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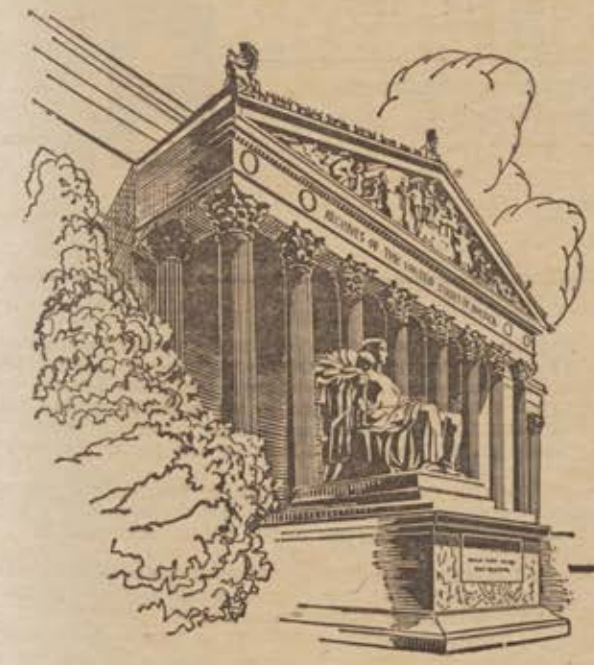

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Title 3—THE PRESIDENT

Executive Order 11459

DESIGNATION OF THE SECRETARY OF TRANSPORTATION TO APPROVE AND CERTIFICATE CONTAINERS AND VEHICLES FOR USE IN INTERNATIONAL TRANSPORT

By virtue of the authority vested in me as President of the United States, I hereby designate the Secretary of Transportation to take all actions, including the issuance of regulations, which he considers appropriate to carry out in the most effective manner the approval and certification of containers and vehicles for international transport of goods under customs seal pursuant to the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), done at Geneva on January 15, 1959 (TIAS 6633), and the Customs Convention on Containers, done at Geneva on May 18, 1956 (TIAS 6634), applying the procedures and technical conditions set forth in the Annexes to such Conventions as modified, amended, or otherwise supplemented from time to time.

The Secretary of Transportation may prescribe a schedule of fees to defray the costs of the services provided under this Order.

The Secretary of Transportation may make such delegations of his authority and functions hereunder as he shall deem appropriate, and may authorize further delegations of such authority or functions, other than the issuance of regulations, to nonprofit firms or associations which he shall deem competent to exercise such authority or perform such functions.

Richard Nixon

THE WHITE HOUSE,
March 7, 1969.

[F.R. Doc. 69-2993; Filed, Mar. 7, 1969; 4:24 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

[Navel Orange Reg. 171, Amdt. 1]

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

Limitation of Handling

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 restriction on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 907.471 (Navel Orange Reg. 171, 34 F.R. 2650) are hereby amended to read as follows:

§ 907.471 Navel Orange Regulation 171.

* * * * *

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

(i) District 1: 962,000 cartons;
(ii) District 2: 288,000 cartons.

* * * * *

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

Dated: March 6, 1969.

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

[F.R. Doc. 69-2931; Filed, Mar. 10, 1969; 8:49 a.m.]

[Lemon Reg. 363, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 910.663 (Lemon Reg. 363, 34 F.R. 3674) are hereby amended to read as follows:

§ 910.663 Lemon Regulation 363.

* * * * *

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

(i) District 1: 13,950 cartons;
(ii) District 2: 213,900 cartons.

* * * * *

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

Dated: March 6, 1969.

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

[F.R. Doc. 69-2929; Filed, Mar. 10, 1969; 8:49 a.m.]

[953.309]

PART 953—IRISH POTATOES GROWN IN THE SOUTHEASTERN STATES

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953; 33 F.R. 8502, 8506), regulating the handling of Irish potatoes grown in designated counties of Virginia and North Carolina, was published in the FEDERAL REGISTER, January 31, 1969 (34 F.R. 1564). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 30 days after publication. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Southeastern Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

§ 953.309 Limitation of shipments.

During the period June 5 through July 31, 1969, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Inspection.* Each first handler shall, prior to making each shipment of potatoes cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for potato chipping, canning, freezing, livestock feed, or charity: *Provided,* That the handler thereof complies with the safeguard requirements of paragraph (d) of this section.

(d) *Safeguards.* Each handler making shipments of potatoes for potato chipping, canning, freezing, livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments;

(2) Obtain an approved Certificate of Privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such special purpose shipments.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

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

Effective date: Dated March 6, 1969, to become effective June 5, 1969.

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

[F.R. Doc. 69–2930; Filed, Mar. 10, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68–AL–4]

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

Alteration and Designation of Federal Airways; Extension of Jet Route; Designation of Reporting Points

Correction

In F.R. Doc. 69–1589 appearing at page 1894 of the issue for Saturday, February 8, 1969, in the first line of the description for § 71.109, the reference to "B–17" should read "B–27".

[Airspace Docket No. 69–WA–7]

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

Alteration of Control Areas and Control Zone

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to make minor and editorial changes by amending the description of Control 1234 to exclude a small portion of this control area which lies within Restricted Area R–2204; amend the description of Control 1310 to reflect the name change of Anchorage, Alaska, VOR to Anchorage, Alaska, VORTAC and delete the exclusion of Warning Area W–533; and amend the description of the Big Delta, Alaska, control zone to reflect the name change of Big Delta AAF to Allen AAF. There is presently a minor portion of Control 1234 which lies within R–2204. This portion will be excluded as it is no longer required for air traffic control purposes. The deletion of W–533 from the description of Control 1310 would correct the description of this control area as this warning area has previously been revoked.

Since these amendments are editorial and minor in nature and will not materially affect the extent of controlled airspace, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

1. Section 71.163 (34 F.R. 4549) is amended as follows:

a. In "Control 1234," "The portion within R–2204 is excluded." is added to the end of text.

b. In "Control 1310" wherever "Anchorage, Alaska, VOR" or "Anchorage VOR" appears "Anchorage, Alaska, VORTAC" and "Anchorage VORTAC" is substituted therefor, and "and W–533" is deleted.

2. In § 71.171 (34 F.R. 4557) "Big Delta, Alaska," is amended by deleting "Big Delta AAF" and substituting "Allen AAF" therefor.

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

Issued in Washington, D.C., on March 4, 1969.

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

[F.R. Doc. 69–2885; Filed, Mar. 10, 1969; 8:46 a.m.]

[Airspace Docket No. 69–CE–4]

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

Designation of Reporting Points

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to designate the Champaign, Ill., and Danville, Ill., VORTACs as domestic low altitude reporting points. These actions will assist air traffic controllers to more precisely identify aircraft operating in accordance with Instrument Flight Rules in a nonradar environment.

Since these amendments are minor in nature, the Administrator has determined that notice and public procedure thereon is unnecessary. However, since it is necessary that sufficient time be allowed to permit the appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

In § 71.203 (34 F.R. 4792) the following are added as domestic low altitude reporting points.

1. Champaign, Ill.
2. Danville, Ill.

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

Issued in Washington, D.C., on March 4, 1969.

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

[F.R. Doc. 69–2886; Filed, Mar. 10, 1969; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7751 o.]

PART 13—PROHIBITED TRADE PRACTICES

Crowell-Collier Publishing Co. and P. F. Collier & Son Corp.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.155 *Prices:* 13.155–100 Usual as reduced, special, etc.; § 13.240 *Special or limited offers;* § 13.255 *Surveys.* Subpart—Misrepresenting oneself and goods—GOODS: § 13.1625 *Free goods or services;* § 13.1747 *Special or limited offers;* § 13.1757 *Surveys;* Misrepresenting oneself and goods—PRICES: § 13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or decep-

tively, to make material disclosure: § 13.1855 *Identity.*

(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, The Crowell-Collier Publishing Co. et al., New York, N.Y., Docket 7751, Feb. 4, 1969]

In the Matter of Crowell-Collier Publishing Co., a Corporation, and P. F. Collier & Son Corp., a Corporation

Final order making effective the cease and desist order of September 30, 1966, 31 F.R. 14518, prohibiting a New York City publisher from using false claims in selling its encyclopedias by door-to-door solicitation, and making the same order effective against the respondent parent corporation, its successor and the new subsidiary.

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

It is ordered, That the order issued September 30, 1966 be, and it hereby is, effective this date.

It is further ordered, That said order be, and it hereby is, effective against respondent The Crowell-Collier Publishing Co., under this or any other name, its successors or assigns.

It is further ordered, That P. F. Collier & Son Corp. or any successor or assign of the business thereof which may now be in existence, and The Crowell-Collier Publishing Co. shall both, within sixty (60) days after the effective date 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 the order to cease and desist.

Issued: February 4, 1969.

By the Commission.

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

[F.R. Doc. 69-2871; Filed, Mar. 10, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Dissemination of Uniform Warranty Plan by Trade Association to Members

§ 15.329 Dissemination of uniform warranty plan by trade association to members.

(a) The Commission rendered an advisory opinion to a trade association of retailers that its proposal to circulate a uniform warranty among its membership would likely result in violation of Commission administered laws. The warranty in question, applicable within 100 miles of a dealer's store, provides:

(1) The extent of the liability of this firm to service merchandise purchased from us is limited to this policy and it is in addition to any written guarantee included from the manufacturer involved.

(2) Under conditions of normal usage, our store warrantees (sic) our (products) to be free from defects in workmanship and structural materials for a period of 1 year from the date of purchase. This guarantee does not apply to damages resulting from negligence, misuse, or accidents.

(3) We will repair or replace at our option any defective item, or part, at absolutely no charge. In determining the cause or nature of the defect, and the manner of repair; the judgement of this firm will be final.

(b) The Commission concluded that it could not render advice with respect to that portion limiting retailer liability to the warranty terms nor to the comment that the warranty is in addition to any manufacturer's written guarantee. This position was taken for the reason that the question of warranties is being currently examined, specifically as they relate to the automotive industry, and any Commission statement along these lines at this time would be premature.

