or only recently registered as a broker-dealer, and especially where the principal function of such underwriter will be to sell the securities to be registered, or the promoters of the registrant are identified with the underwriter, these facts should be disclosed in the prospectus. Sufficient details should be given to allow full appreciation of the underwriter's experience and its relationship with the registrant, promoters and controlling persons.

17. *Disclosure of underwriting discounts and commissions.* In some instances the underwriters receive part of their underwriting discounts or commissions in a form the value of which is not easily reducible to a dollar per unit basis. This compensation may be in the form of options or warrants to purchase shares, expense allowances, continuing fees for services, first refusal on future financing, etc. When it is impracticable to furnish fully or precisely the required information with respect to such compensation on the cover page of the prospectus without rendering it difficult to read, only the most significant facts should be described thereon together with a reference to the page, or if given under a separate caption, then to the caption, of the prospectus where additional information with respect to such compensation is set forth.

Generally, it will be assumed for the purpose of disclosure that options, warrants, rights, stock or other securities sold or given to the underwriters or prospective underwriters within 12 months before the filing of the registration statement or proposed to be sold or given to them thereafter were issued in connection with such offering. Accordingly, the potential profits which may be received upon the sale of such options, warrants, rights, stock or other securities should be identified as additional underwriting compensation for such offering, whether or not such underwriters withdraw and other underwriters are substituted.

Not later than the time of filing the last amendment prior to the effective date of the registration statement, the registrant shall inform the Commission whether or not the amount of compensation to be allowed or paid to the underwriters, as described in the registration statement, has been cleared with the National Association of Securities Dealers, Inc.

(See also Nos. 10 and 36)

18. *Original issue discount of debt securities.* Where debt securities are to be offered at a price below the par or face value thereof, or where a debt security is sold in a package with another security and the allocation of the sale price between the two securities may have the effect of offering the debt security at a price below its par or face value, the "discount" should be disclosed in the prospectus. The possible effect on the investor of the "original issue discount" provision of section 1232 of the Internal Revenue Code should also be disclosed in the prospectus. If the provisions of section 1232 are not deemed to be applicable, the registrant should so advise the staff at the time of filing the registration statement, or an amendment thereto.

19. *Distribution of preliminary prospectus.* Rule 460 provides in substance that, in ruling upon requests for acceleration of the effective date of a registration statement, the Commission will consider whether an adequate distribution of the preliminary prospectus to underwriters and dealers who it is reasonably anticipated will participate in the proposed offering has been made a reasonsable time in advance of the anticipated effective date of the registration statement. Accordingly, in each applicable case, the registrant should furnish to the division, prior to or at the time of filing a request for acceleration pursuant to Rule 461, the following information with respect to the extent of the distribution of the preliminary prospectus: (1) The dates of distribution; (2) the number of prospective underwriters and dealers to whom they were furnished; (3) the number of prospectuses so distributed; and (4) the number of prospectuses distributed to others, identifying them in general terms.

The Commission has in some instances required a broader distribution of the prospectus as a condition to acceleration.

Distribution of preliminary prospectuses to dealers is not ordinarily a condition for acceleration in the case of offerings of securities to stockholders by subscription rights or otherwise, unless it is contemplated that the distribution will be made through dealers and the underwriters intend to make the offering during the stockholders' subscription period, in which case copies of the preliminary prospectus must be distributed to dealers prior to the effective date of the registration statement in the same fashion as is required in the case of other offerings through underwriters. Where the underwriters do not intend to offer the securities during the stockholders' subscription period, distribution to dealers of the preliminary prospectus is not required.

20. *Mailing of amended preliminary prospectus to regional offices.* Unmarked copies of the preliminary prospectus contained in any material amendment to the registration statement should be sent to the Commission's regional offices located at Room 1708, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 and 225 Broadway, New York, N.Y. 10007.

USE OF PROCEEDS

21. *Use of proceeds.* Inclusion in a prospectus of a statement that management reserves the right to change the use of proceeds may give rise to a question as to whether the disclosures made in response to Item 3 of Form S–1 are bona fide. However, such reservation is permissible if its inclusion is due to certain contingencies which are adequately discussed in the prospectus in terms of an alternative use of proceeds to be followed in the event that the contingencies arise.

FINANCIAL DATA

22. *Summary of earnings.* The content of the summary of earnings is specified in general in the instructions to the pertinent items of the form. The necessity of disclosing items in addition to those specified in such instructions will depend upon the circumstances. These instructions cannot, of course, cover all situations which may arise nor is it practicable to set forth a statement of policy dealing specifically with all possible situations. The existence of any unusual conditions affecting the propriety of the presentation and the necessity for the inclusion of an additional previous period should be considered.

When the text of the prospectus contains a discussion of factors indicating an adverse change in operating results subsequent to the latest period included in the summary of earnings, the summary should call attention to the change, in a headnote or in a footnote, and refer to the place in the prospectus where it is discussed.

23. *Current financial statements and related data.* The following is furnished as a guide for determining the need for "updating" financial statements and related data in registration statements under the Act and is a reaffirmation of the policies stated in Securities Act Release No. 4475, dated April 13, 1962:

(a) *Financial statements*—(1) *Form S–1.* Registrants presently subject to the reporting requirements of the Securities Exchange Act of 1934 and other companies with a substantial record of earnings which publish financial information on a regular basis, should be prepared to add later information as to sales and net income on a current and comparable basis in a paragraph following the summary of earnings when such later information has been published or is to be published in an interim report prior to the effective date of the registration statement. Whether or not such a report is published, later sales and net income information on current and comparable prior year bases should be included in such a paragraph when an adverse trend is shown. Such disclosure is necessary regardless of the certified or noncertified status of the financial statements in the prospectus. It should be understood that when a fiscal year ends within 90 days prior to the date of filing and certified financial statements for the year are available for publication before the proposed effective date, such statements should be substituted for the interim statements in the registration statement as originally filed.

Companies registering for the first time with no previous record of publishing information, but with an established record of earnings and in a sound financial condition, should be prepared to furnish the above data compared with a similar period of the preceding year, if the amendment when effective would otherwise include data over 4 months old.

New registrants with no established record of earnings and old registrants currently showing losses or a weak financial condition should not only furnish the above data but be prepared to bring the financial statements up to the latest practicable date not more than 90 days prior to filing the amendment upon which it is expected the filing will become effective. If delay carries the date beyond the close of the fiscal year and by applying due diligence the registrant and its independent accountant can have an audit completed prior to the planned effective date, certified statements for the fiscal year should be substituted for interim statements whether or not the interim financial statements have been certified.

When later interim financial statements are to be furnished to supplement either fiscal year or interim statements which have been certified, the later statements would in the usual case be unaudited. However, when numerous or involved financial transactions have been effected since the date of the financial statements furnished or it is recognized that unusual conditions affect the determination of earnings, the Commission has indicated that later financial statements may be requested on a certified basis as a condition to acceleration under section 8(a) of the Act.

(2) *Forms S–2 and S–3.* All financial statements on these forms are required to be certified. In all cases of extended delay later statements should be prepared so that at the expected effective date the statements are not over four months old.

(3) *Forms S–7, S–8 and S–9.* In cases of unusual delay of effectiveness of the registration statement, consideration should be given to presenting such later financial data, including interim earnings, when such information has been published or issued to stockholders.

(4) *Form S–11.* Principles set forth above for Form S–1 should be applied to filings on this form as appropriate.

(b) *Financial data.* Volume statistics, loss experience in insurance companies, bad debt and collection experience in finance, real estate and small loan companies, backlog and similar data should be brought up to date when later financial information is furnished.

24. *Currencies in which amounts are to be stated by foreign issuers.* In connection with registration statements filed by foreign issuers, the question arises whether money amounts may be stated only in the currency of the domicile of the registrant or whether such amounts must also be stated in U.S. dollars. It is our practice to accept the statement of such money amounts in the currency of the registrant's domicile except that, where necessary to a clear understanding, the U.S. dollar equivalent should be shown in parallel columns or otherwise, as appropriate. In all cases, however, the exchange rate in effect in New York City as of the latest practicable date should be set forth at the beginning of the prospectus in prominent (preferably bold-face) type.

25. *Manner of showing distributions by real estate syndicates and real estate investment trusts.* Where distributions by real estate syndicates or real estate investment trusts represent, as is usually the case, both investment income and a return of capital, it is misleading to express such distributions in percentages, since such percentages indicate a rate of return in excess of the rate of return realized on the basis of investment income. In stating the amount of such distributions, the amount representing income and the amount representing return of capital should be clearly shown and should be computed on the accounting basis prescribed for financial statements filed with the Commission rather than on the basis used for income tax purposes, if different.

26. *Statement of dividend policy.* Generally, objection will be made to a projection of future dividends in the prospectus. Objection ordinarily will not be made to a statement in the prospectus as to the policy of the board of directors of the registrant to declare dividends on a stated periodic basis, or that it will be the policy of the board of directors to declare as dividends a specified percentage of profits, provided no projection of dollar amounts is given and a further statement is made to the effect that there is no assurance as to future dividends since they are dependent upon earnings, the financial condition of the registrant and other factors. However, there is no objection to the registrant's stating the amount of dividends to be paid for the next succeeding dividend period if the amount to be paid has been determined.

Where a registrant has a record of paying no dividends although earnings indicate an ability to do so, the registrant should consider the question of its intention to pay cash dividends in the foreseeable future, and if no such intention exists, a statement of that fact should be set forth in the prospectus.

BUSINESS AND PROPERTY

27. *Names of customers and competitors.* Item 9(b) of Form S–1 requires certain disclosure as to the nature of the market for the registrant's products or services and as to the registrant's competitive position in the industry. In connection with these disclosures the names of either customers or competitors are not required in the usual case. If the registrant voluntarily includes such names, no objection is ordinarily raised unless in the particular case the effect of including such names is misleading. If a substantial part of the business of the registrant is dependent upon a single customer, or a very few customers, the loss of any one of which would have a materially adverse effect on the registrant, the name of the customer or customers and other material facts with respect to their relationship, if any, to the registrant and the importance of the business to the registrant should be included.

28. *Extractive reserves.* Instruction 2 to Item 10 of Form S–1 and Item 5(a) of Form S–7 require that registrants engaged in extractive operations include in their prospectus, where appropriate, the quantitative amount of their estimated reserves. If appropriate, the current market price per barrel of oil, m.c.f. of gas, or the assay value per ton of ore may also be shown, but it is deemed inappropriate to show a dollar amount equal to the market price multiplied by the number of barrels of oil, m.c.f. of gas or tons of ore.

29. *Disclosure of material long-term leases.* In describing any property held under a material long-term lease, give the remaining term of years of the lease.

30. *Disclosure of principal sources of electric revenues on Form S–9.* In registration statements filed on Form S–9 by electric utilities, the principal classes of service from which electric revenues are derived should be furnished in response to Item 3(b).

31. *Disclosure of recent developments—backlog.* If there has been a material change in the trend of sales or earnings of the registrant during the period for which financial statements are included in the prospectus, or subsequent to such period, the reason for the change should be adequately disclosed. (See No. 23 above)

Where material in the business of the registrant, information for a current period compared with a similar period 12 months earlier, and if significant, prior years, should be given with respect to backlog and levels of plant operation. In giving information as to backlog, the dollar amount of unfilled orders should represent only firm orders. However, there may be included as firm orders, Government orders that are firm but not yet funded and contracts awarded but not yet signed, provided an appropriate footnote is added explaining the nature of such orders and the amount thereof. The portion of orders already included in sales or operating revenues on the basis of completion accounting should be excluded from the amount of backlog. There should be disclosed any seasonal aspects of the backlog and the total amount of any orders forming a part of such backlog not expected to be filled within the current fiscal year or, if sales for an interim period are shown, within the balance of such fiscal year following the end of such interim period.

SECURITIES TO BE REGISTERED

32. *Liability of shareholders to laborers, servants or employees under State law.* Statutes of several of the states impose joint and several liability on corporate shareholders for labor debts (i.e., debts, wages, and salaries due and owing to employees by the corporation). The potential liabilities imposed on shareholders by these statutes should be appropriately disclosed in the prospectus unless such disclosure would be immaterial because the financial resources of the registrant are such as to make it unlikely that the liability will ever be imposed.