(c) Nor could the Commission approve the remainder of the proposed warranty for the reason that it is not a simple, generalized guideline intended to assist the membership in drafting warranties embracing their own terms but is, in fact, an actual 1 year warranty incorporating predetermined and definite terms and conditions for use without change by members. For this reason the Commission advised that should the proposed warranty be selected by all or a substantial number of Association members the likely purpose and probable result would be the adoption of anticompetitive uniform terms and conditions by the membership and would, therefore, be objectionable.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: March 10, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-2868; Filed, Mar. 10, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Proposed Advertising for Orthopedic Pillow

§ 15.330 Proposed advertising for orthopedic pillow.

(a) The Commission was requested to render an advisory opinion with respect to proposed advertising for a pillow intended for orthopedic and therapeutic purposes, which would represent that the device was designed for use in cervical spine, low back pain cases and by cardiac patients.

(b) The opinion advised the advertisers that while the Commission has no objection to representations that the device might afford temporary relaxation and comfort under certain conditions, any representations in advertising that the pillow is a health device particularly useful for cervical spine, low back pain and cardiac cases would appear to have the capacity and tendency to deceive.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: March 10, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-2867; Filed, Mar. 10, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Food Product

§ 15.331 Disclosure of origin of imported food product.

(a) The Commission rendered an advisory opinion to a trade association which involved the question of whether it is necessary to disclose the origin of an imported food product. Imported in its entirety, the product is later sliced and packed in containers in the United States for sale to the general public.

(b) Ruling that the product's origin must be disclosed, the Commission said: "* * * as to this product, the country of origin may be a material fact to many consumers in deciding whether to make a purchase, and that it should therefore be disclosed to them in an appropriate manner at the point of sale."

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: March 10, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-2869; Filed, Mar. 10, 1969; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Blackfeet Indian Irrigation Project, Mont.

On page 1168 of the FEDERAL REGISTER of January 24, 1969, there was published a notice of intention to modify §§ 221.130 *Basic assessment* and 221.131 *Excess water assessment,* of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Blackfeet Indian Irrigation Project, Mont. The purpose of the modification is to establish the assessment rate for 1969 and thereafter until further notice.

A 30-day period was prescribed for the public to have the opportunity to participate in the rule making process and submit written comments, suggestions, or objections. Comments and protests received from water users indicate that a

modification of the published intended rate of $3.10 per acre should be reconsidered. This has been done and the proposed modification of $3.10 per acre is adjusted downward to $3 per acre as set forth below:

§ 221.130 Basic assessment.

Pursuant to the Acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928; 38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 25 U.S.C. 385, 387, the basic rate of assessment of operation and maintenance charges against the irrigable lands to which water can be under the Blackfeet Indian Irrigation Project, Mont., for the season of 1969 and subsequent years until further notice is hereby fixed at $3 per acre per annum for the delivery of not to exceed 1½ acre-feet of water per acre for the assessable area under constructed works, water to be delivered on demand, based upon an estimated quota of the available supply.

§ 221.131 Excess water assessment.

Additional water, when available, may be delivered upon request at the rate of $1.67 per acre foot or fraction thereof.

JAMES F. CANAN,
Area Director.

[F.R. Doc. 69-2881; Filed, Mar. 10, 1969; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—SCHEDULE FOR RATING DISABILITIES

Inactive Tuberculosis

1. In § 4.71a, diagnostic code 5001 is amended to read as follows:

§ 4.71a Schedule of ratings—musculoskeletal system.

* * * * *

		Rating
5001	Bones and joints, tuberculosis of, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	

* * * * *

2. Section 4.84 is revised to read as follows:

§ 4.84 Differences between distant and near visual acuity.

Where there is a substantial difference between the near and distant corrected vision, the case should be referred to the Director, Compensation, Pension and Education Service.

3. In § 4.84a, diagnostic code 6010 is amended to read as follows:

§ 4.84a Schedule of ratings—eye.

* * * * *

		Rating
6010	Eye, tuberculosis of, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	

* * * * *

4. A new § 4.88b is added to read as follows:

§ 4.88b Ratings for inactive nonpulmonary tuberculosis initially entitled after August 19, 1968.

	Rating
For 1 year after date of inactivity, following active tuberculosis	100

Thereafter: Rate residuals under the specific body system or systems affected.

Following the total rating for the 1 year period after date of inactivity, the schedular evaluation for residuals of nonpulmonary tuberculosis, i.e., ankylosis, surgical removal of a part, etc., will be assigned under the appropriate diagnostic code for the residual preceded by the diagnostic code for tuberculosis of the body part affected. For example, tuberculosis of the hip joint with residual ankylosis would be coded 5001–5250. Where there are existing residuals of pulmonary and nonpulmonary conditions, the evaluations for residual separate functional impairment may be combined.

Where there are existing pulmonary and nonpulmonary conditions, the total rating for the 1 year, after attainment of inactivity, may not be applied to both conditions during the same period. However, the total rating during the 1-year period for the pulmonary or for the nonpulmonary condition will be utilized, combined with evaluation for residuals of the condition not covered by the 1-year total evaluation, so as to allow any additional benefit provided during such period.

5. In § 4.89, the headnote is amended and a note is added immediately following the headnote to read as follows:

§ 4.89 Ratings for inactive nonpulmonary tuberculosis in effect on August 19, 1968.

NOTE: Public Law 90–493 repealed section 356 of title 38, United States Code which provided graduated ratings for inactive tuberculosis. The repealed section, however, still applies to the case of any veteran who on August 19, 1968, was receiving or entitled to receive compensation for tuberculosis. The use of the protective provisions of Public Law 90–493 should be mentioned in the discussion portion of all ratings in which these provisions are applied. For use in rating cases in which the protective provisions of Public Law 90–493 apply, the former evaluations are retained in this section.

* * * * *

6. Sections 4.90, 4.91, 4.92, and 4.93 are revoked.

§ 4.90 Direct service-connection for inactive pulmonary tuberculosis shown by X-ray evidence during active service. [Revoked]

§ 4.91 Hospital observation. [Revoked]

§ 4.92 Sputum certification. [Revoked]

§ 4.93 Classification on maximum advancement for rating purposes. [Revoked]

7. Section 4.94 is revised to read as follows:

§ 4.94 Determination of inactivity, "complete arrest," in tuberculosis.

A veteran shown to have had active pulmonary tuberculosis will be held to have reached a condition of "complete arrest" when a diagnosis of inactive is made. Noncavitary pulmonary tuberculosis will be considered to be inactive when bacteriologic tests have been negative on serial examinations for 6 months and serial roentgenograms have shown stable or slightly clearing or contracting lesions with no evidence of cavitation for 6 months. Cavitary pulmonary tuberculosis will be considered to be inactive when bacteriologic examinations have been negative on serial examinations for 18 months; the presence of residual cavitation is permitted and slight variations in size of the cavity are permissible.

8. Section 4.95 is revoked.

§ 4.95 Rating pulmonary tuberculosis cases. [Revoked]

9. Section 4.96 is revised to read as follows:

§ 4.96 Rating coexisting and "protected" respiratory conditions.

(a) *Rating coexisting respiratory conditions.* Ratings under diagnostic codes 6600 to 6818, inclusive, and 6821 will not be combined with each other. Where there is lung or pleural involvement, ratings under diagnostic codes 6819 and 6820 will not be combined with each other or with diagnostic codes 6600 to 6818 inclusive and 6821. A single rating will be assigned under the diagnostic code which reflects the predominant disability picture with elevation to the next higher evaluation where the severity of the overall disability warrants such elevation. However, in cases protected by the provisions of Public Law 90–493, with the graduated ratings for 50 and 30 percent for inactive tuberculosis, elevation is not for application.

(b) *Rating "protected" tuberculosis cases.* Public Law 90–493 repealed section 356 of title 38, United States Code which had provided graduated ratings for inactive tuberculosis. The repealed section, however, still applies to the case of any veteran who on August 19, 1968, was receiving or entitled to receive compensation for tuberculosis. The use of the protective provisions of Public Law 90–493 should be mentioned in the discussion portion of all ratings in which these provisions are applied. For application in rating cases in which the protective provisions of Public Law 90–493 apply the former evaluations pertaining to pulmonary tuberculosis are retained in § 4.97.

10. In § 4.97, diagnostic codes 6515 and 6701 through 6732 "Diseases of the Lungs and Pleura—Tuberculosis" are revised to read as follows:

§ 4.97 Schedule of ratings—respiratory system.

* * * * *

		Rating
6515	Laryngitis, tuberculous, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	

* * * * *

DISEASES OF THE LUNGS AND PLEURA—TUBERCULOSIS

		Rating
6701	Tuberculosis, pulmonary, chronic, far advanced, active	
6702	Tuberculosis, pulmonary, chronic, moderately advanced, active	
6703	Tuberculosis, pulmonary, chronic, minimal, active	
6704	Tuberculosis, pulmonary, chronic, active, advancement unspecified	100

NOTE: The above diagnostic codes 6701 through 6704 are to be used in those cases in which entitlement to compensation or pension is established on August 19, 1968.

6707	Tuberculosis, pulmonary, chronic, far advanced, active	
6708	Tuberculosis, pulmonary, chronic, moderately advanced, active	
6709	Tuberculosis, pulmonary, chronic, minimal, active	
6710	Tuberculosis, pulmonary, chronic, active, advancement unspecified	100

NOTE: The above diagnostic codes 6707 through 6710 are to be used in those cases in which entitlement to compensation or pension is established subsequent to August 19, 1968.

Active pulmonary tuberculosis will be considered permanently and totally disabling for nonservice-connected pension purposes in the following circumstances:

(a) Associated with active tuberculosis involving other than the respiratory system.

(b) Far advanced, with severe associated symptoms or with extensive cavity formation.

(c) Reactivated cases, generally.

(d) With definite advancement of lesions on successive examinations or while under treatment.

(e) Without retrogression of lesions or other evidence of material improvement at the end of 6 months hospitalization or without change of diagnosis from "active" at the end of 12 months hospitalization.

NOTE: "Material improvement" means lessening or absence of clinical symptoms, and X-ray findings of a stationary or retrogressive lesion.

RATINGS FOR INACTIVE PULMONARY TUBERCULOSIS IN EFFECT ON AUGUST 19, 1968

		Rating
6721	Tuberculosis, pulmonary, chronic, far advanced, inactive	
6722	Tuberculosis, pulmonary, chronic, moderately advanced, inactive	
6723	Tuberculosis, pulmonary, chronic, minimal, inactive	
6724	Tuberculosis, pulmonary, chronic, inactive, advancement unspecified	
	For 2 years after date of inactivity, following active pulmonary tuberculosis, which was clinically identified during active service, or subsequently	100

RATINGS FOR INACTIVE PULMONARY TUBERCULOSIS IN EFFECT ON AUGUST 19, 1968—Con.

	Rating
NOTE: The 100 percent rating under codes 6721 through 6724 is not subject to a requirement of precedent hospital treatment. It will be reduced to 50 percent for failure to submit to examination or to follow prescribed treatment upon report to that effect from the medical authorities. When a veteran is placed on the 100 percent rating for inactive tuberculosis, the medical authorities will be appropriately notified of the fact, and of the necessity under 38 U.S.C. 356 to notify the Adjudication Division in the event of failure to submit to examination or to follow prescribed treatment.	
Thereafter, for 4 years, or in any event, to 6 years after date of inactivity	50
Thereafter, for 5 years, or to 11 years after date of inactivity	30
Following far advanced lesions diagnosed at any time while the disease process was active, minimum	30
Following moderately advanced lesions, provided there is continued disability, emphysema, dyspnea on exertion, impairment of health, etc.	20
Otherwise	0

NOTE: The graduated 50 percent and 30 percent ratings and the permanent 30 percent and 20 percent ratings for inactive pulmonary tuberculosis are not to be combined with ratings for other respiratory disabilities. Following thoracoplasty the rating will be for removal of ribs combined with the rating for collapsed lung. Resection of ribs incident to thoracoplasty will be rated as removal.

RATINGS FOR INACTIVE PULMONARY TUBERCULOSIS INITIALLY ENTITLED AFTER AUGUST 19, 1968

		Rating
6725	Tuberculosis, pulmonary, chronic, far advanced, inactive	
6726	Tuberculosis, pulmonary, chronic, moderately advanced, inactive	
6727	Tuberculosis, pulmonary, chronic, minimal, inactive	
6728	Tuberculosis, pulmonary, chronic, inactive, advancement unspecified	
	General Rating Formula for Inactive Pulmonary Tuberculosis:	
	For 1 year after date of attainment of inactivity of tuberculosis	100
	Thereafter, rate residuals attributable to tuberculosis:	
	Pronounced; advanced fibrosis with severe ventilatory deficit manifested by dyspnea at rest, marked restriction of chest expansion, with pronounced impairment of bodily vigor	100
	Severe; extensive fibrosis, severe dyspnea on slight exertion with corresponding ventilatory deficit confirmed by pulmonary function tests with marked impairment of health	60

RATINGS FOR INACTIVE PULMONARY TUBERCULOSIS INITIALLY ENTITLED AFTER AUGUST 19, 1968—Continued

	Rating
Moderate; with considerable pulmonary fibrosis and moderate dyspnea on slight exertion, confirmed by pulmonary function tests	30
Definitely symptomatic with pulmonary fibrosis and moderate dyspnea on extended exertion	10
Healed lesions, minimal or no symptoms	0
6732 Pleurisy, tuberculosis, active or inactive	
Active	100
Inactive: See §§ 4.88b and 4.89.	

* * * * *

11. In § 4.114, diagnostic code 7331 is amended to read as follows:

§ 4.114 Schedule of ratings—digestive system.

* * * * *

7331	Peritonitis, tuberculous, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	

* * * * *

12. In § 4.115a, diagnostic codes 7505, 7514, and 7525 are amended to read as follows:

§ 4.115a Schedule of ratings—genitourinary system.

* * * * *

		Rating
7505	Kidney, tuberculosis of, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	

* * * * *

7514	Bladder, tuberculosis of, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	

* * * * *

7525	Epididymo-orchitis, tuberculous, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	

* * * * *

13. In § 4.117, diagnostic codes 7710, 7711 and 7712 are amended to read as follows:

§ 4.117 Schedule of ratings—hemic and lymphatic systems.

* * * * *

		Rating
7710	Adenitis, cervical, tuberculous, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	
7711	Adenitis, axillary, tuberculosis, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	
7712	Adenitis, inguinal, tuberculous, active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	

* * * * *

14. In § 4.118, diagnostic code 7811 is amended to read as follows:

§ 4.118 Schedule of ratings—skin.

* * * * *

		Rating
7811	Tuberculosis luposa (lupus vulgaris), active or inactive	
	Active	100
	Inactive: See §§ 4.88b and 4.89.	

15. In § 4.119, the note following diagnostic code 7911 is amended to read as follows:

§ 4.119 Schedule of ratings—endocrine system.

7911	Addison's disease (adrenal cortical hypofunction)	

NOTE: Tuberculous Addison's disease will be rated as active or inactive tuberculosis. See §§ 4.88b and 4.89. On attainment of inactivity, the ratings under Code 7911 are not to be combined with the graduated ratings of of 50 percent and 30 percent in § 4.89; assign the higher rating.

16. In Appendix A, § 4.94 is added and § 4.97 is amended so that the added and amended material reads as follows:

APPENDIX A

TABLE OF AMENDMENTS AND EFFECTIVE DATES SINCE 1946

Sec.
4.94 August 20, 1968.
4.97 Second note following Diagnositc Code 6724; December 1, 1949.
Diagnostic Code 6821—Evaluations and note; August 23, 1948.

17. In Appendix B, Diagnostic Codes 6701 through 6732 and 7335 are amended to read as follows:

APPENDIX B—NUMERICAL INDEX OF DISABILITIES

THE LUNGS AND PLEURA

6701	Tuberculosis, pulmonary, chronic, far advanced, active.
6702	Tuberculosis, pulmonary, chronic, moderately advanced, active.
6703	Tuberculosis, pulmonary, chronic, minimal, active.
6704	Tuberculosis, pulmonary, chronic, active, advancement unspecified.
6707	Tuberculosis, pulmonary, chronic, far advanced, active.
6708	Tuberculosis, pulmonary, chronic, moderately advanced, active.
6709	Tuberculosis, pulmonary, chronic, minimal, active.
6710	Tuberculosis, pulmonary, chronic, active, advancement unspecified.
6721	Tuberculosis, pulmonary, chronic, far advanced, inactive.
6722	Tuberculosis, pulmonary, chronic, moderately advanced, inactive.
6723	Tuberculosis, pulmonary, chronic, minimal, inactive.
6724	Tuberculosis, pulmonary, chronic, inactive, advancement unspecified.
6725	Tuberculosis, pulmonary, chronic, far advanced, inactive.
6726	Tuberculosis, pulmonary, chronic, moderately advanced, inactive.
6727	Tuberculosis, pulmonary, chronic, minimal, inactive.
6728	Tuberculosis, pulmonary, chronic, inactive, advancement unspecified.
6732	Pleurisy, tuberculous.

THE DIGESTIVE SYSTEM

7335	Ano, fistula in.

18. In Appendix C, the index of disabilities is amended to read as follows:

APPENDIX C—ALPHABETICAL INDEX OF DISABILITIES

Phrenicotomy	6731 [deleted]
Tuberculosis:	
Pulmonary:	
Active:	
Far advanced	6701 & 6707
Moderately advanced	6702 & 6708
Minimal	6703 & 6709
Advancement unspecified	6704 & 6710
Inactive:	
Far advanced	6721 & 6725
Moderately advanced	6722 & 6726
Minimal	6723 & 6727
Advancement unspecified	6724 & 6728

(72 Stat. 1125, 38 U.S.C. 355)

Approved: March 3, 1969.

[SEAL] W. J. DRIVER,
Administrator of Veterans Affairs.

[F.R. Doc. 69-2912; Filed, Mar. 10, 1969; 8:48 a.m.]

PART 8—NATIONAL SERVICE LIFE INSURANCE

Eligibility

In § 8.0(b)(1), subdivision (iii) is amended to read as follows:

§ 8.0 Eligibility.

(b) *Applications for insurance under section 722(a) of title 38, United States Code.* (1) * * *

(iii) Written application for such insurance must be submitted within 1 year from the date service connection for any disability as determined by the Veterans Administration is established based on the promulgation of a rating subsequent to discharge. If it is shown by satisfactory evidence that the applicant was mentally incompetent during any part of the 1-year period, application may be filed within 1 year after a guardian is appointed or within 1 year after the removal of such mental incompetency, whichever is the earlier date. If a guardian was appointed or the removal of such disability occurred before January 1, 1959, application under this paragraph may be made within 1 year after that date.

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

By direction of the Administrator.

This VA regulation is effective the date of approval.

Approved: March 4, 1969.

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

[F.R. Doc. 69-2911; Filed, Mar. 10, 1969; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 12B—Coast Guard, Department of Transportation

[CGFR 68-21]

UNSOLICITED CONTRACT PROPOSALS

Pursuant to the authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4, the following actions are prescribed:

PART 12B-1—GENERAL

Subpart 12B-1.3—General Policies

§§ 12B-1.353—12B-1.353-1 [Revoked]

1. Sections 12B-1.353, 12B-1.353-1, 12B-1.352-2, and 12B-1.353-3, are revoked.

PART 12B-3—PROCUREMENT BY NEGOTIATION

Subpart 12B-3.1—Use of Negotiation

2. Sections 12B-3.153 to 12B-3.153-57, inclusive, are added, reading as follows:

Sec.
12B-3.153 Unsolicited contract proposals.
12B-3.153-50 Definitions.
12B-3.153-51 General.
12B-3.153-52 Submission of proposals.
12B-3.153-53 Policy.
12B-3.153-54 Method of procurement.
12B-3.153-55 Evaluation and testing of equipment and material.
12B-3.153-56 Designation of central receiving office.
12B-3.153-57 Central receiving office responsibilities on receipt of unsolicited proposals.