33. *Notice of redemption of convertible securities or callable warrants.* Where a prospectus relates to convertible securities which are subject to redemption, or to stock purchase warrants which are callable, it should be stated at an appropriate place in the prospectus that the right to convert or purchase will be lost unless it is exercised before the redemption or call. The kinds, frequency and timing of notice of the redemption or call should also be stated, including the cities or newspapers in which notice will be published. In the case of bearer securities which are convertible or callable, the prospectus should prominently caution investors to make appropriate arrangements to prevent loss of the right to convert or purchase, in the event of redemption, for instance, by regularly reading newspapers in which notice of the redemption or call may be published.

MANAGEMENT AND CONTROL

34. *Executive committee.* If the registrant has an executive committee, the members thereof should be indicated by a footnote or other appropriate means in connection with the disclosure required by Item 16 of Form S–1.

35. *Identification of Members of Board of Directors selected by the underwriters.* As indicated in Securities Act Release No. 4475, dated April 13, 1962, the Commission has refused to accelerate the effective date of a registration statement where an underwriter has the right to designate a director and the person has not been designated but when designated may be a director, officer, partner, employee, or affiliate of the underwriter. If the person to be designated will not be so related to the underwriter and the underwriter is not otherwise in a position to identify such person, then the prospectus should contain a representation so stating.

36. *Effect of issuance of options or warrants to certain persons.* If a material amount of options or warrants has been or is to be issued to promoters, underwriters, finders, principal stockholders, officers or directors, certain disclosure in regard thereto should be made in the prospectus, in addition to that required by Item 18 of Form

S–1. Such additional disclosure should ordinarily include the following: that for the life of the options or warrants the holders thereof are given, at nominal cost, the opportunity to profit from a rise in the market for securities of the class subject thereto, with a resulting dilution in the interest of security holders; that the terms on which the issuer could obtain additional capital during that period may be adversely affected; and that the holders of such options or warrants might be expected to exercise them at a time when the issuer would, in all likelihood, be able to obtain any needed capital by a new offering of securities on terms more favorable than those provided for by the options or warrants. Similar disclosure should also be made where securities with conversion privileges are issued to the above persons.

(See also Nos. 10 and 17)

WRITTEN CONSENTS

37. *Consents of accountants.* Prospectuses frequently contain statements to the effect that the financial statements and related schedules contained in the prospectus and in the registration statement have been examined, and the summary of earnings and the historical financial information have been reviewed, by the independent public accountants and that such statements, schedules, summary and information are set forth upon the authority of the accountants as experts. In such cases the consent of the accountants to the use of their name in the manner indicated should be included in the registration statement in addition to their consent to the specific use of their name in connection with the earnings summary, the historical financial information and the use of their certificate with the financial statements and supporting schedules.

38. *Consents of attorneys.* Where a registration form requires as an exhibit an opinion of counsel as to the legality of the issue, the written consent of counsel furnishing the opinion must be filed with the registration statement. If any other attorney is also named as having passed upon the legality of the issue for the registrant, the written consent of such attorney must also be filed even though his opinion is not filed with the registration statement.

If any information contained in the registration statement, other than that referred to above, is stated to be furnished upon the authority of an attorney for the registrant, such attorney shall be named and his consent to being so named shall be filed as a part of the registration statement. Where the same attorney is named with respect to several parts of the registration statement, it is not necessary to furnish a separate consent with respect to each such part but the consent should be broad enough to cover all matters with respect to which the attorney is named as having acted.

Where an attorney is named as having acted for the underwriters or selling security holders, no consent will be required by reason of his being named as having acted in such capacity.

Where the opinion of one attorney relies upon the opinion of another attorney, the consent of the attorney who prepared the initial opinion need not be furnished even though he is named in the registration statement as an expert.

Where information, such as the nature of the registrant's title to its properties, is given on the basis of an opinion of counsel, the name of the counsel should be disclosed in the registration statement and his consent furnished. The name of such counsel need not be set forth at the particular place where the information based on his opinion is given, provided he is otherwise identified and his name disclosed elsewhere in the registration statement.

EXHIBITS

39. *Charter amendments authorizing new securities.* Certain forms require the filing with the registration statement of a copy of the registrant's charter with amendments, or as amended, and a copy of all constituent instruments defining the rights of the holders of securities being registered. Where it is impracticable for the registrant to file with the appropriate State authority, prior to the effective date of the registration statement, an amendment to the articles of incorporation authorizing the securities being registered, it will suffice for the registrant to file with the registration statement an exact copy of the proposed form of amendment to be filed with the State authority. If material changes are made after the copy is filed, an amended copy must be filed. The filing of an additional copy of the amendment after it has been filed with the State authority is not required unless there are additional changes.

Where the securities being registered are to be offered before the charter amendment authorizing them becomes effective, appropriate disclosure of that fact should be made in the prospectus.

40. *Underwriting agreements.* The filing with a registration statement of signed copies of the underwriting agreement is not required. All that is required is a complete copy of the contract as it will read when it is finally executed by the underwriters. If any material changes are made after such copy has been filed, it will be necessary to file an amended copy.

41. *Specimen bond.* In the case of a bond issue, a specimen bond should be filed if available. However, if a specimen is not available it is not necessary to file a copy of the bond if the full text of the bond is set forth in the indenture. In the latter case, however, a reference should be made in the list of exhibits to the pages of the indenture where the text of the bond is set forth, or to the indenture index where reference to such pages is made.

SUPPLEMENTAL INFORMATION

42. *Reports or memoranda concerning the registrant.* If, within the past 12 months, any engineering, management or similar report or memorandum relating to broad aspects of the business, operations or products of the registrant has been prepared for or by the registrant, any security holder named in answer to Item 19(a) of Form S–1, or any principal underwriter, as defined in Rule 405, of the securities being registered, or if any report or memorandum has been prepared for external use by the registrant or a principal underwriter in connection with the proposed offering, such report or memorandum should be furnished to the Division as supplemental information prior to any prefiling conference or, if none, at the time of filing the registration statement, or as soon as practicable thereafter.

There should also be furnished at the same time a statement as to the actual or proposed use and distribution of such report or memorandum. Such statement should identify each class of persons who have received or will receive the report or memorandum, and state the number of copies distributed to each such class. If no such report or memorandum has been prepared, the Division should be so informed in writing at the time the report or memorandum would otherwise have been submitted.

43. *Representations from selling security holders.* When outstanding securities are registered to cover a proposed offering for the account of selling security holders, the registrant should forward to the division a statement from each selling security holder (or in the case of a large group of selling security holders, from the principal members of the group) setting forth the reason or reasons for the sale of such securities. The statement should also contain a representation that such person is familiar with the registration statement and should set forth any material adverse information known to the selling security holder with regard to current and prospective operations of the registrant not disclosed in the prospectus (or a negative representation to such effect, if applicable).

44. *Securities Act exemption for shares subject to options.* Registrants with employee stock option plans who have not registered the underlying stock should inform the division by letter as supplemental information at the time of filing a registration statement covering securities of the same or other classes whether it is intended to register stock to be issued upon the exercise of the options. If registration is not contemplated, information specifying the exemption from the registration requirements intended to be relied upon and the pertinent facts supporting such claim should be submitted unless already supplied in Item 26 of Form S–1. Such information submitted should include: the approximate number of persons who may be eligible to receive options under the plan; their positions with the registrant and their general salary classification; the extent to which they meet the standards of S.E.C. v. Ralston Purina Co., 346 U.S. 119 (1953); and the nature of any restrictions on transfer and investment representations required. In addition, if any purchasers of option stock have resold or transferred their shares within the past 3 years, the circumstances of such dispositions, consistent with the claimed exemption, should be explained by the registrant in its letter. If no such dispositions have occurred, it should be so stated.

45. *Information as to over-the-counter market for securities to be registered.* If there is an over-the-counter market for the outstanding securities of the same class as those to be registered, the following information should be furnished as supplemental information, on a separate page, at the time the registration statement is filed or not more than 1 week thereafter:

1. The number of holders of record, as of a recent date, of securities of the same class as those to be registered, excluding directors, officers and persons holding of record, or known by the registrant to own beneficially, more than 10 percent of the outstanding securities of such class. State separately, as of the same date, to the extent determinable, the number of such record holders holding the securities in "street" and bank nominee names.

2. The aggregate number of shares held of record, as of the same recent date, by all persons other than directors, officers and persons holding of record, or known by the registrant to own beneficially, more than 10 percent of the outstanding securities of such class. State separately as of the same date, to the extent determinable, the aggregate number of such shares held in "street" and bank nominee names.

3. The aggregate number of shares transferred on the records of the registrant or its transfer agent during the 6 months prior to the same recent date, other than shares subject to transfer restrictions.

4. To the extent known to the registrant or managing underwriter, the names of the most active marketmaker or marketmakers, if any, for the securities of the same class as those to be registered, during the last 6 months.

MISCELLANEOUS DISCLOSURES

46. *Statement as to indemnification*—(a) *Indemnification of directors, officers or controlling persons.* Where, by charter, bylaw, contract, statute or otherwise, provision is

made for indemnification by the registrant of any of its directors, officers or controlling persons, against liabilities arising under the Act and Note (a) to Rule 460 does not apply because acceleration of the effective date of the registration statement is not to be requested, and waivers have not been obtained, a brief reference to such provisions shall be made in the prospectus together with a statement in substantially the following form:

"Insofar as indemnification for liabilities arising under the Securities Act of 1933 may be permitted to directors, officers or persons controlling the registrant, pursuant to the foregoing provisions, the registrant has been informed that in the opinion of the Securities and Exchange Commission such indemnification is against public policy as expressed in the Act and is, therefore, unenforceable."

If Note (a) to Rule 460 applies, the waivers or undertakings required thereby are to be filed as a part of the registration statement but no statement need be made in the prospectus in regard to indemnification of directors, officers or persons controlling the registrant.

(b) *Indemnification of underwriters or persons controlling them.* If the underwriting agreement provides for indemnification by the registrant of the underwriters or their controlling persons against liabilities arising under the Act, a brief description of such indemnification provisions may be furnished in the body of the prospectus, rather than on the facing page thereof, but in such case a reference should be made on the facing page to the page on which or the caption under which the description is set forth.

(c) *Insurance against liabilities under the Act.* Insurance against liabilities arising under the Act, whether the cost of such insurance is borne by the registrant, the insured or some other person, is not a bar to acceleration under Note (a) to Rule 460 and no waivers or undertakings need be furnished with respect thereto.

47. *Enforceability of civil liabilities under the act against foreign persons.* In a registration statement of a foreign private registrant, the forepart of the prospectus should clearly state how the enforcement by investors of civil liabilities under the Act may be affected by the fact that the registrant is located in a foreign country, that certain of its officers and directors are residents of a foreign country, that certain underwriters or experts named in the registration statement are residents of a foreign country, and that all or a substantial portion of the assets of the registrant and of said persons are located outside the United States. Such disclosures should indicate: whether investors will be able to effect service of process within the United States upon such persons; whether investors will be able to enforce against such persons judgments obtained in United States courts predicated upon the civil liability provisions of the Act; whether the appropriate foreign courts would enforce judgments of U.S. courts obtained in actions against such persons predicated upon the civil liability provisions of the Act, and whether the appropriate foreign courts would enforce, in original actions, liabilities against such persons predicated solely upon the Act. If any portions of such disclosures are stated to be based upon an opinion of counsel, such counsel should be named in the prospectus and an apppropriate manually-signed consent to the use of such name and opinion should be included in the registration statement.

48. *Annual reports to security holders.* The prospectus should disclose whether or not annual reports of the registrant will be furnished to security holders and whether or not such reports will contain certified financial statements. The nature and frequency of other reports to be issued by the registrant also should be disclosed. However, this disclosure is not required in the case of registrants required to send annual reports containing certified financial statements to security holders pursuant to the statutes or regulations administered by the Commission or pursuant to a listing agreement with a national securities exchange.