AUTHORITY: The provisions of this Subpart 12B-3.1 issued under sec. 633, 63 Stat. 545, secs. 2301-2314 (Ch. 137), 70A Stat. 127-133, as amended, sec. 6(b), 80 Stat. 938; 14 U.S.C. 633, 10 U.S.C. 2301-2314, 49 U.S.C. 1655(b); 49 CFR 1.4 (a)(2), (f), and (g); 41 CFR 12-1.008(b).

§ 12B-3.153 Unsolicited contract proposals.

§ 12B-3.153-50 Definitions.

An unsolicited contract proposal, referred to in this section as an unsolicited proposal, is an offer initiated and submitted to the Coast Guard by a prospective contractor, without solicitation from the Government, with the objective of obtaining a contract.

§ 12B-3.153-51 General.

Prospective contractors are encouraged to disclose to the Coast Guard, for purposes of evaluation, unique or novel ideas or concepts which they have originated, conceived or developed, and own, and which have application to the work of the Coast Guard. However, it must be recognized that it is normal practice for the Coast Guard to develop its own requirements, to solicit offers or bids and then to contract with the source that offers the best value. Many unsolicited proposals do not, in fact, contain ideas or concepts which are proprietary to or owned by the submitter, and acceptance

of proposals by Coast Guard for evaluation must not imply a promise to pay, a recognition of novelty or originality, or any restriction on the use of information contained therein to which the Government would otherwise be entitled, nor does the fact that a procurement follows receipt of or is based on an unsolicited proposal in and of itself justify sole source procurement.

§ 12B–3.153–52 Submission of proposals.

(a) Unsolicited proposals to the Coast Guard should be submitted to the following address:

Chief, Procurement Branch (FS–1), U.S. Coast Guard Headquarters, 1300 E Street NW., Washington, D.C. 20591.

(b) Proposals should be submitted well in advance of the desired beginning of support, and in ample copies to allow simultaneous study by all reviewers.

(c) All proposals should be specific and, as a minimum, include the information described in this section. Although it is desired that unsolicited proposals be prepared in conformance with the following standards, Coast Guard may accept unsolicited proposals for evaluation purposes which do not conform thereto:

(1) Name and address of the organization submitting the proposal;

(2) Date of preparation or submission;

(3) Type of organization (profit, nonprofit, educational, other);

(4) Concise title and abstract of the proposed effort or activity for which support is being sought;

(5) An outline and discussion of the purpose of the proposed effort or activity, the method of attack upon the problem, and the nature and extent of the anticipated results;

(6) Names of the key personnel to be involved (name of principal investigator, if applicable), brief biographical information, including principal publications and relevant experience;

(7) Proposed starting and completion dates;

(8) Equipment, facility, and personnel requirements;

(9) Proposed budget, including separate cost estimates for salaries and wages, equipment, expendable supplies, services, travel, subcontracts, other direct costs, and overhead;

(10) Names of any other Federal agencies receiving the proposal and/or funding the proposed effort or activity;

(11) Brief description of the proposer's facilities, particularly those which would be used in the proposed effort or activity;

(12) Brief outline of the proposer's previous work and experience in the field;

(13) If available, a descriptive brochure and a current financial statement;

(14) If proposed effort or activity requires or may generate classified security information, the security status of the organization and the major investigators and identification of the cognizant security office;

(15) Period for which proposal is valid;

(16) Names and telephone numbers of proposer's primary business and technical personnel whom Coast Guard may contact during evaluation and/or negotiation;

(17) Each proposal containing technical data, which the submitter intends to be used by Coast Guard for evaluation purposes only, must identify this restrictive material as indicated below. Proposals submitted without the restrictive legend and those parts of proposals submitted with the legend which are not described in detail in the "List of Claimed Proprietary Data" will be considered as free of all restrictions:

The data in this proposal listed below shall not be used or disclosed, except for evaluation purposes; *Provided*, That if a contract is awarded to this submitter as a result of or in connection with the submission of this proposal, the Government shall have the right to use or disclose this technical data to the extent provided in the contract. This restriction does not limit the Government's right to use or disclose any technical data which is not proprietary to the submitter or is obtained from another source without restriction. List of claimed proprietary data: (Here describe in detail the material claimed to be proprietary—mere page reference or general statement will not be acceptable).

(18) Signature of a responsible official of the proposing organization or a person authorized to contractually obligate such organization.

§ 12B–3.153–53 Policy.

(a) All unsolicited proposals shall be processed and evaluated in an expeditious manner. Proposals shall be acknowledged as soon after receipt as possible, and submitters shall be advised promptly as to the ultimate disposition of their proposal.

(b) A proposed procurement based on an unsolicited proposal is subject to the same policies, regulations, and procedures (including those relating to sole source) as any other proposed procurement, and will be processed accordingly.

§ 12B–3.153–54 Method of procurement.

(a) *Competitive procurement.* It is Coast Guard's policy to obtain competition whenever possible (see § 1–1.301–1 of this title). However, an unsolicited proposal shall not serve as the basis for a competitive solicitation of proposals (i.e., when an unsolicited proposal is offered in the hope that the Coast Guard will contract with the offeror for further development or exploitation of the ideas it contains, and the Coast Guard does contract with the offeror, it may do so without soliciting other sources—although they may be fully competent to perform the desired work). When a received document qualifies as an unsolicited proposal, but its substance is available to Coast Guard without restriction from another source, or its substance closely resembles that of a pending competitive solicitation or otherwise is not sufficiently unique to justify acceptance, Coast Guard's policy of obtaining competition applies. When procurement is intended and competition is feasible, the proposal shall be rejected, and all readily available copies (excluding the central receiving office's official proposal file copy) shall be returned to the submitter.

(b) *Noncompetitive procurement.* A favorable technical evaluation of an unsolicited proposal is not, in itself, sufficient justification for negotiating on a noncompetitive basis with the submitter. When an unsolicited proposal has received a favorable technical evaluation and it is determined that the substance thereof is not available to Coast Guard without restriction from another source, or competition is otherwise precluded, the subject matter of such proposal may be procured from the proposer on a noncompetitive basis.

§ 12B–3.153–55 Evaluation and testing of equipment and material.

Should evaluation of a proposal include the evaluation and testing of equipment or material, neither the Government nor any person acting on behalf of the Government assumes any liability to the submitter of the proposal, or any person acting on his behalf, in connection with any damage, loss, injury, or destruction resulting from such evaluation and testing. Nothing contained herein shall preclude the Government from asserting any action against the submitter or any person acting on his behalf arising out of the above circumstances.

§ 12B–3.153–56 Designation of central receiving office.

Commandant (FS–1) has been designated the central office (hereinafter referred to as the central receiving office) in the Coast Guard for the receipt of unsolicited proposals.

§ 12B–3.153–57 Central receiving office responsibilities on receipt of unsolicited proposals.

The central receiving office will serve as a clearing house for unsolicited proposals submitted to the Coast Guard. It will:

(a) Serve as the point of contact with the submitter;

(b) Maintain records showing the receipt and status of unsolicited proposals;

(c) Coordinate with other administrations when appropriate.

PART 12B–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 12B–4.52—Unsolicited Proposals

§§ 12B–4.5200—12B–4.5203 [Revoked]

3. Subpart 12B–4.52, consisting of §§ 12B–4.5200 to 12B–4.5203, inclusive, is revoked.

Dated: March 5, 1969.

T. R. SARGENT,
Rear Admiral, U.S. Coast Guard,
Chief of Staff.

[F.R. Doc. 69–2910; Filed, Mar. 10, 1969; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Reclamation, Department of the Interior

PART 402—SALE OF LANDS IN FEDERAL RECLAMATION PROJECTS

Subpart B—Small Tracts; Public and Acquired Lands; Gila Project, Ariz.

PROVISIONS OF SUBPART A APPLICABLE

Section 402.22 of Title 43 of the Code of Federal Regulations is amended as follows:

At the end of § 402.22, the period is replaced with a comma and the following clause is added: "and excepting further that the residence requirements of § 402.2(b) shall not apply."

RUSSELL E. TRAIN,
Under Secretary of the Interior.

MARCH 5, 1969.

[F.R. Doc. 69-2882; Filed, Mar. 10, 1969; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Quivira National Wildlife Refuge, Kans.

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.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Sport fishing on the Quivira National Wildlife Refuge, Stafford, Kans., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 990 acres, are delineated on maps available at refuge headquarters, Stafford, Kans., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 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 May 1, 1969, to September 30, 1969, inclusive.

(2) Fishing will be with closely attended rod(s) and line(s) only.

(3) The use of boats is not permitted. One-man floater tubes may be used.

(4) Overnight camping is not permitted.

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 September 30, 1969.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.

MARCH 4, 1969.

[F.R. Doc. 69-2879; Filed, Mar. 10, 1969; 8:45 a.m.]

PART 33—SPORT FISHING

Salt Plains National Wildlife Refuge, Okla.

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.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Sport fishing on the Salt Plains National Wildlife Refuge, Okla., is permitted only on areas designated by signs as open to fishing. These open areas, comprising 7,800 acres, are delineated on maps available at refuge headquarters, Jet, Okla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 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 April 15 through October 15, 1969, inclusive, in Great Salt Plains Lake as posted, in Sand Creek, the three main channels of Salt Fork River, and the right-of-way of Oklahoma State Highway 11 as posted.

(2) It is illegal to take game fish by any means other than hook and line. Trotlines must be removed from waters at the close of the fishing season.

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.

FRED L. BOLWAHNN,
Refuge Manager, Salt Plains National Wildlife Refuge, Jet, Okla.