49. *Revision of prospectuses where a company and its employee plan have different fiscal years.* Where securities are registered under the Act for offering pursuant to an employee stock purchase, savings or similar plan, and the interests in the plan constitute a separate security, such interests are also required to be registered and appropriate financial statements of the plan must be included in the prospectus. In a number of these cases the fiscal year of the plan ends on a date different from that of the employer company, so that information with respect to the plan may become out of date for the purpose of section 10(a)(3) of the Act prior to that relating to the company, or vice versa. The question has been raised whether the prospectus may continue to be used until up-to-date financial statements and other information is available for both the plan and the company.

In such a case after information with respect to the plan or the employer company becomes out of date it is not permissible to continue using a prospectus which does not contain the required up-to-date information. However, a registrant may file a post-effective amendment to the registration statement containing the required information and after the amendment becomes effective may continue to use the old prospectus with the up-to-date financial statements and other information attached, until the prospectus must be revised to include up-to-date financial statements and other information with respect to the plan or the employer company, as the case may be. A copy of the prospectus with up-to-date information attached need not be furnished to existing participants in the plan who have previously received a copy of the prospectus and who are otherwise furnished with a copy of such up-to-date information, provided the prospectus contains a statement to the effect that such financial statements are to be deemed to be incorporated therein by reference for all purposes of the Act and the rules and regulations thereunder.

50. *Disclosure of confidential material to other government agencies.* Rule 485 under the Act prescribes the procedure to be followed by registrants who request the Commission to accord confidential treatment to a contract (or portion thereof) on the grounds that public disclosure would impair the value of the contract and is not necessary for the protection of investors. In an application for such confidential treatment of a material contract or portion thereof, the applicant should state whether or not the applicant is willing to permit the disclosure of the contract to other governmental bodies. Such permission is one factor which will be considered by the Commission in ruling on the application.

51. *Release of price data on subscription offerings by listed companies.* Regulations of the New York Stock Exchange, as well as the public interest, require that the material facts as to the security to be offered to stockholders through subscription rights shall be announced to the public before trading in the subscription rights is commenced on the Exchange.

Information such as the interest rate, conversion ratio and subscription price is frequently omitted from the registration statement until the price amendment is filed. When such information has been set forth in an amendment on file with the Commission, there is no objection to the dissemination of this information through the facilities of the Exchange or the Dow Jones broad tape prior to the time the registration statement becomes effective.

52. *Disclosure as to listing on an exchange.* Unless there is reasonable assurance that the securities to be offered will be acceptable to a securities exchange for listing, the prospectus may be misleading if it conveys the impression that the registrant may apply for listing of the securities on an exchange or that the underwriters may request the registrant to apply for such listing.

53. *Secondary distributions "at the Market".* The registration statement of Hazel Bishop Co., Inc. (File No. 2-16761) filed June 28, 1960, related to an offering "at the market" of a substantial block of securities in relation to the securities of the class outstanding by a group of 112 named selling stockholders. The Commission stated in a stop order opinion involving this offering, as follows (40 SEC 718, 735):

"In supplying registrant with much needed capital in late 1959 and early 1960, and proposing the resale of the shares thus acquired to the public, the original purchasers and their associates and transferees in fact were and are performing an underwriting function for registrant, a function normally performed by a underwriter-dealer group. However, none of the contractual safeguards designed for the protection of both buyer and seller ordinarily provided in the conventional distribution through professional underwriters and dealers are mentioned in the prospectus. The absence of any indication of these safeguards, the size of the group of selling stockholders, and various relationships among them lead us to be apprehensive that this large group of sellers may not be aware that various statutory provisions and rules which govern the conduct of underwriters and dealers will apply to them and their activities for the duration of the offering of their shares to the public."

The Commission was concerned primarily with the application of the anti-manipulative Rules 10b-2, 10b-6 and 10b-7 and their possible impact upon an "at the market" offering, and the need for prior delivery of a statutory prospectus beyond that contemplated by Rule 153.

The essential elements of this situation are the following:

(a) Registration of an "at the market" offering by selling stockholders.

(b) A substantial amount of securities to be offered in relation to the securities of the class outstanding (more than 10 percent).

(c) No professional underwriter to act for the group or no conventional underwriting agreement, and

(d) The offering includes securities owned by insiders or substantial holders.

I. Where the above elements are present and there is a limited group of selling shareholders or several groups of related shareholders, contractual arrangements should be entered into between the members of the respective groups and the issuer for the following purposes:

(1) To comply with the aforesaid anti-manipulation rules (namely, not to buy other securities of the same class or solicit purchases by others) until the offering by all members of the group is completed.

(2) To inform the exchange, the brokers and selling shareholders in the group when the distribution by the respective members of the group is over.

II. Where the above elements are present and there is a large group of unrelated sellers the issuer should notify such sellers of the applicable Commission rules and regulations.

III. There may be a combination of I and II above in a single registration statement.

The foregoing arrangements should be disclosed in the registration statement.

[SEAL] ORVAL L. DUBOIS,
Secretary.

DECEMBER 9, 1968.

[F.R. Doc. 68-14992; Filed, Dec. 16, 1968; 8:47 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-354; Order 377]

PART 154—RATE SCHEDULES AND TARIFFS

Suspended Rates of Independent Producers; Procedures To Make Effective

DECEMBER 10, 1968.

Section 4(e) of the Natural Gas Act which authorizes the Commission to suspend the operation of proposed changes in rates for a period not to exceed 5 months pending a proceeding on the lawfulness of the proposed changes, and which provides that, if upon the expiration of this period the proceeding has not been concluded, a rate may be put into effect upon the motion of the company proposing the change in the rate; further provides in part, that—

> Where increased rates or charges are thus made effective, the Commission may, by order, require the natural gas company to furnish a bond, to be approved by the Commission, to refund any amounts ordered by the Commission, to keep accurate accounts in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid, and, upon completion of the hearing and decision, to order such natural gas company to refund, with interest, the portion of such increased rates or charges by its decision found not justified * * *

Section 154.102(b) of the regulations under the Natural Gas Act accordingly provides that independent producer rate increases allowed to go into effect upon motion at the end of the suspension period may be collected if the producer files "a surety bond, or other undertaking" approved by the Secretary of the Commission.

The experience of the Commission under the present rule demonstrates that companies which are allowed to file undertakings are required to file a separate undertaking with each motion to make an increased rate effective, subject to refund. This procedure has contributed to the administrative workload of the Commission and caused some inconvenience and unnecessary expense on the part of the companies involved. We believe that this burden could be alleviated measurably by permitting, where appropriate, the one-time filing of a general undertaking sufficient to cover all present and future rate suspension refund contingencies, with the further stipulation that supplemental refund assurance may be required when warranted.

The amendment to § 154.102(b) of the regulations under the Natural Gas Act herein approved is designed to accomplish this objective and we believe that its adoption will facilitate administration of the Commission's rate regulatory responsibilities under the Natural Gas Act and fully protect the interests of the public in securing refunds thereunder.

The Commission finds:

(1) Although the amendment of § 154.102(b) of the regulations under the Natural Gas Act herein prescribed may be interpreted as a substantive amendment under section 4(a) of the Administrative Procedure Act, prior notice thereof is unnecessary since it imposes no added burden upon the persons affected thereby that may not now be imposed upon them by ad hoc orders in every case in which a motion is made pursuant to section 4(e) of the Natural Gas Act to put a suspended rate into effect at the expiration of the period of suspension. Indeed, the amendment will be less burdensome to those persons in this class who qualify for relief from multiple filings of undertakings. Therefore, compliance with the rulemaking provisions of 5 U.S.C. 553 is not required in this instance.

(2) The amendment herein adopted is necessary and appropriate to carry out the provisions of the Natural Gas Act.

The Commission, acting pursuant to the Natural Gas Act, as amended, particularly sections 4 and 16 thereof (52 Stat. 822, 830; 15 U.S.C. 717c, 717), orders:

(A) Paragraph (b) of § 154.102, Part 154, Subchapter E, Chapter I of Title 18 of the Code of Federal Regulations is amended by inserting the subparagraph designation (1) after (b) and adding at the end of said paragraph the following subparagraph:

§ 154.102 Suspended changes in rate schedules; motions to make effective at end of period of suspension; procedure.

* * * * *

(b) * * *

(2) In compliance with subparagraph (1) of this paragraph, an independent producer may file a general undertaking affording blanket refund coverage of any present and future rate increases suspended under section 4(e) of the Natural Gas Act and collected subject to refund thereunder. Upon acceptance of such general undertaking, the producer need not file further refund assurance when filing a motion to make increased rates effective unless specifically required to do so by order of the Commission.

* * * * *

(B) The foregoing amendment shall become effective upon the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-14969; Filed, Dec. 16, 1968; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 902—USAF OFFICER TRAINING SCHOOL (OTS)

Miscellaneous Amendments

In Part 902, § 902.6 is amended by revising paragraph (a)(2)(ii), Tables 3 and 4 are amended by revising note immediately following each table; § 902.7, Table 10 is amended by revising note immediately following table; § 902.10 is amended by revising paragraph (d)(1), Tables 11 and 12 are revised and in § 902.12, Table 13 is amended by revising Note 2 following the table. These sections now read as follows:

§ 902.6 Eligibility requirements.

(a) *Requirements for all applicants.*

* * *

(2) * * *

(ii) Women—An applicant may be married, but must not be the parent (natural or adopted) of a child under 18 years old of whom she has personal or legal custody; must not be the stepparent of a child under 18 years old who resides within her household for more than 30 days a year; or, must not have assumed personal or legal custody of any child under 18 years old.

* * * * *

TABLE 3—SPECIAL REQUIREMENTS

* * * * *

NOTE: DD Form 785 is used by the military services to exchange information on personnel disenrolled from officer candidate-type training programs who later apply for another officer program. AFR 53-5 (Record of Disenrollment from Officer Candidate-type Training DD Form 785) prescribes its use and tells where to obtain it. Only USAF-MPC (AFPMRDC) has authority to waive record of disenrollment of former service academy cadets and personnel disenrolled from other officer training programs for specific reasons as stated in AFR 53-5.

TABLE 4—MORAL CHARACTER QUALIFICATIONS

* * * * *

NOTE: When appropriate, a waiver of a minor offense (including traffic violations) may be requested under Table 7. If it is approved, applicant will be processed. Punishment under Article 15, UCMJ, is nonjudicial punishment, not a conviction by court-martial. Paragraph 128b, Manual for Courts Martial, 1969, contains a general guide to whether an offense is minor. A waiver will not be granted for an offense that involves moral turpitude.

* * * * *

§ 902.7 Processing and assigning applicants.

* * * * *

TABLE 10—ASSIGNMENT OF SELECTED APPLICANTS

* * * * *

NOTE: A male citizen enlisted in the Regular Air Force with statute-directed military obligations will be advised that if he is eliminated from OTS for other than medical reasons, unsuitability, or misconduct; or if he voluntarily changes his utilization field from flying to nonflying; or if he becomes medically disqualified for flying training,

he will elect, in writing, to either complete his 4-year enlistment or be immediately discharged.

§ 902.10 **Elimination from training.**

* * * * *

(d) *Reassignment.* * * *

(1) USAF trainee, as prescribed by AFM 39–11 (Airman Assignment Manual) and AFR 39–30 (Administrative Demotion of Airmen).

* * * * *

TABLE 11.—DISPOSITION OF ELIMINATED OR DISQUALIFIED USAF TRAINEES

Line	If USAF applicant was eliminated—	Rule 1	2	3	4
A	For medical reasons or unsuitability	Yes		No	No
B	And is male	Yes		Yes	Yes
C	And was specifically enlisted for OTS	Yes		Yes	No
D	He will not be required to complete his enlistment contract on AD	X			
E	He will be permitted to elect, in writing, to complete his contract on AD or to be immediately discharged IAW AFM 39–10 (Separation for Unsuitability, Unfitness, Misconduct, Resignation, or Request for discharge for the Good of the Service and Procedures for the Rehabilitation Program).			X	X
F	His election will be recorded in the "Remarks" section of AF Form 7			X	X
G	Go to Table 12				

TABLE 12.—ELECTION PROCEDURE

Rule	A: If eliminated trainee elects to—	B: He will—
1	Complete enlistment contract on AD	Not again be permitted to request relief from AD or discharge under the authority of this part.
2	Request discharge	Be discharged. (See Note.)

NOTE: The Selective Service copy of the DD Form 214 will contain an appropriate remark indicating that he failed to complete Officer Training School.

§ 902.12 **Disposition of graduates.**

* * * * *

TABLE 13—GRADUATES QUALIFIED FOR APPOINTMENT

* * * * *

NOTE 2. He will serve at least 4 years of active duty from the date he graduates from officer training if nonrated, or at least 4 years from the date of award of aeronautical rating if applying for flying training, unless sooner relieved by competent authority. Exception: Officers entering undergraduate pilot or navigator training on or after 1 January 1970 will serve 5 years from the date of award of aeronautical rating. (Part 888c, Subchapter I of this Chapter).

(Sec. 8012, 70A Stat. 488; sec. 9411, 70A Stat. 571; 10 U.S.C. 8012 and 9411) [Change 1, November 6, 1967 and Change 2, March 15, 1968 to AFR 53–27, February 6, 1967]

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 68–14968; Filed, Dec. 16, 1968; 8.45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Philadelphia Interstate Air Quality Control Region

On October 4, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 14886) to amend Part 81 by designating the Metropolitan Philadelphia Interstate Air Quality Control Region (Pennsylvania-New Jersey-Delaware).

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on October 28, 1968. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, the Metropolitan Philadelphia Interstate Air Quality Control Region (Pennsylvania-New Jersey-Delaware) is hereby designated and Part 81, as set forth below, is hereby amended effective on publication.

§ 81.15 **Metropolitan Philadelphia Interstate Air Quality Control Region (Pennsylvania-New Jersey-Delaware).**

The Metropolitan Philadelphia Interstate Air Quality Control Region (Pennsylvania-New Jersey-Delaware) consists of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302 (f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited);

In the State of Pennsylvania: Bucks County, Chester County, Delaware County, Montgomery County, Philadelphia County.

In the State of New Jersey: Burlington County, Camden County, Gloucester County, Mercer County, Salem County.

In the State of Delaware: New Castle County.

(Secs. 107(a), 301(a), Clean Air Act; sec. 2, Public Law 90–148, 81 Stat. 490, 504; 42 U.S.C. 1857c–2(a), 1857g(a))

Dated: December 12, 1968.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 68–15000; Filed, Dec. 16, 1968; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER N—ARTIFICIAL ISLANDS AND FIXED STRUCTURES ON THE OUTER CONTINENTAL SHELF

[CGFR 68–154]

PART 140—GENERAL PROVISIONS

PART 144—LIFESAVING APPLIANCES

Miscellaneous Amendments

The Coast Guard has the administrative responsibility with respect to safety equipment and other matters relating to the protection of life and property on the artificial islands and fixed structures located on the outer continental shelf. The regulations in 33 CFR Parts 140 through 146 set forth the applicable requirements. The purpose of this document is to bring these regulations up to date. The amendment to 33 CFR 140.01–5 describes the assignment of the functions under 43 U.S.C. 1333 to the Coast Guard under the Department of Transportation Act. The amendment to 33 CFR 140.05–5 corrects the reference to the Regulations for Preventing Collisions at Sea. The amendment to 33 CFR 144.01–35 sets forth an interpretation regarding use of required equipment by recognizing and permitting the use of safety litters capable of being safely hoisted with an injured person in addition to the Stokes litter.

As the amendments in this document are descriptions of organization, editorial corrections, and interpretations, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements) is unnecessary and exempted under the provisions of section 553 of Title 5, United States Code.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632, of Title 14 United States Code and the laws cited with the following regulations and the delegations of authority in 49 CFR 1.4(a) (2) and (f), the following amendments are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER.

1. The authority for Part 140 is amended to read as follows:

AUTHORITY: The provisions of this Part 140 issued under sec. 633, 63 Stat. 545, sec. 4, 67 Stat. 462, sec. 6(b)(1), 80 Stat. 938; 14 U.S.C. 633, 43 U.S.C. 1333, 49 U.S.C. 1655(b); 49 CFR 1.4(a) (2) and (f).

Subpart 140.01—Authority and Purpose

2. Section 140.01–5 is amended to read as follows:

§ 140.01–5 Assignment of functions.

(a) The Department of Transportation Act (Public Law 89–670, 80 Stat. 931–950, 49 U.S.C. 1651–1659), transferred to and vested in the Secretary of Transportation "* * * all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury, and of other officers and offices in the Department of the Treasury" (subsection 6(b)(1), 49 U.S.C. 1655(b)), which included all functions, powers, and duties pertaining to artificial islands and fixed structures located on the outer continental shelf as set forth in 43 U.S.C. 1333. This transfer is subject to certain conditions, modifications, and exceptions as set forth in the Department of Transportation Act. By rules in 49 CFR 1.4 (a) and (f) the Secretary of Transportation delegated to the Commandant, U.S. Coast Guard, authority to exercise certain functions, powers, and duties as set forth in such Act (49 U.S.C. 1655) subject to conditions, exceptions and modifications as described in 49 CFR Part 1. By a rule in 49 CFR 1.9 the Secretary of Transportation continued in effect actions taken prior to April 1, 1967.

(b) The Commandant, U.S. Coast Guard, in a notice dated March 31, 1967, and effective April 1, 1967 (32 F.R. 5611), approved the continuation of orders, rules, regulations, policies, procedures, privileges, waivers, and other actions which had been made, allowed, granted, or issued prior to April 1, 1967, and provided that they shall continue in effect according to their terms until modified, terminated, repealed, superseded, or set aside by appropriate authority.

Subpart 140.05—Application

§ 140.05–5 [Amended]

3. Section 140.05–5 *Scope of requirements* is amended by changing in the last sentence of paragraph (b) the reference from "Regulations for Preventing Collisions at Sea, 1948," to "Regulations for Preventing Collisions at Sea, 1960 (33 U.S.C. 1061–1094),".

4. The authority note for Part 144 is amended to read as follows:

AUTHORITY: The provisions of this Part 144 issued under sec. 633, 63 Stat. 545, sec. 4, 67 Stat. 462, sec. 6(b)(1), 80 Stat. 938; 14 U.S.C. 633, 43 U.S.C. 1333, 49 U.S.C. 1655(b); 49 CFR 1.4 (a)(2) and (f).

Subpart 144.01—Manned Platforms

5. Section 144.01–35 is amended to read as follows:

§ 144.01–35 Litter.

On each manned platform a Stokes litter, or other suitable safety litter capable of being safely hoisted with an injured person, shall be provided and kept in an accessible place.

Dated: December 12, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 68–15011; Filed, Dec. 16, 1968; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC–58]

PART 1044—DESIGNATION OF PROCESS AGENTS BY MOTOR CARRIERS AND BROKERS

Applicability

At a session of the Interstate Commerce Commission, the Insurance Board, held at its office in Washington, D.C., on the 3d day of December 1968.

It appearing, that revision of § 1044.1 of Part 1044 of Title 49 of the Code of Federal Regulations governing designation of process agents by motor carriers and brokers, under the authority contained in sections 204(a) and 221(c) of the Interstate Commerce Act (49 Stat. 546, 563 as amended; 49 U.S.C. 304, 321) is warranted, and good cause appearing therefore;

It further appearing, that pursuant to section 553 of the Administrative Procedure Act (5 U.S.C. 553) for good cause it is found that notice of proposed rule making is unnecessary:

It is ordered, That § 1044.1 of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, revised to read as follows:

§ 1044.1 Applicability.

Every motor carrier and broker in complying with the requirements of section 221(c) of the Interstate Commerce Act (49 U.S.C. 321(c)), relating to the filing of designations of persons upon whom court process may be served, shall observe the regulations prescribed in this part. The terms motor carrier and broker as used herein shall be construed to include any fiduciary of such motor carrier or broker as defined in § 1132.6 of this chapter—Transfers of Operating Rights. The inclusion of such fiduciary shall attach at the moment of succession of such fiduciary.

(Secs. 204 and 221, 49 Stat. 546, 563 as amended; 49 U.S.C. 304, 321)

It is further ordered, That this revision herein prescribed is to become effective upon publication in the FEDERAL REGISTER.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Insurance Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–14999; Filed, Dec. 16, 1968; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Bear River Migratory Bird Refuge, Utah

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Sport fishing on the Bear River Migratory Bird Refuge, Utah, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10 acres, are delineated on maps available at refuge headquarters, Brigham City, Utah, and from the Regional Director, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1969, inclusive.

(2) The use of boats is prohibited below the river control gates at refuge headquarters.

(3) Fishermen are required to register at the refuge office upon entering the refuge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

LLOYD F. GUNTHER,
Refuge Manager, Bear River Migratory Bird Refuge, Brigham City, Utah.

DECEMBER 6, 1968.

[F.R. Doc. 68–14981; Filed, Dec. 16, 1968; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 68]

ROUGH RICE

Proposed Standards

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, notice is hereby given that the U.S. Department of Agriculture is proposing an amendment to § 68.225 of the U.S. Standards for Rough Rice (7 CFR 68.201 et seq.) under authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624).

Statement of considerations. The rice standards are issued under authority of the Agricultural Marketing Act of 1946 which provides for official standards of grade to designate the levels of quality for the voluntary use by producers, buyers, and consumers. Official grading service under the standards is also provided upon request of the applicant and payment of a fee to cover the cost of service.

Since the 1968 revision of the rice standards (32 F.R. 14632), requests have been received from certain segments of the trade and from inspectors to modify § 68.225 of the present standards for rough rice. This section requires that a complete factor analysis be made on the large broken kernels when the grade is determined for rough rice if the quality of the large broken kernels on any factor is below the grade U.S. No. 1 Second Head Milled Rice. For most rough rice inspections a complete analysis of the large broken kernels has been necessary because the quality was below grade U.S. No. 1. Such analyses are time consuming, increase the inspector's workload, and delay certification. The applicant for inspection has shown a lack of interest in such analyses.

To reduce the workload and the delays in certification, it is proposed that an analysis of the large broken kernels be completed only at the request of the applicant for inspection. For example, if the applicant requests an analysis for seeds and heat-damaged kernels, only these two factors would be shown under "Remarks" on the certificate.

Alternatively, it is proposed that only the factor or factors which degrade the large broken kernels to the greatest extent be shown on the certificate. For example, if the sample appears to contain 20 seeds and heat-damaged kernels, 10 percent of red rice and damaged kernels, and 10 percent of chalky kernels, only the percentage of red rice and damaged kernels would be shown under "Remarks" on the certificate because that is the factor which degrades the large broken kernels to the greatest extent.

Proposed change. Under the first proposed change, § 68.225 of the standards would read as follows:

§ 68.225 Grade designations for rough rice.

The grade designation for rough rice shall include, in the order named, the letters "U.S."; the number of the grade or the word "Sample grade", as the case may be; the name of the class; the name of each applicable special grade; and, in the case of rough rice which contains not more than 18 percent of moisture, there shall be added to the grade designation a statement of the milling yield. In the case of Mixed Rough Rice, the grade designation shall also include, following the name of the class, the name and approximate percentage of the predominant class and then, in the order of predominance, of each other class of rough rice contained in the mixture. When requested by the applicant for inspection, the results of one or more factors of the large broken kernels shall be shown under "Remarks" on the certificate.

Alternate proposed change. In lieu of the above proposed change § 68.225 would be amended to read as follows:

§ 68.225 Grade designations for rough rice.

The grade designation for rough rice shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade", as the case may be; the name of the class; the name of each applicable special grade; and, in the case of rough rice which contains not more than 18 percent of moisture, there shall be added to the grade designation a statement of the milling yield. In the case of Mixed Rough Rice, the grade designation shall also include, following the name of the class, the name and approximate percentage of the predominant class and then, in the order of predominance, of each other class of rough rice contained in the mixture. An analysis for the factor or factors which degrade the large broken kernels to the greatest extent below the grade U.S. No. 1 Second Head Milled Rice shall be made when the grade is determined for rough rice, and the results shall be shown under "Remarks" on the certificate.