FEBRUARY 28, 1969.

[F.R. Doc. 69-2880; Filed, Mar. 10, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Louisiana

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," a change in the place for filing in Bossier Parish, La.

LOUISIANA

Parish; Place for filing; Beginning date.
Bossier; (1) Benton—trailer at Post Office; April 3, 1967; (2) Bossier City—Lodge Hall, 1708 Scott Street; April 5, 1967 through March 17, 1969; (3) Bossier City—Post Office, 150 Benton Road, March 18, 1969.

(Secs. 7, 9, Voting Rights Act of 1965; (Public Law 89-110))

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

[F.R. Doc. 69-2870; Filed, Mar. 10, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Voluntary Employees' Beneficiary Associations; Notice of Hearing

The proposed amendment to the regulations under section 501(c)(9) of the Internal Revenue Code, relating to voluntary employees' beneficiary associations, was published in the FEDERAL REGISTER of January 23, 1969.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Tuesday, April 1, 1969, at 10 a.m., in Room 4036, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 28, 1969. Notification of intention to attend or comment at the hearing may be given by telephone, 202-964-3935.

Richard M. Hahn,
Acting Chief Counsel.

[SEAL] By: JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 69-2907; Filed, Mar. 10, 1969; 8:48 a.m.]

[26 CFR Parts 1, 25, 31, 36, 41, 45, 46, 48, 49, 147, 151, 152, 301]

FILING OF CERTAIN MISCELLANEOUS RETURNS AND DOCUMENTS WITH SERVICE CENTERS

Notice of Proposed Rule Making

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

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

In order to revise the rules for the filing of certain returns and other documents with service centers and to conform certain provisions of the regulations to the amendments made by section 1 of the Act of November 2, 1966 (Public Law 89-713, 80 Stat. 1107), the following regulations (26 CFR Parts 1, 25, 31, 36, 41, 45, 46, 48, 49, 147, 151, 152, 301) are amended as set forth below. However, the amendments to such regulations do not make all of the changes necessitated by section 1 of such Act of November 2, 1966. Appropriate amendments to the regulations will be issued in the future to make the additional changes necessitated by such Act:

SUBCHAPTER A—INCOME TAX

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

PARAGRAPH 1. Subdivisions (iv)(*a*) and (v)(*a*)(2) of paragraph (a)(2) of § 1.761-1 are amended to read as follows:

§ 1.761-1 Terms defined.

(a) *Partnership.* * * *

(2) *Exclusion of certain partnerships from provisions of subchapter K.* * * *

(iv) *Method of election—(a) Complete exclusion from subchapter K.* Any unincorporated organization described in subdivisions (i) and (ii) or (iii) of this subparagraph which wishes to be excluded from all of subchapter K must make the election provided in section 761(a) in a statement attached to a properly executed partnership return, Form 1065, which shall contain the information required in this subdivision. Such return shall be filed with the internal revenue officer with whom a partnership return, Form 1065, would be required to be filed if no election were made. Where, for the purpose of determining the proper internal revenue officer with whom Form 1065 must be filed, it is necessary to determine the internal revenue district (or service center serving such district) in which the electing organization has its principal office or place of business, the principal office or place of business of the operator shall be considered the principal office or place of business of the organization, unless the person filing for the organization is not the operator, in which case, the principal office or place of business of the person filing the return shall be considered the principal office or place of business of the organization. For the first year with respect to which such unincorporated organization wishes to be excluded from subchapter K, its partnership return shall contain, in lieu of the information required by Form 1065 and by the instructions relating thereto, only the name or other identification and the address of the organization. The statement attached to the return shall include the names and addresses of all the members of the organization; a statement that the organization qualifies under subdivisions (i) and either (ii) or (iii) of this subparagraph, a statement that all of the members of the organization elect that it be excluded from all of subchapter K; and a statement indicating where a copy of the agreement under which the organization operates is available (or if the agreement is oral, from whom the provisions of the agreement may be obtained). Unless within 90 days after the formation of the organization (or by October 15, 1956, whichever is later) any member of the organization notifies the Commissioner that the member desires subchapter K to apply to such organization, and also advises the Commissioner that he has so notified all other members of the organization by registered or certified mail, the election to be excluded will be effective. Such election is irrevocable as long as the organization remains qualified under subdivisions (i) and either (ii) or (iii) of this subparagraph, or unless approval of revocation of the election is secured from the Commissioner. Application for permission to revoke the election must be submitted to the Commissioner of Internal Revenue, Attention: T:I Washington, D.C. 20224, no later than 30 days after the beginning of the first taxable year to which the revocation is to apply. An unincorporated organization need not file an election to be excluded under section 761 for the first year of its existence but may do so at the time of filing the return for any taxable year for which exclusion from subchapter K is desired. Such unincorporated organization shall file a partnership return for the first taxable year in which the participants by a formal agreement undertake to engage in joint operations, or in the absence of a formal agreement for the first taxable year in which the participants with respect to the joint use of property jointly make or incur any expenditures treated as deductions for Federal income tax purposes, whether or not electing to be excluded from the provisions of subchapter K. Where no annual accounting period has been adopted by such unincorporated organization, its taxable year

shall be the calendar year in accordance with section 441(g).

* * * * *

(v) *Information to be filed by organizations excluded under section 761—*(a) * * *

(2) For each subsequent taxable year for which it is excluded: Form 1096 for the organization and a Form 1099 for each person who was a member of the organization during any part of the calendar year. Form 1099 shall show the name and address of the organization (under "By Whom Paid"). In lieu of "Kind and Amount of Income Paid", each Form 1099 shall state "Filed under section 761(a)" and the principal activity of the organization. Forms 1096 and 1099 shall be filed with the internal revenue officer designated in instructions applicable to such forms.

* * * * *

PAR. 2. Paragraph (a) of § 1.852–9 is amended by revising subparagraphs (2) (i) and (3) to read as follows:

§ 1.852–9 Special procedural requirements applicable to designation under section 852(b)(3)(D).

(a) *Regulated investment company.* * * *

(2) *Return of undistributed capital gains tax—*(i) *Form 2438.* Every regulated investment company which designates undistributed capital gains for any taxable year beginning after December 31, 1956, in accordance with subparagraph (1) of this paragraph, shall file for such taxable year an undistributed capital gains tax return on Form 2438 including on such return the total of its undistributed capital gains so designated and the tax with respect thereto. The return on Form 2438 shall be prepared in duplicate and shall set forth fully and clearly the information required to be included therein. The original of Form 2438 shall be filed on or before the 30th day after the close of the company's taxable year with the internal revenue officer designated in instructions applicable to Form 2438. The duplicate copy of Form 2438 for the taxable year shall be attached to and filed with the income tax return of the company on Form 1120 for such taxable year.

* * * * *

(3) *Payment of tax.* The tax required to be returned on Form 2438 shall be paid by the regulated investment company on or before the 30th day after the close of the company's taxable year to the internal revenue officer with whom the return on Form 2438 is filed.

PAR. 3. Paragraph (a) of § 1.1372–2 is amended to read as follows:

§ 1.1372–2 Manner and time for making election and filing shareholders' consent.

(a) *Manner of making election.* The election of a small business corporation should be made by the corporation by filing Form 2553, containing the information required by such form, and by filing, in the manner provided in § 1.1372–3, a statement of the consent of each shareholder of the corporation. The election form shall be signed by any person who is authorized to sign the return required under section 6037 and shall be filed with the internal revenue officer designated in the instructions applicable to Form 2553.

* * * * *

PAR. 4. Section 1.1372–3 is amended to read as follows:

§ 1.1372–3 Shareholders' consent.

(a) *In general.* The consent of a shareholder to an election by a small business corporation shall be in the form of a statement signed by the shareholder in which such shareholder consents to the election of the corporation. Such shareholder's consent is binding and may not be withdrawn after a valid election is made by the corporation. Each person who is a shareholder of the electing corporation must consent to the election; thus, where stock of the corporation is owned by a husband and wife as community property (or the income from which is community property), or is owned by tenants in common, joint tenants, or tenants by the entirety, each person having a community interest in such stock and each tenant in common, joint tenant, and tenant by the entirety must consent to the election. The consent of a minor shall be made by the minor or by his legal guardian, or his natural guardian if no legal guardian has been appointed. The consent of an estate shall be made by the executor or administrator thereof. The statement shall set forth the name and address of the corporation and of the shareholder, the number of shares of stock owned by him, and the date (or dates) on which such stock was acquired. The consents of all shareholders may be incorporated in one statement. The consents of all persons who are shareholders at the time the election is made shall be attached to the election of the corporation. If the election is made before the first day of the corporation's taxable year for which it is effective, the consents of persons who become shareholders after the date of election and are shareholders on such first day shall be filed with the internal revenue officer with whom the election was filed as soon as practicable after such first day. The consent referred to in the preceding sentence will be considered timely if it is filed on or before the last day prescribed for making the election. Where a consent is filed after the date of election, a copy of the consent shall also be filed with the return required to be filed under section 6037. In the case of a shareholder in a community-property State whose spouse has filed a timely consent to an election under section 1372(a) for a taxable year beginning before January 1, 1961, the time for filing the consent of such shareholder shall not expire prior to May 15, 1961; in the case of a shareholder in a community-property State whose spouse has filed a timely consent to an election under section 1372(a) for a taxable year beginning after December 31, 1960, and on or before October 26, 1962, the consent of such shareholder shall be considered timely if it is filed on or before the last day prescribed for making the election. An election under section 1372(a) will not be valid if any of the consents are not timely filed. However, see paragraph (c) of this section for extension of time for filing consents. In addition, an election which was timely filed for any taxable year beginning before March 1, 1960, and which would be valid but for the fact that the consent of any shareholder of the corporation was not filed or was defective in any manner, will not be invalid if—

(1) A proper consent is filed by such shareholder after December 19, 1959, and on or before March 1, 1960,

(2) All shareholders of the corporation who previously filed timely and proper consents file new consents within the period mentioned in subparagraph (1) of this paragraph, and

(3) The shareholders show to the satisfaction of the district director with whom the election under section 1372(a) was filed that the failure to file timely and proper consents was not due to an intention to avoid making a valid election.