Public hearings on the proposed amendment will not be held, but all persons who desire to submit written data, views, or arguments on the proposals should file them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 15 days after the proposals have been published in the FEDERAL REGISTER. All comments so filed will be available for public inspection during official hours of business (7 CFR 1.27(b)). Consideration will be given to all written comments filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture in arriving at a decision on the proposed revision of the rice standards.

If a revision of the rice standards is adopted, it will become effective on the date of final publication in the FEDERAL REGISTER. An immediate effective date is proposed so as to make the proposed change applicable, if adopted, for the current crop inspections. Comments concerning the effective date may be submitted also to the Hearing Clerk.

Copies of the current U.S. Standards for Rough Rice, Brown Rice, and Milled Rice may be obtained from the Director, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, or from any field office of the Grain Division.

Done at Washington, D.C., this 11th day of December 1968.

JOHN E. TROMER,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 68-14995; Filed, Dec. 16, 1968; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-EA-119]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Plymouth, Mass., transition area.

A new NDB (ADF) instrument approach procedure has been developed for Plymouth Municipal Airport, Plymouth, Mass., predicated on the Plymouth, Mass. non-Federal radio beacon and will require alteration of the Plymouth, Mass. transition area to provide airspace protection for aircraft executing the arrival and departure procedures at Plymouth Municipal Airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region Attention: Chief, Air Traffic Division, Department of Transportation, Federal

Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Plymouth, Mass., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Plymouth, Mass., transition area, the coordinates "41°54′36″ N., 70°43′44″ W." and insert in lieu thereof "41°54′35″ N., 70°43′45″ W." Following the words "to the VOR" insert, "and within 2 miles each side of the 204° bearing from the Plymouth, Mass., RBN 41°54′32″ N., 70°44′11″ W. extending from the 5-mile radius area to 8 miles southwest of the Plymouth RBN."

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

Issued in Jamaica, N.Y., on November 29, 1968.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 68-14983; Filed, Dec. 16, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-EA-120]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the 700-foot Taunton, Mass., transition area.

A new NDB (ADF) instrument approach procedure has been developed for Taunton Municipal Airport, Taunton, Mass., predicated on the Taunton, Mass. non-Federal radio beacon and will require alteration of the Taunton, Mass. transition area to provide airspace protection for aircraft executing the new arrival and departure procedures at Taunton Municipal Airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Taunton, Mass., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Taunton, Mass., transition area and insert in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 41°52′35″ N., 71°01′00″ W., of Taunton Municipal Airport, Taunton, Mass.; within 2 miles each side of the Whitman, Mass., VORTAC 187° radial, extending from the 6-mile radius area to the Whitman VOR TAC and within 2 miles each side of the 115° bearing from the Taunton, Mass., RBN, 41° 52′35″ N., 71°01′03″ W., extending from the 6-mile radius area to 8 miles southeast of the Taunton RBN.

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

Issued in Jamaica, N.Y., on November 29, 1968.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 68-14984; Filed, Dec. 16, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket 68-EA-127]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Great Barrington, Mass., transition area.

A forthcoming revision to the NDB (ADF) 1 instrument approach procedure for Great Barrington Airport, Great Barrington, Mass., will authorize night minimums and will require alteration of the part-time Great Barrington, Mass., transition area to extend the hours of the transition area designation to full time.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Barrington, Mass., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the last sentence in the description of the Great Barrington, Mass., transition area.

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

Issued in Jamaica, N.Y., on December 2, 1968.

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

[F.R. Doc. 68-14985; Filed, Dec. 16, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-EA-109]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot transition area over Brookhaven Airport, Shirley, N.Y.

New NDB (ADF) and VOR instrument approach procedures have been developed for Brookhaven Airport, Shirley, N.Y., predicated on the Peconic River, N.Y., RBN, and the Riverhead, N.Y., VORTAC. This will require designation of a 700-foot Shirley, N.Y., transition area to provide airspace protection for aircraft executing the arrival and departure procedures at Brookhaven Airport.

Interested persons may submit such written data or views as they may desire.

Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Shirley, N.Y., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Shirley, N.Y., transition area described as follows:

SHIRLEY, N.Y.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°48'40" N., 72°52'00" W., of Brookhaven Airport, Shirley, N.Y.; within 2 miles each side of the Runway 15 centerline extending from the 6-mile radius area to 6 miles southeast of the end of the runway; within 2 miles each side of the Runway 33 centerline extended from the 6-mile radius area to 7 miles northwest of the end of the runway; and within 3 miles northwest and 5 miles southeast of the 246° bearing from the Peconic RBN extending from the RBN to 10 miles southwest of the RBN excluding the portions which coincide with the Islip, N.Y., Calverton, N.Y., and Westhampton Beach, N.Y., transition areas.

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

Issued in Jamaica, N.Y., on November 29, 1968.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 68-14986; Filed, Dec. 16, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-EA-115]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is preparing to amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot transition area over Easton Municipal Airport, Easton, Md.

A new NDB (ADF) standard instrument approach procedure has been developed for Easton Municipal Airport, Easton, Md. This will require designation of a 700-foot transition area to provide airspace protection for aircraft executing the arrival and departure procedures at Easton Municipal Airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Easton, Md., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate an Easton, Md., transition area described as folows:

EASTON, MD.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center (38°48'25" N., 76°04'15" W.) of Easton Municipal Airport, Easton, Md., and within 2 miles each side of the 038° bearing from the Easton RBN (38°48'25" N., 76°04'-05" W.), extending from the 6-mile radius area to 8 miles northeast of the RBN.

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

Issued in Jamaica, N.Y., on December 4, 1968.

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

[F.R. Doc. 68-14987; Filed, Dec. 16, 1968; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 207]

[Reg. G]

CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED EQUITY SECURITIES

Notice of Proposed Rule Making

Pursuant to the authority contained in the Securities Exchange Act of 1934 (15 U.S.C. 78g)., the Board of Governors of the Federal Reserve System is considering amending Part 207 in the following respects:

1. In § 207.2, paragraph (d)(2) would be amended to read as follows:

§ 207.2 Definitions.

* * * * *

(d) *Registered equity security.* * * *

(2) Credit for the purpose of purchasing or carrying (i) any security convertible with or without consideration into a registered equity security or carrying any warrant or right to subscribe to or purchase a registered equity security or any such warrant or right, (ii) any security issued by an investment company registered pursuant to section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a-8), unless at least 95 percent of the assets of such company are continuously invested in exempted securities (as defined in 15 U.S.C. 78c(a)(12)), or (iii) credit extended in furtherance of any plan, program, or investment contract offered or sold after January 31, 1969, which provides for the acquisition both of securities described in this paragraph (d) and of goods, services, other securities, or investments, is for the purpose of purchasing or carrying registered equity securities, and such security, warrant or right, or such plan, program, or investment contract, shall for purposes of this part be treated as if it were a registered equity security.

* * * * *

§ 207.4 [Amended]

2. In § 207.4, paragraph (b), relating to the Board of Governors' "List of Stocks Registered on a National Securities Exchange and of Securities of Certain Investment Companies," would be revoked.

The purpose of the change in paragraph (d)(2) of § 207.2 is to establish that credit to finance programs for the combined purchase of registered equity securities (including securities issued by most investment companies registered pursuant to the Investment Company Act of 1940) and goods, services, other securities, or investments ("equity funding") is subject to the regulation. An additional technical change would clarify that credit to purchase or carry securities issued by most investment companies is subject to the regulation.

Paragraph (b) of § 207.4 would be revoked as unnecessary and reserved for subsequent use.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2 (a)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit, in writing, relevant data, views, or arguments. Such material should be submitted to any Federal Reserve Bank, to be received not later than January 13, 1969. Under the Board's rules regarding availability of information (12 CFR Part 261), such materials will be made available for inspection and copying to any person upon request unless the person submitting the material requests that it be considered confidential.

Dated at Washington, D.C., this 10th day of December 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-14973; Filed, Dec. 16, 1968; 8:45 a.m.]

[12 CFR Part 221]

[Reg. U]

LOANS BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

Notice of Proposed Rule Making

Pursuant to the authority contained in the Securities Exchange Act of 1934 (15 U.S.C. 78g), the Board of Governors is considering amending Part 221 in the following respects:

Section 221.3 would be amended as follows: Paragraph (b)(3) would be revised, paragraph (d) would be revoked, and paragraph (m) would be revised, as follows:

§ 221.3 Miscellaneous provisions.

* * * * *

(b) *Purpose of a credit.* * * *

(3) Credit for the purpose of purchasing or carrying a security issued by an investment company registered pursuant to section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a-8), unless at least 95 percent of the assets of such company are continuously invested in exempted securities (as defined in 15 U.S.C. 78c(a)(12)), and credit extended in furtherance of any plan, program, or investment contract offered or sold after January 31, 1969, which provides for the acquisition both of stock registered on a national securities exchange, any security convertible into such a stock, or any securities described in this paragraph (b)(3), and of goods, services, other securities, or investments, is "credit subject to § 221.1."

* * * * *

(d) [Revoked]

* * * * *

(m) A "credit subject to § 221.1" is a credit which is (1) secured directly or indirectly by any stock (or made to a person described in paragraph (q) of this section), (2) extended for the purpose of purchasing or carrying any stock registered on a national securities exchange, or any security convertible with or without consideration into such a stock, or carrying any warrant or right to subscribe to or purchase or carry such a stock, or any such warrant or right (such security, warrant, or right is sometimes referred to as a "security convertible into a stock registered on a national securities exchange), or any security described in paragraph (b)(3) of this section, and (3) not excepted by § 221.2.

* * * * *

The purpose of the change in paragraph (b)(3) is to establish that credit to finance programs for the combined purchase of registered equity securities (including securities issued by most investment companies registered pursuant to the Investment Company Act of 1940) and goods, services, other securities, or investments ("equity funding") is subject to the regulation. An additional technical change would clarify that credit to purchase or carry securities issued by most investment companies is subject to the regulation. Paragraph (d), relating to the Board of Governors' "List of Stocks Registered on a National Securities Exchange and of Securities of Certain Investment Companies," would be revoked as unnecessary and reserved for subsequent use. Paragraph (m) would be amended to conform to the change in paragraph (b)(3).

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit, in writing, relevant data, views, or arguments. Such material should be submitted to any Federal Reserve Bank, to be received not later than January 13, 1969. Under the Board's rules regarding availability of information (12 CFR Part 261), such materials will be made available for inspection and copying to any person upon request unless the person submitting the material requests that it be considered confidential.

Dated at Washington, D.C., this 10th day of December 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-14974; Filed, Dec. 16, 1968; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C–8085]

COLORADO

Proposed Classification of Public Lands for Multiple Use Management

DECEMBER 6, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the areas described below. As used herein, "public lands" means any land withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating (a) all lands described in this notice from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) further segregates the public lands described in paragraph 4 from the operation of the general mining laws (30 U.S.C. Ch. 2). Except as provided in (a) above, the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws.

3. Public lands proposed for classification are located within the following described areas and are shown on maps on file in the Montrose District Office, Bureau of Land Management, Highway 550 South, Montrose, Colo., and Land Office, Bureau of Land Management, Room 15019 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

All legal descriptions used in this notice are based on protraction diagram 24A and 27, Colorado, approved May 5, 1965, and November 12, 1964, respectively.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

SAN JUAN, LA PLATA, AND OURAY COUNTIES

T. 38 N., R. 7 W.,
Secs. 6 and 7.
T. 39 N., R. 7 W.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 40 N., R. 7 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 41 N., R. 7 W.,
Secs. 1 to 36, inclusive.
T. 42 N., R. 6 W.,
Secs. 5, 6, 7, and 8;
Secs. 17, 18, 19, and 20.
T. 42 N., R. 7 W.,
Secs. 1, 2, and 3;
Secs. 9 to 36, inclusive.
T. 43 N., R. 7 W.,
Secs. 1, 25, 35, and 36.

The vacant public lands in the area described aggregate approximately 41,121 acres.

4. As provided in 2(b) above, the following lands are further segregated from appropriation under the mining laws:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

SAN JUAN COUNTY

Boulder Gulch

(Silverton Municipal Water Supply)

All of the public land areas draining from ridgetops toward and into the main Boulder Gulch hydrologic watershed including its segments and branches within the following area:

T. 42 N., R. 7 W.,
Sec. 27, W½SW¼, SE¼SW¼;
Sec. 28, E½ SE¼;
Sec. 33, All;
Sec. 34, W½, SW¼ SE¼.
T. 41 N., R. 7 W.,
Sec. 3, NW¼, NW¼NE¼, N½SW¼, SW¼ SW¼;
Sec. 4, All;
Sec. 9, N½NE¼.

SILVERTON URBAN EXPANSION BUFFER ZONE

All public land lying within 1,320 feet measured horizontally from and perpendicular to the September 1968 corporate limits of the Town of Silverton.

ELK PARK SITE

T. 40 N., R. 7 W.,
Sec. 20, NE¼NE¼.

KENDALL SKI AREA

All public land in the following area:
T. 41 N., R. 7 W.,
Sec. 16, S½NW¼SW¼, N½SW¼SW¼;
Sec. 17, S½NE¼SE¼, N½SE¼SE¼, and NE¼SW¼SE¼.

LITTLE HIGHLAND MARY SITE

All public land lying above the mean highwater line of Little Highland Mary Lake, on either side of the center line of Little Highland Mary Creek in the following area:

T. 41 N., R. 7W.,
Sec. 25, SE¼SE¼, S½NE¼SE¼, S½NW¼ SE¼, E½SW¼SE¼;
Sec. 36, E½E½, SW¼SE¼, S½NW¼SE¼, NE¼NW¼SE¼, E½NW¼NE¼, and E½ SW¼NE¼.

These lands aggregate approximately 2,150 acres.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Highway 550 South, Post Office Box 1269, Montrose, Colo. 81401.

6. A public hearing on the proposed classification will be held at 7:30 p.m., February 3, 1968, in the San Juan County Courthouse, Silverton, Colo.

E. I. ROWLAND,
State Director.

[F.R. Doc. 68–14979; Filed, Dec 16, 1968; 8:46 a.m.]

[Serial No. I–2587]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 10, 1968.

The Boise Interagency Fire Center, Bureau of Land Management, has filed an application, Serial No. I–2587 for the withdrawal of the lands described below, from all forms of appropriation under the pubic land laws, including the mining laws but not the mineral leasing laws. The applicant desires the land for use as an administrative site for the Boise Interagency Fire Center.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 550 West Fort Street, Boise, Idaho 83702.

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

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

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 3 N., R. 2 E.,
Sec. 27, NW¼SW¼, NW¼NW¼NE¼SW¼, S½NW¼NE¼SW¼, S½NE¼SW¼;
Sec. 28, A parcel in the SE¼NE¼SE¼ described as follows: Beginning at east quarter corner, thence S. 0°23′ E., 753.3 feet to the true point of beginning; thence S. 85°52′ W., 640 feet; thence S. 0°23′ E., 204 feet; thence S. 64°51′ E., 707.8 feet; thence N. 0°23′ W., 550.9 feet to the true point of beginning.

The area described aggregates approximately 73.3 acres in Ada County, Idaho.

E. D. BARNES,
Acting Manager, Land Office.

[F.R. Doc. 68–14980; Filed, Dec. 16, 1968; 8:46 a.m.]

[Montana 7]

MONTANA

Notice of Classification

DECEMBER 10, 1968.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the

lands described below are hereby classified for disposal through exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g) for lands in Blaine County.

The notice of proposed classification was published in 33 F.R. 12681 of September 6, 1968. The only adverse comment to the exchange was withdrawn by the protestant's letter dated August 30, 1968. No changes have been made in the classification.

The lands affected by this classification are located in north Blaine County and are described as follows:

PRINCIPAL MERIDIAN, MONTANA

T. 33 N., R. 23 E.,
Sec. 10, W½;
Sec. 21, W½NE¼, N½SW¼, and NW¼SE¼.
T. 35 N., R. 23 E.,
Sec. 13, All;
Sec. 14, N½;
Sec. 15, S½.
T. 34 N., R. 24 E.,
Sec. 5, Lots 2 and 3, SW¼NE¼, SE¼NW¼, N½SW¼, SE¼SW¼, and NW¼SE¼;
Sec. 8, E½.
T. 35 N., R. 24 E.,
Sec. 18, E½;
Sec. 19, Lots 1 and 2, NE¼, and E½NW¼;
Sec. 20, E½;
Sec. 34, S½.
T. 36 N., R. 24 E.,
Sec. 17, N½;
Sec. 35, NE¼.

The areas described aggregate 4,184.68 acres. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.12(d)).

HAROLD TYSK,
State Director.

[F.R. Doc. 68-14989; Filed, Dec. 16, 1968; 8:47 a.m.]

[Nevada 054578]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 9, 1968.

The U.S. Department of Agriculture, Forest Service, has filed the above application for the withdrawal of the lands described below. The land was conveyed to the United States pursuant to section 8 of the Taylor Grazing Act and lies within the boundaries of the Humboldt National Forest. It has not been opened to entry under the public land laws.

The applicant desires the land for the addition to, and the consolidation with national forest lands to permit more efficient administration.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The authorized officer of the Bureau of Land Management will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the addition will be made as requested by the applicant agency.

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

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 59 E.,
Sec. 3, all;
Sec. 5, all;
Sec. 7, all;
Sec. 9, N½;
Sec. 17, N½.
T. 33 N., R. 59 E.,
Sec. 7, Lots 5, 6, 7, 8, 9;
Sec. 15, all;
Sec. 19, Lots 7–15, inclusive;
Sec. 21, all;
Sec. 23, all;
Sec. 25, W½;
Sec. 27, all;
Sec. 29, all;
Sec. 31, all;
Sec. 33, all;
Sec. 35, all.
T. 33 N., R. 60 E.,
Sec. 5, all;
Sec. 7, all;
Sec. 17, Lots 1, 2, 3, 4, NE¼, E½W½;
Sec. 19, Lots 1, 2, NE¼, E½NW¼.

The areas described aggregate 11,070.22 acres.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 68-14990; Filed, Dec. 16, 1968; 8:47 a.m.]

Office of the Secretary

[Order 2915]

LOWER COLORADO RIVER

Land Use Program

SECTION 1 *Applicability.* This order shall apply to the administration of functions and programs of the Lower Colorado River Land Use Plan, approved by the Secretary of the Interior in January 1964 ("the Plan"), with respect to the lands bordering on the Lower Colorado River from Davis Dam to the international boundary which have been acquired or withdrawn for reclamation purposes under reclamation law ("Reclamation lands") or otherwise fall within the area encompassed by the Plan. This order shall also apply to those plans, programs, or activities of bureaus and offices that relate to or affect the Plan.

SEC. 2 *Exceptions.* This order does not apply to:

(a) Refuges administered by the Fish and Wildlife Service.

(b) Project operation, protection, and security zones around dams and reclamation construction areas administered by the Bureau of Reclamation as outlined in the Plan or as further designated by the Secretary. This exception shall apply only for the express purpose of the specific project functions of the Bureau of Reclamation and not for any functions that are primarily the recreational and other land uses covered by this order.

(c) Recreation planning and coordination authorities of the Secretary of the Interior delegated to the Director, Bureau of Outdoor Recreation (See 248 DM 1).

SEC. 3 *Purpose.* The purpose of this order is to assign to the Bureau of Land Management full responsibility for the implementation of the Plan including: Negotiation, execution, and administration of leases; the administration of Reclamation lands used or to be used for recreation or wildlife activities; the administration of the special permit program on the lands; and for coordination with plans, programs, or activities of bureaus and offices that relate to or affect the Plan. The Lower Colorado River Land Use Office is accordingly transferred to the Bureau of Land Management and shall occupy the status of a District Office of the Bureau in order to carry out these purposes.

SEC. 4 *Operations of the Lower Colorado River Land Use Plan—(a) General functions.* The Director, Bureau of Land Management, shall perform such work as is necessary to (i) be responsible for, and direct the conduct of all recreational planning in collaboration with affected agencies with respect to lands under the Plan; (ii) administer Reclamation lands, used or to be used for recreation or wildlife purposes, pursuant to administration of the Plan; (iii) conduct leasing negotiations and propose other arrangements for administration of Reclamation lands for recreational and other purposes in accordance with the Plan; (iv) after Secretarial approval of 50-year leases for recreational and other purposes on Reclamation lands in accordance with the Plan, execute and administer such leases; (v) provide overall field coordination and implementation of the Plan working in cooperation with bureaus and offices of the Department; (vi) develop plans for recreational facilities at Reclamation projects within the Plan subject to coordination of such plans with the Bureau of Reclamation so as to assure that the development of such facilities is consistent with the authorities under which that Bureau administers such project areas; (vii) develop and implement plans for recreational facilities on other Reclamation lands within the Plan in consultation with the Bureau of Reclamation or other affected agency to assure that such facilities can be constructed, operated, and maintained in a manner consistent with authorized project functions of that agency; (viii) assume responsibility for the development and issuance of recreation reports dealing with the Lower Colorado River; (ix) issue, administer and terminate (with respect to Reclamation lands within the Plan) all leases and special use permits, except those noted in section 2; (x) coordinate, so far as recreation is concerned, the issuance of leases by other bureaus or offices with respect to lands they administer within the Plan: *Provided*, That the use of water by the holder of any lease issued by the Bureau of Land Management shall continue to be subject to restriction or termination in event that the United States determines that Colorado River water is limited or not available.

(b) *Designation.* Director, Bureau of Land Management, shall designate a person who shall serve as the contracting or administering officer for each lease or permit for whatever time period (including a special land use permit), concession, right-of-way, license, easement, or other land use authorization (herein called lease) issued or to be issued in connection with the Plan on Reclamation lands, subject to coordination with the Bureau of Reclamation on projects and activities administered by that Bureau; and shall administer existing leases consistent with this order and upon issuance; amendment or reissuance of a lease or at any other feasible point, cause such lease to embody the provisions of this sentence.

(c) *Authority.* The Director's authority, as set forth in this order, shall include but is not limited to the authority to negotiate, execute, and administer leases on Reclamation lands within the Plan where such leases are not in conflict with expressly authorized project purposes administered by the Bureau of Reclamation.

(d) *Review and consultation.* The Director, Bureau of Land Management, shall review proposals for action by the Secretary or other Washington officials, in consultation with the headquarters offices of the bureaus and offices of the Department having responsibilities for plans, programs, or activities that relate to or affect the Plan; consultation with members of the Secretariat on the status and progress of implementation of the Plan; and development of recommendations for resolution of issues of program policy and priorities.

SEC. 5 *Coordination by bureaus and offices.* Bureaus and offices having responsibilities for plans, programs, or activities that relate to or affect the Plan shall coordinate such plans, programs, and activities in the field with the Manager, Lower Colorado River Land Use Office, and in Washington with the Director, Bureau of Land Management. The officials in the field and the Director, Bureau of Land Management in Washington shall, in turn, coordinate plans, programs, and activities incident to the Plan with the affected Bureaus and offices.

SEC. 6 *Disposal of lands.* All disposition of the lands and interests in the lands shall be consistent with the Plan and shall be carried out in accordance with applicable regulations. Execution of disposal actions shall be the responsibility of the bureau or office having delegated authority to make such disposals, following agreement as to the desirability of the disposal between the bureau or office concerned and the Director, Bureau of Land Management.

SEC. 7 *Delegation of Authority.* The Director, Bureau of Land Management is delegated the authority of the Secretary to issue special permits for use of the lands, to execute other leases for recreational and other land use purposes and to administer existing and future leases, on Reclamation lands in accordance with the Plan and this order. The Director may redelegate any authority vested in him by this order; but shall continue to be personally responsible to the Secretary for the functions outlined in section 4(d) above. Except as modified by this order, all other delegations to heads of bureaus remain unchanged.

SEC. 8 *Revocation.* Secretary's Order No. 2901 dated November 3, 1967 (32 F.R. 15645), is hereby revoked.