(b) *New shareholders.* If a person becomes a shareholder of an electing small business corporation after the first day of the taxable year for which the election is effective, or after the day on which the election is made (if such day is later than the first day of the taxable year), the consent of such shareholder shall be made in a statement filed (with the internal revenue officer with whom the election is filed) within the period of 30 days beginning with the day on which such person becomes a new shareholder. A copy of such consent should be furnished to the corporation by the new shareholder. If the new shareholder is an estate, the 30-day period shall not begin until the executor or administrator has qualified under local law to perform his duties, but in no event shall such period begin later than 30 days following the close of the corporation's taxable year in which the estate became a shareholder. The statement of consent shall set forth the name and address of the corporation and of such new shareholder, the number of shares of stock owned by such shareholder, the date on which such shares were acquired, and the name and address of each person from whom such shares were acquired. A copy of the consent of such new shareholder shall be filed with the return required to be filed under section 6037 for the taxable year to which such consent applies. For the effect of the failure of a new shareholder to consent, see paragraph (b)(1) of § 1.1372–4.

(c) *Extension of time for filing consents.* An election which is timely filed for any taxable year and which would be valid, or would not have terminated, except for the failure of any shareholder to file a consent within the time prescribed in paragraph (a) or (b) of this section will not be invalid, or will not be treated as having terminated, for such reason if—

(1) It is shown to the satisfaction of the district director or director of the service center that there was reasonable cause for the failure to file such consent and that the interests of the Government will not be jeopardized by treating such election as valid, or as not having terminated,

(2) Such shareholder files a proper consent to the election within such extended period of time as may be granted by the Internal Revenue Service, and

(3) New consents are filed within such extended period of time as may be granted by the Internal Revenue Service, by all persons who were shareholders of the corporation at any time during the taxable year with respect to which the failure to consent would (but for the provisions of this paragraph) cause the corporation's election to be invalid or to terminate, and by all persons who were shareholders of the corporation subsequent to such taxable year and prior to the date on which an extension of time is granted in accordance with this paragraph.

PAR. 5. Paragraph (b) of § 1.1372–4 is amended by revising subparagraphs (2) and (3). The revised provisions read as follows:

§ 1.1372–4 Termination of election.

* * * * *

(b) *Method of termination.* * * *

(2) *Revocation.* An election under section 1372(a) may be revoked by the corporation for any taxable year of the corporation after the first taxable year for which the election is effective. A revocation can be made only with the consent of all the persons who are shareholders at the beginning of the day of revocation. Such revocation shall be made by the corporation by filing a statement that the corporation revokes the election made under section 1372(a), which statement shall indicate the first taxable year of the corporation for which the revocation is intended to be effective. The statement shall be signed by any person authorized to sign the return of the corporation under section 6037 and shall be filed with the internal revenue officer with whom the election was filed. In addition, there shall be attached to the statement of revocation a statement of consent, signed by each person who is a shareholder of the corporation at the beginning of the day on which such statement of revocation is filed, in which each such shareholder consents to the revocation by the corporation of the election under section 1372(a). For the time within which a revocation must be made to be effective for a particular taxable year of the corporation, see paragraph (c) of this section.

(3) *Ceases to be small business corporation.* An election under section 1372(a) terminates if at any time after the first day of the first taxable year of the corporation for which the election is effective, or after the day on which the election is made (if such day is later than the first day of the taxable year), the corporation ceases to be a small business corporation as defined in section 1371(a). Thus, the election is terminated if an 11th person, a nonresident alien, or a comes a shareholder, or corporation becomes a shareholder, or if another class of stock is issued by the corporation. In the event of a termination under this subparagraph the corporation shall immediately notify the internal revenue officer with whom the election under section 1372(a) was filed. Such notification shall set forth the cause of the termination and the date thereof. In addition, if the termination was caused by the transfer of stock to an 11th shareholder, to a nonresident alien, or to a trust, partnership, or corporation, the notification shall specify the number of shares transferred to such persons, the name of such person (or in the case of a trust the names of the trustees and beneficiaries), and the name of the shareholder who transferred such stock to such person. If the termination was caused by the issuance of a second class of stock, the notification shall indicate the number of shares of such new class issued and shall describe the differentiating characteristics of the new class of stock.

* * * * *

PAR. 6. Paragraphs (a) and (c) of § 1.1375–3 are amended to read as follows:

§ 1.1375–3 Treatment of family groups.

(a) *In general.* Pursuant to section 1375(c), any dividend received by a shareholder from an electing small business corporation (including any amount treated as a dividend under section 1373(b)) may be apportioned or allocated by the Internal Revenue Service between or among shareholders of such corporation who are members of such shareholder's family, if it determines that such apportionment or allocation is necessary in order to reflect the value of services rendered to the corporation by such shareholders. In determining the value of services rendered by a shareholder consideration shall be given to all the facts and circumstances of the business, including the managerial responsibilities of the shareholder, and the amount that would ordinarily be paid in order to obtain comparable services from a person not having an interest in the corporation. The taxable income of the corporation shall be neither increased nor decreased because of the reallocation of dividends under section 1375(c). The amount reallocated shall be considered a dividend to the shareholder to whom it is reallocated.

* * * * *

(c) *Example.* The provisions of section 1375(c) may be illustrated by the following example:

Example. The stock of an electing small business corporation is owned 50 percent by F and 50 percent by S, a minor son of F. For the taxable year, the corporation has $70,000 of taxable income and earnings and profits. During the year, the corporation distributes dividends (including amounts treated as dividends under section 1373(b)) of $35,000 to F and $35,000 to S. Compensation of $10,000 is paid by the corporation to F for services rendered during the year, and no compensation is paid to S, who rendered no services. Based on the relevant facts, a reasonable compensation for the services rendered by F would be $30,000. In the discretion of the Internal Revenue Service, up to $10,000 of the $35,000 dividend received by S may, for tax purposes, be allocated to F.

* * * * *

PAR. 7. Paragraphs (d)(2) and (e)(1) of § 1.6031–1 are amended to read as follows:

§ 1.6031–1 Return of partnership income.

* * * * *

(d) *Partnerships having no U.S. business.* * * *

(2) *Returns of information with respect to partnership required of citizen or resident partners.* Where a U.S. citizen or resident is a partner in a partnership described in subparagraph (1) of this paragraph which is not required to file a partnership return, the district director or director of the service center may require such person to render such statements or provide such information as is necessary to show whether or not such person is liable for tax on income derived from such partnership. In addition, if an election in accordance with the provisions of section 703 (relating to elections affecting the computation of taxable income derived from a partnership) or section 761 (relating to the election to be excluded from the application of all or part of subchapter K, chapter 1 of the Code) is to be made by or for the partnership, a return on Form 1065 shall be filed for such partnership. See section 6063 and § 1.6063–1, relating to the authority of a partner to sign a partnership return. The filing of one such return for a taxable year of the partnership by a citizen or resident partner shall constitute a filing for the partnership of such partnership return.

(e) *Place and time for filing returns—*(1) *Place for filing—*(i) *Returns filed with district director or Director of International Operations.* The returns of partnerships doing business, or having income from sources, within the United States shall be filed with the district director for the internal revenue district in which the partnership has its principal office or principal place of business within the United States. If a partnership has no office, place of business, or agency within the United States, the return shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225. A partnership return filed under the authority of paragraph (d)(2) of this section shall be filed with the internal revenue officer with whom the citizen or resident partner files his separate income tax return.

(ii) *Returns filed with service centers.* Notwithstanding subdivision (i) of this subparagraph, unless a return is filed by hand carrying, whenever instructions applicable to partnership returns provide that the return be filed with a service center, the return must be so filed in accordance with the instructions. Returns which are filed by hand carrying shall be filed with the district director in accordance with subdivision (i) of this subparagraph.

* * * * *

PAR. 8. Paragraph (c) of § 1.6034–1 is amended to read as follows:

§ 1.6034–1 Information returns required of certain trusts claiming charitable or other deductions under section 642(c).

* * * * *

(c) *Time and place for filing return.* The return on Form 1041–A shall be filed on or before the 15th day of the fourth month following the close of the taxable year of the trust, with the internal revenue officer designated by the instructions applicable to such form.

* * * * *

PAR. 9. Paragraph (b) of § 1.6037–1 is amended to read as follows:

§ 1.6037–1 Return of electing small business corporation.

* * * * *

(b) *Time and place for filing return.* The return shall be filed on or before the 15th day of the third month following the close of the taxable year with the internal revenue officer designated in the instructions applicable to Form 1120–S. (See section 6072.)

* * * * *

PAR. 10. Section 1.6091–2 is amended by adding a cross reference at the end of paragraph (d) thereof:

§ 1.6091–2 Place for filing income tax returns.

* * * * *

(d) *Hand-carried returns.* Notwithstanding paragraphs (1) and (2) of section 6091(b) and paragraph (c) of this section—

(1) *Persons other than corporations.* Returns of persons other than corporations which are filed by hand carrying shall be filed with the district director as provided in paragraph (a) of this section.

(2) *Corporations.* Returns of corporations which are filed by hand carrying shall be filed with the district director as provided in paragraph (b) of this section.

See § 301.6091–1 of this chapter (Regulations on Procedure and Administration) for provisions relating to the definition of hand carried.

* * * * *

PAR. 11. Section 1.6091–3 is amended by revising paragraphs (b) and (i) to read as follows:

§ 1.6091–3 Income tax returns required to be filed with Director of International Operations.

* * * * *

(b) Income tax returns on an individual citizen of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States. A taxpayer's principal place of abode will be considered to be outside the United States if his legal residence is outside the United States or if his return bears a foreign address.