SEC. 9 *Transfer.* Transfers of personnel, funds, supplies, and equipment are made pursuant to the authority of the Secretary of the Interior under Reorganization Plan No. 3 of 1950 (5 U.S.C. 481, 15 F.R. 3174, 64 Stat. 1262). Such transfers shall be effected in accordance with arrangements to be made by the Assistant Secretary for Administration.

SEC. 10 *Effective date.* The provisions of this order are effective as of date of signature.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 11, 1968.

[F.R. Doc. 68-14991; Filed, Dec. 16, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement 146]

1968 CROP PEANUTS

Indemnification

Pursuant to the provisions of section 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 F.R. 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the amendment hereinafter set forth to the Terms and Conditions of Indemnification Applicable to 1968 Crop Peanuts (33 F.R. 8606) will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement.

Amendment of the Terms and Conditions is necessary to permit indemnification of handlers sustaining losses due to rejections not recognized in the original issuance. Such losses arise from situations under Government agency contracts where losses are significant enough to cause a manufacturer to reject handler invoices and hence the peanuts. This causes a loss to the handler which should be indemnified.

Therefore, after the present seventh paragraph of the Terms and Conditions of Indemnification Applicable to 1968 Crop Peanuts there is added the following paragraph:

Claims for indemnification on 1968 crop peanuts may be filed by any handler sustaining a loss as a result of rejections, pursuant to U.S. Government contracts, of products made from such peanuts and where the product has been withheld from human consumption. The Committee shall pay, to the extent of the raw peanut equivalent value of the product so withheld, such claims as it determines to be valid.

This amendment should be issued as soon as possible so as to implement and effectuate the provisions of the marketing agreement dealing with indemnification. Marketing of the 1968 peanut crop is partly completed and one handler is involved in a claim of the type covered by the amendment. Hence, this amendment should be effective as soon as possible, i.e., on the effective date specified herein.

The foregoing amendment is hereby approved and issued this 12th day of December 1968 to become effective December 12, 1968.

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

[F.R. Doc. 68-15008; Filed, Dec. 16, 1968; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report 23]

LIST OF FOREIGN-FLAG VESSELS ARRIVING IN NORTH VIETNAM ON OR AFTER JANUARY 25, 1966

SECTION 1. The President has approved a policy of denying the carriage of U.S. Government-financed cargoes shipped from the United States on foreign-flag vessels which called at North Vietnam ports on or after January 25, 1966.

The Maritime Administration is making available to the appropriate U.S. Government Departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through December 9, 1968. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at U.S. ports.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total, all flags (59 ships)	402,768
Polish (32 ships)	243,514
Andrzej Strug	6,919
Beniowski	10,443
Djakarta	6,915
Emilia Plater	6,718
Energetyk	10,876
Florian Ceynowa	6,784
General Sikorski	6,785
Hanka Sawicka	6,944
Hanoi	6,914
Hugo Kollataj	3,755
Jan Matejko	6,748
Janek Krasicki	6,904
Jozef Conrad	8,730
Kapitan Kosko	6,629
Kochanowski	8,231
Konopnicka	9,690
Kraszewski	10,363
Lelewel	7,817
Ludwik Solski	6,904
Marceli Nowotko	6,660

Flag of Registry and Name of Ship—Con.	Gross Tonnage
Polish (32 ships)—Continued	
*Mickiewicz	4,344
Moniuszko	9,247
Norwid	5,512
Nowowiejski	9,186
Pawel Finder	4,911
Phenian	6,923
Przyjazn Narodow	8,876
Stefan Okrzeja	6,620
*Szymanowski	9,203
Transportowiec	10,854
Wieniawski	9,190
Wladyslaw Broniewski	6,919
British (18 ships)	104,944
*Court Harwell	7,133
Dartford	2,739
*Fortune Glory	5,832
Greenford	2,964
Isabel Erica	7,105
Kingford	2,911
**Meadow Court (trip to North Vietnam under ex-name Ardrossmore—British)	5,820
Rochford	3,324
**Rosetta Maud (trip to North Vietnam under ex-name, Ardtara—British)	5,795
Ruthy Ann	7,361
Shienfoon	7,127
Shirley Christine	6,724
**Shun On (trip to North Vietnam under ex-name Pundua—British)	7,295
Shun Tai	7,085
Shun Wah (previous trip to North Vietnam under ex-name Vircharmian—British)	7,265
Taipieng	5,676
**Tetrarch (trips to North Vietnam under ex-name Ardrowan—British)	7,300
Yungfutary	5,388
Cypriot (6 ships)	36,220
Acme	7,173
**Agenor (trip to North Vietnam—Greek)	7,139
*Amfithea	5,171
Antonia II	7,303
*Laurel	7,297
Marianthi	2,137
Maltese (1 ship)	7,304
Amalia	7,304
Panamanian (1 ship)	1,889
**Salamanca (trip to North Vietnam under ex-name, Milford—British)	1,889
Somali (1 ship)	8,997
*Yvonne	8,997

*Added to Rept. No. 22, appearing in the FEDERAL REGISTER issue of Nov. 9, 1968.

**Ships appearing on the list which have made no trips to North Vietnam under the present registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at North Vietnam on or after January 25, 1966, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the North Vietnam trade so long as it remains the policy of the U.S. Government to discourage such trade and;

(b) That no other vessels under their control will thenceforth be employed in the North Vietnam trade, except as provided in paragraph (c) and;

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to January 25, 1966, requiring their employment in the North Vietnam trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report: None.

b. Previous reports:

	Number of ships
British	1
Italian	1

SEC. 3. The following number of vessels have been removed from this list since they have been broken up.

Flag of Registry	Broken up
British	2
Cypriot	3
Greek	1
Lebanese	2
Polish	1

Dated: December 10, 1968.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-14997; Filed, Dec. 16, 1968; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 68-153]

PORTION OF NAVIGABLE WATERS OF U.S. OFF COAST OF BRUNSWICK COUNTY, N.C.

Closure to Navigation for Use as Explosive Anchorage

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4 (32 F.R. 5606) and Executive Order 10173 as amended by Executive Orders 10277, 10352, and 11249, I hereby affirm for publication in the FEDERAL REGISTER the order of E. C. Allen, Jr., Rear Admiral, U.S. Coast Guard, Commander, 5th Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

PORTION OF THE NAVIGABLE WATERS OF THE UNITED STATES CLOSED TO NAVIGATION

Under the authority of Title II of the Espionage Act of June 15, 1917, 40 Stat. 220, 50 U.S.C. 191 and Executive Order 10173, as amended, I declare that the following area is a security zone from 1 December 1968 to 15 January 1969, and I order that it be closed to any person or vessel due to the area being utilized as an explosive anchorage.

The navigable waters of the United States off the coast of Brunswick County, N.C., within the coordinates of a line drawn from latitude 33°52'31" N., longitude 78°18'49" W. to latitude 33°51'31" N., longitude 78°18'42" W. thence to latitude 33°51'31" N., longitude 78°14'35" W. thence to latitude 33°52'52" N., longitude 78°14'40" W. thence to origin.

a. This anchorage is reserved for the exclusive use of ammunition laden vessels.

b. Vessels in this anchorage shall not anchor closer than 1,500 yards to one another. This provision is not intended to prohibit barges or lighters from lying alongside vessels for transfer of cargo.

c. Vessels shall not anchor closer than 1,000 yards to the limits of this anchorage.

d. Every vessel laden with explosives shall, while within an explosives anchorage, display by day at its masthead, or at least 10 feet above the upper deck if the vessel has no masthead, a red flag 16 square feet or more in area, and shall display by night, in the same position specified for the flag, an electric red light visible through 360° for a distance of at least 1 mile.

e. The maximum quantity of explosives aboard any ship that may be in this anchorage is 8,000 short tons.

f. No person or vessel may remain in or enter this security zone without permission.

g. Commanding Officer, Military Sea Transport Service shall enforce this order.

h. Commanding Officer, Military Sea Transport Service may be assisted by employees and facilities of any state or political subdivision thereof or any Federal Agency.

i. Nothing in this order shall be construed as relieving the owner or person in charge of any vessel from the penalties of law for not complying with the navigation laws in regard to lights, fog signals, or otherwise violating the law.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192) provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power, conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

"If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000."

This security zone is canceled 16 January 1969.

Dated: December 11, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 68-14982; Filed, Dec. 16, 1968; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20406]

TACA INTERNATIONAL AIRLINES, S.A.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on December 17, 1968, at 2 p.m., e.s.t., in Room 805, 1825 Connecticut Avenue NW., Universal Building, Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., December 11, 1968.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 68-15001; Filed, Dec. 16, 1968; 8:47 a.m.]

[Docket No. 19097]

TWIN CITIES-MILWAUKEE LONG-HAUL INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on January 7, 1969, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., December 11, 1968.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[F.R. Doc. 68-15002; Filed, Dec. 16, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-268, etc.]