* * * * *

(i) Income tax returns of corporations which claim the benefits of section 922 (relating to special deduction for Western Hemisphere trade corporations) except in the case of consolidated returns filed pursuant to the regulations under section 1502.

* * * * *

PAR. 12. Paragraph (c)(3) of § 1.6109–1 is amended to read as follows:

§ 1.6109–1 Identifying numbers.

* * * * *

(c) *Applications.* * * *

(3) *Employer identification number.* Application for an employer identification number shall be made on Form SS–4. Form SS–4 will generally be furnished only on request and may be obtained from any district director or director of a service center, or any district office of the Social Security Administration. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. The application for an employer identification number should be filed approximately 1 month in advance of the first required use of the number to permit issuance of the number in time for compliance with such requirement. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. An employer identification number will be assigned to the applicant in due course upon the basis of information reported on the application.

* * * * *

SUBCHAPTER B—ESTATE AND GIFT TAXES

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

PAR. 13. Section 25.2513–3 is amended to read as follows:

§ 25.2513–3 Revocation of consent.

If the consent to the application of the provisions of section 2513 for a calendar year was effectively signified on or before the 15th day of April following the close of the calendar year, either spouse may revoke the consent by filing in duplicate a signed statement of revocation, but only if the statement is filed on or before such 15th day of April. Except as provided in paragraph (b) of § 301.6091–1 (related to hand-carried documents), the statement shall be filed with the internal revenue officer with whom the gift tax return is required to be filed, or with whom the gift tax return would be required to be filed if a return were required. Therefore, a consent which was not effectively signified until after the 15th day of April following the close of the calendar year to which it applies may not be revoked.

PAR. 14. Paragraph (c) of § 25.2522(a)–1 is amended to read as follows:

§ 25.2522(a)–1 Charitable and similar gifts; citizens or residents.

* * * * *

(c) In order to prove the right to the charitable, etc., deduction provided by section 2522 the donor must submit such data as may be requested by the Internal Revenue Service. As to the extent the deductions provided by this section are allowable, see section 2524.

PAR. 15. Paragraph (a) of § 25.2523(a)–1 is amended to read as follows:

§ 25.2523(a)–1 Gift to spouse; in general.

(a) *In general.* In determining the amount of taxable gifts for the calendar year 1955 or any calendar year thereafter, in the case of a donor who was a citizen or resident of the United States at the time the gift was made, there may be deducted an amount equal to one-half the value of any property interest (except as otherwise provided in paragraph (b) of this section) transferred by gift to a donee who at the time of the gift was the donor's spouse. This deduction is referred to as the "marital deduction." No marital deduction is authorized with respect to a gift if the donor, at the time of the gift, was a nonresident not a citizen of the United States. However, if the donor was a citizen or resident of the United States at the time the gift was made, he is not deprived of the right to the marital deduction by reason of the fact that his spouse was a nonresident not a citizen. For convenience the donor's spouse is generally referred to in the feminine gender, but if the donor is a woman the reference is to her husband. The donor must submit such proof as is necessary to establish the right to the marital deduction, including any evidence requested by the Internal Revenue Service.

* * * * *

PAR. 16. Paragraph (b) of § 25.6001–1 is amended to read as follows:

§ 25.6001–1 Records required to be kept.

* * * * *

(b) *Supplemental data.* In order that the Internal Revenue Service may determine the correct tax the donor shall furnish such supplemental data as may be deemed necessary by the Internal Revenue Service. It is, therefore, the duty of the donor to furnish upon request, copies of all documents relating to his gift or gifts, appraisal lists of any items included in the total amount of gifts, copies of balance sheets or other financial statements obtainable by him relating to the value of stock constituting the gift, and any other information obtainable by him that may be necessary in the determination of the tax. See section 2512 and the regulations issued

thereunder. For every policy of life insurance listed on the return, the donor must procure a statement from the insurance company on Form 938 and file it with the internal revenue officer with whom the return is filed. If specifically requested by an internal revenue officer, the insurance company shall file this statement direct with the internal revenue officer.

PAR. 17. Paragraph (b) of § 25.6011–1 is amended to read as follows:

§ 25.6011–1 General requirement of return, statement, or list.

* * * * *

(b) *Use of prescribed forms.* Copies of the forms prescribed by paragraph (b) of § 25.6001–1 and § 25.6019–1 may be obtained from district directors and directors of service centers. The fact that a person required to file a form has not been furnished with copies of a form will not excuse him from the making of a gift tax return, or from the furnishing of the evidence for which the forms are to be used. Application for a form should be made to the district director or director of a service center in ample time to enable the person whose duty it is to file the form to have the form prepared, verified, and filed on or before the date prescribed for the filing thereof.

PAR. 18. Paragraph (c) of § 25.6019–1 is amended to read as follows:

§ 25.6019–1 Persons required to file returns.

* * * * *

(c) *Ratification of return.* The return shall not be made by an agent unless by reason of illness, absence, or nonresidence, the person liable for the return is unable to make it within the time prescribed. Mere convenience is not sufficient reason for authorizing an agent to make the return. If by reason of illness, absence or nonresidence, a return is made by an agent, the return must be ratified by the donor or other person liable for its filing within a reasonable time after such person becomes able to do so. If the return filed by the agent is not so ratified, it will not be considered the return required by the statute. Supplemental data may be submitted at the time of ratification. The ratification may be in the form of a statement, executed under the penalties of perjury and filed with the internal revenue officer with whom the return was filed, showing specifically that the return made by the agent has been carefully examined and that the person signing ratifies the return as the donor's. If a return is signed by an agent, a statement fully explaining the inability of the donor must accompany the return.

PAR. 19. Paragraph (b) of § 25.6019–3 is amended to read as follows:

§ 25.6019–3 Contents of return.

* * * * *

(b) *Disclosure of transfers coming within provisions of section 2516.* Section 2516 provides that certain transfers of property pursuant to written property settlements between husband and wife are deemed to be transfers for full and adequate consideration in money or money's worth if divorce occurs within 2 years. In any case where a husband and wife enter into a written agreement of the type contemplated by section 2516, and the final decree of divorce is not granted on or before the due date for the filing of a gift tax return for the calendar year in which the agreement became effective (see § 25.6075–1), the transfer shall be disclosed by the transferor upon a gift tax return filed for the calendar year in which the agreement became effective and a copy of the agreement shall be attached to the return. In addition, a certified copy of the final divorce decree shall be furnished the internal revenue officer with whom the return was filed not later than 60 days after the divorce is granted. Pending receipt of evidence that the final decree of divorce has been granted (but in no event for a period of more than 2 years from the effective date of the agreement), the transfer will tentatively be treated as made for a full and adequate consideration in money or money's worth.

PAR. 20. Section 25.6075–1 is amended to read as follows:

§ 25.6075–1 Returns; time for filing gift tax returns.

The gift tax return required by section 6019 must be filed on or before the due date. The due date is the date on or before which the return is required to be filed in accordance with the provisions of section 6075(b) or the last day of the period covered by an extension of time granted, as provided in § 25.6081–1. Unless an extension of time has been granted, the due date is the 15th day of April following the close of the calendar year in which gifts were made. When the due date falls on Saturday, Sunday, or a legal holiday, the due date for filing the return is the next succeeding day which is not Saturday, Sunday, or a legal holiday. For definition of a legal holiday, see section 7503 and § 301.7503–1 of this chapter (Regulations on Procedure and Administration). As to additions to the tax for failure to file the return within the prescribed time, see section 6651 and § 301.6651–1 of this chapter (Regulations on Procedure and Administration).

PAR. 21. Section 25.6081–1 is amended to read as follows:

§ 25.6081–1 Extension of time for filing returns.

It is important that the donor file on or before the due date a return as nearly complete and final as it is possible for him to prepare. However, the district director or director of the service center is authorized to grant a reasonable extension of time for filing returns. Applications for extensions of time for filing gift tax returns must contain a full recital of the causes for delay. Except as provided in paragraph (b) of § 301.6091–1 (relating to hand-carried documents), such application shall be made to the internal revenue officer with whom such return is required to be filed. Except in the case of donors who are abroad, no extension for filing gift tax returns may be granted for more than 6 months. An extension of time for filing a return does not operate to extend the time for payment of the tax or any part thereof, unless so specified in the extension. For extensions of time for payment of tax, see § 25.6161–1. No extension of time for filing a return may be granted unless the application is received by such internal revenue officer before the expiration of the time within which the return must otherwise be filed. The application should, when possible, be made sufficiently early to permit the internal revenue officer to consider the matter and reply before what otherwise would be the due date of the return.

PAR. 22. Section 25.6091 is amended by revising section 6091(b) and adding a historical note to read as follows:

§ 25.6091 Statutory provisions; place for filing returns or other documents.

SEC. 6091. *Place for filing returns or other documents*— * * *

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter

(1) *Persons other than corporations*—(A) *General rule.* Except as provided in subparagraph (B), a return (other than a corporation return) shall be made to the Secretary or his delegate—

(i) In the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or

(ii) At a service center serving the internal revenue district referred to in clause (i),

as the Secretary or his delegate may by regulations designate.

(B) *Exception.* Returns of—

(i) Persons who have no legal residence or principal place of business in any internal revenue district,

(ii) Citizens of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States,

(iii) Persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 931 (relating to income from sources within possessions of the United States), or section 933 (relating to income from sources within Puerto Rico), and

(iv) Nonresident alien persons,

shall be made at such place as the Secretary or his delegate may by regulations designate.

* * * * *

(4) *Hand-carried returns.* Notwithstanding paragraph (1) * * * a return to which paragraph (1)(A) * * * would apply, but for this paragraph, which is made to the Secretary or his delegate by hand carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph (1)(A)(i) * * *.

(5) *Exceptional cases.* Notwithstanding paragraph (1) * * * or (4) of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

[Sec. 6091 as amended by sec. 1(a), Act of Nov. 2, 1966 (Public Law 89–713, 80 Stat. 1107)]

PAR. 23. Section 25.6091–1 is amended to read as follows:

§ 25.6091–1 Place for filing returns and other documents.