SUN OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 6, 1968.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 22, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-268	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103, Attention: Mr. Charles E. Webber.	90	6	El Paso Natural Gas Co. (South Blanco-Pictured Cliffs Pool Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	$505	[2] 10-9-68	[3] 1-1-69	6-1-69	[5] 14.0578	[4][6] 15.0619	RI68-109.
	do	108	5	El Paso Natural Gas Co. (Basti Field, San Juan County, N. Mex.) (San Juan Basin Area).	203	[2] 10-9-68	[3] 1-1-69	6-1-69	[5] 14.0578	[4][6] 15.0619	RI68-100.
RI69-269	Hondo Oil & Gas Co., Post Office Box 2819, Dallas, Tex. 75221, Attention: Richard M. Young, Esq.	4	1	El Paso Natural Gas Co. (Basin Dakota Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	456	11-1-68	[3] 1-1-69	6-1-69	13.0	[4] 14.0	
RI69-270	Dacresa Corp., Post Office Box 1267, Scottsdale, Ariz. 85252, Attention: Thomas B. Scott, Jr., President.	3	3	El Paso Natural Gas Co. (Bisti Gallup Field, San Juan County, N. Mex.) (San Juan Basin Area).	107	11-4-68	[3] 1-1-69	6-1-69	14.0	[4] 15.0	RI64-392.
RI69-271	Brookhaven Oil Co. et al., Post Office Box 1267, Scottsdale, Ariz. 85252, Attention: Thomas B. Scott, Jr., President.	4	3	do	34	11-4-68	[3] 1-1-69	6-1-69	14.0	[4] 15.0	RI64-391.
RI69-272	Clark & Cowden Production Co. (Operator) et al., 5551 Yale Blvd., Dallas, Tex. 75206, Attention: Mr. R. Clark, partner.	2	4	El Paso Natural Gas Co. (acreage in Rio Arriba County, N. Mex.) (San Juan Basin Area).	1,125	11-12-68	[3] 1-1-69	6-1-69	[5] 14.0577	[4][6] 15.0619	RI64-618.
RI69-273	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102, Attention: Homer E. McEwen, Jr., Esq.	255	2	El Paso Natural Gas Co. (Gallegos Canyon Field, San Juan County, N. Mex.) (San Juan Basin Area).	200	10-21-68	[3] 1-1-69	6-1-69	13.0	[4] 14.0	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-274	Petroleum Consultants, Inc. (Operator) et al. (New Mexico), 2820 Central Ave., Southeast Albuquerque, N. Mex. 87106, Attention: Lewis C. Jameson, Vice President.	2	4	El Paso Natural Gas Co. (acreage in San Juan County, N. Mex.) (San Juan Basin Area).	234	10-16-68	[3] 1-1-69	6-1-69	13.0	[4] [5] 14.0	
RI69-275	Atlantic Richfield Co. Post Office Box 2819, Dallas, Tex. 75221, Attention: Richard M. Young, Esq.	301	1	El Paso Natural Gas Co. (Jicarilla Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	19,213	10-21-68	[3] 1-1-69	6-1-69	13.0	[4] [5] 14.0	
	do	293	2	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	330	11-6-68	[3] 1-1-69	6-1-69	13.0	[4] [5] 14.0	
	do	192	4	El Paso Natural Gas Co. (Bisti-Gallup Field, San Juan County, N. Mex.) (San Juan Basin Area).	132	11-12-68	[3] 1-1-69	6-1-69	[9] 13.0	[5] [7] [8] 15.2869	
	do	279	8	Southern Union Gathering Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	2,736	11-12-68	[3] 1-1-69	6-1-69	[6] 14.0578	[4] [5] [8] 15.2869	
RI69-276	D. H. Bolin, 1120 Oil and Gas Bldg., Wichita Falls, Tex. 76301, Attention: Mr. R. C. Erwin.	1	5	El Paso Natural Gas Co. (acreage in San Juan County, N. Mex.) (San Juan Basin Area).	1,614	[11] 10-24-68	[3] 1-1-69	6-1-69	[12] 14.0	[4] [5] [12] 15.0	RI64-467.
RI69-277	Pan American Petroleum Corp., Post Office Box 3092, Houston, Tex. 77001.	386	4	Arkansas Louisiana Gas Co. (Chenier Field, Ouachita Parish, La.) (North Louisiana).	7	11-13-68	[3] 1-1-69	6-1-69	[13] 18.33	[4] [5] [13] 19.33	
	do	434	4	do	26	11-13-68	[3] 1-1-69	6-1-69	[13] 18.33	[4] [5] [13] 19.33	
	do	435	3	do	29	11-12-68	[3] 1-1-69	6-1-69	[13] 18.33	[4] [5] [13] 19.33	
	do	470	4	do	99	11-13-68	[3] 1-1-69	6-1-69	[13] 18.33	[4] [5] [13] 19.33	
	do	476	4	do	88	11-13-68	[3] 1-1-69	6-1-69	[13] 18.33	[4] [5] [13] 19.33	
RI69-278	Pan American Petroleum Corp. (Operator) et al.	352	6	do	266	11-14-68	[3] 1-1-69	6-1-69	[13] 18.33	[4] [5] [13] 19.33	
RI69-279	J. M. Huber Corp., 2401 East Second Ave., Denver, Colo. 80206.	30	6	Northern Natural Gas Co. (Farnsworth Field, Ochiltree and Hansford County, Tex.) (RR. District No. 10).	5,080	11-15-68	[3] 1-1-69	6-1-69	[15] 17.5	[4] [14] [15] 18.5	RI63-223.
	do	59	4	Northern Natural Gas Co. (Dude Wilson Field, Ochiltree County, Tex.) (RR. District No. 10), and Lavering Field, Beaver and Harper Counties, Okla. (Panhandle Area).	3,830	11-15-68	[3] 1-1-69	6-1-69	[15] [16] 17.0 [15] [17] 17.0	[4] [14] [15] [16] 18.0 [4] [14] [15] [17] 18.015	
RI69-280	Bright & Schiff, 2355 Stemmons Bldg., Dallas, Tex. 75207.	3	2	Northern Natural Gas Co. (Perryton-Morrow Field, Ochiltree County, Tex.) (RR. District No. 10).	300	11-8-68	[3] 1-1-69	6-1-69	[15] 17.5	[4] [14] [15] 18.5	RI64-344.
	do	6	6	do	300	11-8-68	[18] 12-9-68	5-9-69	[15] 16.5	[4] [14] [15] 17.5	RI64-180.
RI69-281	W. B. Osborn, Jr. (Operator) et al., Post Office Box 6767, San Antonio, Tex. 78209.	20	3	Plateau Natural Gas Co.[19] (Hugoton Field, Kearny County, Kans.).	6,085	11-12-68	[3] 1-1-69	6-1-69	[15] 13.5	[4] [14] [15] 14.5	RI68-254.
RI69-282	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, Kans. 67202.	10	2	Panhandle Eastern Pipe Line Co. (Carthage Field, Texas County, Okla.) (Panhandle Area).	900	11-12-68	[3] 1-1-69	6-1-69	16.0	[4] [14] 17.0	RI64-554.
	do	35	2	Panhandle Eastern Pipe Line Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	227	11-12-68	[3] 12-13-68	5-13-69	17.0	[4] [14] [20] 18.01	
RI69-283	Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, deceased (Operator) et al., Wichita, Kans.	21	2	Plateau Natural Gas Co.[19] (Hugoton Field, Kearny County, Kans.).	4,341	11-12-68	[18] 12-13-68	5-13-69	[15] 11.0	[14] [15] [21] 13.0	
RI69-284	Southern Union Production Co., 1500 Fidelity Union Tower, Dallas, Tex. 75201.	18	1	Arkansas Louisiana Gas Co. (Arkoma Area, Latimer County, Okla.) (Oklahoma "Other" Area).	2,000	11-8-68	[18] 12-9-69	5-9-69	15.0	[4] [14] 16.0	

[2] Corrective notice of change dated Oct. 31, 1968, was filed on Nov. 1, 1968.
[3] The stated effective date is the effective date requested by Respondent.
[4] Periodic rate increase.
[5] Pressure base is 15.025 p.s.i.a.
[6] Includes partial reimbursement for 0.55 percent increase in New Mexico Emergency School Tax.
[7] Increase from settlement rate to contract rate, plus tax reimbursement due on Jan. 1, 1969.
[8] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[9] Settlement rate approved by order issued Oct. 8, 1964, in Docket Nos. G-9283 and G-9284 et al. Moratorium on filing increased rates expired on Aug. 1, 1967.
[10] Footnote 10 not used.
[11] Corrected by letter dated Oct. 29, 1968, filed Nov. 4, 1968, to include 1 cent per Mcf minimum guarantee for liquids.
[12] Includes 1 cent per Mcf minimum guarantee for liquids.
[13] Includes 1.33 cents tax reimbursement.
[14] Pressure base is 14.65 p.s.i.a.
[15] Subject to a downward B.t.u. adjustment.
[16] Texas Railroad District No. 10.
[17] Oklahoma Panhandle Area.
[18] The stated effective date is the first day after expiration of the statutory notice.
[19] Formerly: Kansas-Colorado Utilities, Inc.
[20] Includes 0.01 cent tax reimbursement.
[21] Two-step periodic rate increase.

Bright & Schiff request a retroactive effective date of January 17, 1967, for Supplement No. 6 to their FPC Gas Rate Schedule No. 6. Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, Deceased (Operator) et al., requests that its proposed rate increase be permitted to become effective as of November 1, 1968, and Southern Union Production Co. requests an effective date of December 8, 1968, for its proposed rate increase. 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 the aforementioned producers' rate filings and such requests are denied.

Atlantic Richfield Co.'s (Atlantic), proposed rate increase contained in Supplement No. 4 to Atlantic's FPC Gas Rate Schedule No. 192 reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 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 tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearing herein shall concern itself with the contractual basis for the rate filing, as well as the statutory lawfulness of Atlantic's proposed increased rate and charge.

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).

[F.R. Doc. 68–14917; Filed, Dec. 16, 1968; 8:45 a.m.]

[Docket No. RI69–198, etc.]

ATLANTIC RICHFIELD CO. ET AL.

Hearings on and Suspension of Proposed Changes in Rates; Correction

DECEMBER 5, 1968.

Atlantic Richfield Co. (Operator) et al., Docket Nos. RI69–198, etc.; Mobil Oil Corp. (Operator) et al., Docket No. RI69–201.

In the order providing for hearings on and suspension of proposed changes in rates, issued November 1, 1968, and published in the FEDERAL REGISTER November 26, 1968 (33 F.R. 17670), in Appendix "A", page 2, Docket No. RI69–201, Mobil Oil Corp. (Operator) et al. Under column headed "Proposed Increased Rate" change Footnote "13" to read Footnote "10". Delete Footnote "13" from the list of footnotes.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–14970; Filed, Dec. 16, 1968; 8:45 a.m.]

[Docket No. CP69–157]

EL PASO NATURAL GAS CO.

Notice of Application

DECEMBER 10, 1968.

Take notice that on December 3, 1968, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69–157 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of natural gas for resale and export, 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 sell and deliver natural gas to Del Norte Natural Gas Co. (Del Norte), an existing resale customer, for export and resale to Gas Natural de Juarez, S.A. (Gas Natural) for resale to Ladrillera Juarez, S.A. (Brick Company) for use in its brick plant located within the community of Juarez, Mexico. Applicant also proposes to construct and operate a measuring station adjacent to its existing 4½-inch El Paso Brick Co. pipeline in Dona Ana County, N. Mex., and to sell and deliver natural gas to Del Norte at the outlet thereof.

Applicant states that the proposed sale and delivery is necessary to provide natural gas for brick manufacture which is an important industry in the community of Juarez, Mexico.

The maximum daily and annual natural gas service requirements of Del Norte during the third full year of the proposed service is estimated to be 900 Mcf and 65,800 Mcf, respectively.

Total estimated cost of the proposed facilities is $7,450. Financing will be from working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before January 6, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–14971; Filed, Dec. 16, 1968; 8:45 a.m.]

[Docket Nos. RI69–169, etc.]

RIP C. UNDERWOOD ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

DECEMBER 5, 1968.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued October 23, 1968 and published in the FEDERAL REGISTER October 31, 1968 (33 F.R. 16042), in Appendix "A", page 3, Cities Service Oil Co., Docket No. RI69–170: Under column headed "Rate in Effect" change "13.0" to "10.0". Under column headed "Proposed Increased Rate" change "14.0" to "11.0". In Appendix "A", page 4, in the second paragraph: In the 2d line, after the figure "14.0 cents", insert "and from 10.0 cents to 11.0 cents, respectively". In the fifth line, change "Underwood" to "Underwood's". In the sixth line, delete "and Cities Service's". After the 3d sentence, insert the following sentence: "Although Cities' increased rate proposal does not exceed the area increased rate ceiling, it should be suspended because such ceiling is applicable to Phillips' resale rate, not Cities' rate".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–14972; Filed, Dec. 16, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811–1692]

DEMING INVESTMENT CORP.

Notice of Filing of Application for Order Declaring Company Ceased To Be Investment Company

DECEMBER 11, 1968.

Notice is hereby given that Deming Investment Corp. ("Deming"), 777 Highland Avenue, Salem, Ohio 44460, an Ohio corporation registered as a management closed end diversified investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Deming has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of Deming's representations, which are summarized below.

Deming represents that on August 30, 1968, all of its assets, exclusive of a cash reserve, were transferred to Massachusetts Investors Trust ("MIT") 200 Berkeley Street, Boston, Mass. 02116, in exchange for 123,170 shares of beneficial interest of MIT. On July 17, 1968 and on August 19, 1968, respectively, the Board of Directors and the shareholders of Deming adopted a plan of complete liquidation and dissolution pursuant to which the MIT shares and any retained cash of Deming not required to pay its obligations are being distributed to the shareholders of Deming in cancellation of their Deming shares, and Deming will be dissolved. As of November 16, 1968, shareholders holding 97,697 of the 102,754 shares of Deming previously outstanding have surrendered their certificates representing such shares, and 117,108 of the MIT shares and substantially all of Deming's cash not required for the payment of its obligations have been distributed to such shareholders. The balance of the MIT shares has been registered in the names of 16 Deming shareholders entitled to receive the same and will be distributed to such shareholders upon surrender of their certificates representing Deming shares.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 31, 1968 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Deming at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–14993; Filed, Dec. 16, 1968; 8:47 a.m.]

TARIFF COMMISSION

[337–L–34]

TRACTOR PARTS

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on November 1, 1968, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Albert Levine Associates of Jamaica, N.Y., alleging unfair methods of competition and unfair acts in the importation and sale of certain crawler tractor parts, which unfair acts have the effect or tendency to restrain or monopolize trade and commerce in the United States. The specific unfair act is alleged to be a conspiracy or combination to boycott and cut off complainant from importing and selling the product in the United States. This conspiracy or combination allegedly is composed of an Italian manufacturer, Bertoni & Cotti S.p.A. Officine Maccaniche, located in Copparo, Ferrara, Italy and certain U.S. importer-distributors of this manufacturer's product, Berco crawler tractor parts.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the tariff act.

A copy of the complaint is available for public inspection at the Office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than January 27, 1969. Such information should be sent to the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: December 12, 1968.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 68–15003; Filed, Dec. 16, 1968; 8:48 a.m.]

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