(a) *Returns filed with district director or Director of International Operations.* If the donor is a resident of the United States, the gift tax return required by section 6091 shall be filed with the district director for the district in which the legal residence or principal place of business of the donor is located. If the donor is a nonresident (whether or not a citizen), and his principal place of business is located in an internal revenue district, the gift tax return shall be filed with the district director for the internal revenue district in which the donor's principal place of business is located. If the donor is a nonresident (whether or not a citizen), and he does not have a principal place of business which is located in an internal revenue district, the gift tax return shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225, or with such other official as may be designated by instructions applicable to the return.

(b) *Returns filed with service centers.* Notwithstanding paragraph (a) of this section, unless a return is filed by hand-carrying, whenever instructions applicable to gift tax returns provide that the returns be filed with a service center, the returns must be so filed in accordance with the instructions. Returns which are filed by hand carrying shall be filed with the district director in accordance with paragraph (a) of this section.

PAR. 24. Section 25.6151 is amended by revising section 6151(a) and adding a historical note to read as follows:

§ 25.6151 Statutory provisions; time and place for paying tax shown on return.

SEC. 6151. *Time and place for paying tax shown on returns*—(a) *General rule.* Except as otherwise provided in this section, when a return of tax is required under this title or regulations, the person required to make such return shall, without assessment or notice and demand from the Secretary or his delegate, pay such tax to the principal internal revenue officer for the internal revenue district in which the return is required to be filed, and shall pay such tax at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return).

* * * * *

[Sec. 6151 as amended by sec. 1(b), Act of Nov. 2, 1966 (Public Law 89–713, 80 Stat. 1108)]

PAR. 25. Paragraph (c) of § 25.6161–1 is amended to read as follows:

§ 25.6161–1 Extension of time for paying tax or deficiency.

* * * * *

(c) *Application for extension.* An application for an extension of the time for payment of the tax shown on the return, or for the payment of any amount determined as a deficiency, shall be in writing and shall be accompanied by evidence showing the undue hardship that would result to the donor if the extension were refused. The application shall also be accompanied by a statement of the assets and liabilities of the donor and an itemized statement showing all receipts and disbursements for each of the 3 months immediately preceding the due date of the amount to which the application relates. The application with supporting documents, must be filed with the applicable district director referred to in paragraph (a) of § 25.6091–1 regardless of whether the return is to be filed with, or the tax is to be paid to, such district director on or before the date prescribed for payment of the amount with respect to which the extension is desired. The application will be examined by the district director and within 30 days, if possible, will be denied, granted, or tentatively granted subject to certain conditions of which the donor will be notified. If an additional extension is desired, the request therefor must be made to the district director on or before the expiration of the period for which the prior extension is granted.

* * * * *

SUBCHAPTER C—EMPLOYMENT TAXES

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

PAR. 26. Paragraph (b)(3) of § 31.3121(k)–1 is amended to read as follows:

§ 31.3121(k)–1—Waiver of exemption from taxes.

* * * * *

(b) *Execution and amendment of certificate.* * * *

(3) *Where to file certificate or amendment.* The certificate on Form SS–15 and accompanying list on Form SS–15a of an organization which is required to make a return on Form 941 pursuant to § 31.6011(a)–1 or § 31.6011(a)–4 shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–15 and Form SS–15a. The Form SS–15 and Form SS–15a of any other organization shall be filed in accordance with the provisions of § 31.6091–1 which are otherwise applicable to returns. Each Form SS–15a Supplement shall be filed with the internal revenue officer with whom the related Forms SS–15 and SS–15a were filed.

* * * * *

PAR. 27. Paragraph (a) of § 31.3504–1 is amended to read as follows:

§ 31.3504–1 Acts to be performed by agents.

(a) *In general.* In the event wages as defined in chapter 21 or 24 of the Internal Revenue Code of 1954, or compensation as defined in chapter 22 of such Code, of an employee or group of employees, employed by one or more employers, is paid by a fiduciary, agent, or other person, or if such fiduciary, agent, or other person has the control, receipt, custody, or disposal of such wages or compensation, the district director, or director of a service center, may, subject to such terms and conditions as he deems proper, authorize such fiduciary, agent, or other person to perform such acts as are required of such employer or employers under those provisions of the Internal Revenue Code of 1954 and the regulations thereunder which have application, for purposes of the taxes imposed by such chapter or chapters, in respect of such wages or compensation. If the fiduciary, agent, or other person is authorized by the district director, or director of a service center, to perform such acts, all provisions of law (including penalties) and of the regulations prescribed in pursuance of law applicable to employers in respect of such acts shall be applicable to such fiduciary, agent, or other person. However, each employer for whom such fiduciary, agent, or other person performs such acts shall remain subject to all provisions of law (including penalties) and of the regulations prescribed in pursuance of law applicable to an employer in respect of such acts. Any application for authorization to perform such acts, signed by such fiduciary, agent, or other person, shall be filed with the district director, or director of a service center, with whom the fiduciary, agent, or other person will, upon approval of such application, file returns in accordance with such authorization.

* * * * *

PAR. 28. Subdivision (iii) of paragraph (a)(1) of § 31.6011(b)–1 is amended to read as follows:

§ 31.6011(b)–1 Employers' identification numbers.

(a) *Requirement of application*—(1) *In general.* * * *

(iii) *Method of application.* The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center or any district office of the Social Security Administration. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4, or with the nearest district office of the Social Security Administration. The application shall be signed by (*a*) the individual, if the employer is an individual; (*b*) the president, vice president, or other principal officer, if the employer is a corporation; (*c*) a responsible and duly authorized member or officer having knowledge of its affairs, if the employer is a partnership or other unincorporated organization; or (*d*) the fiduciary, if the employer is a trust or estate. An identification number will be assigned to the employer in due course upon the basis of the information reported on the application required under this section.

* * * * *

PART 36—CONTRACT COVERAGE

PAR. 29. Paragraph (a) of § 36.3121(l)–0 is amended to read as follows:

§ 36.3121(l)–0 Introduction.

(a) The regulations in this part deal with the circumstances under which a

domestic corporation may enter into an agreement with the Internal Revenue Service for the purpose of extending the insurance system established by title II of the Social Security Act to certain services performed outside the United States by citizens of the United States as employees of a foreign subsidiary of the domestic corporation, and with the obligations of a domestic corporation which enters into such an agreement. The provisions of the Internal Revenue Code of 1954, as amended, to which the regulations in this part pertain are contained in section 3121(l). The liabilities assumed under an agreement entered into pursuant to such section are based on the remuneration for services covered by the agreement. Such agreement may not be effective prior to January 1, 1955.

* * * * *

PAR. 30. Paragraphs (a)(1), (b)(3), and (c) of § 36.3121(l)(1)–1 are amended to read as follows:

§ 36.3121(l)(1)–1 Agreements entered into by domestic corporations with respect to foreign subsidiaries.

(a) *In general.* (1) Any domestic corporation having one or more foreign subsidiaries may request the Internal Revenue Service to enter into an agreement for the purpose of extending the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act to certain services performed outside the United States by all citizens of the United States who are employees of any such foreign subsidiary. See § 36.3121(l)(8)–1, relating to the definition of foreign subsidiary. Except as provided in § 36.3121(l)(5)–1, relating to the effect of the termination of an agreement entered into pursuant to the provisions of section 3121(l), the Internal Revenue Service shall, at the request of a domestic corporation enter into such agreement on Form 2032 in any case where a Form 2032 is executed, and submitted by the domestic corporation in the manner prescribed in this section. A domestic corporation may not have in effect at the same moment of time more than one agreement on Form 2032.

* * * * *

(b) *Form and contents of agreement.* * * *

(3) That the agreement shall become effective on the first day of the calendar quarter in which the Form 2032 is signed by the district director or director of the service center or on the first day of the next succeeding calendar quarter, whichever is specified in the agreement;

* * * * *

(c) *Execution and filing of Form 2032.* The request of any domestic corporation that the Internal Revenue Service enter into an agreement with the corporation on Form 2032 shall be signified by the corporation by executing and filing Form 2032 in triplicate. Such form shall be executed and filed in accordance with the regulations in this part and the instructions relating to the form. Each copy of the form shall be signed and dated by the officer of the corporation authorized to enter into the agreement, shall show the title of such officer, and shall have the corporate seal affixed thereto. A certified copy of the minutes of the meeting of the board of directors of the domestic corporation, or other evidence, showing the authority of such officer so to act shall accompany the form. Form 2032 executed and filed as provided in this paragraph shall be signed and dated by the district director or director of the service center and, upon such signing, the Form 2032 so executed and filed will constitute the agreement authorized in section 3121(l)(1). The Internal Revenue Service will return one copy of the agreement to the domestic corporation, will transmit one copy to the Department of Health, Education, and Welfare, and will retain one copy (together with all related papers).

PAR. 31. Paragraphs (c) and (d) of § 36.3121(l)(1)–2 are amended to read as follows:

§ 36.3121(l)(1)–2 Amendment of agreement.

* * * * *

(c) A domestic corporation shall signify its desire to amend an agreement entered into by the corporation as provided in § 36.3121(l)(1)–1 by executing and Filing Form 2032 Supplement in triplicate.

(d) Form 2032 Supplement shall be executed and filed in the manner and in conformity with the requirements prescribed in the instructions relating to such form and in § 36.3121(l)(1)–1(c) in respect of an agreement on Form 2032. Form 2032 Supplement executed and filed as provided in this paragraph shall be signed and dated by the district director or director of the sevice center, and, upon such signing, the Form 2032 Supplement so executed and filed will constitute an amendment of the agreement entered into on Form 2032. The Internal Revenue Service will return one copy of the amendment to the domestic corporation, will transmit one copy to the Department of Health, Education, and Welfare, and will retain one copy (together with all related papers).

PAR. 32. Section 36.3121(l)(2)–1 is amended to read as follows:

§ 36.3121(l)(2)–1 Effective period of agreement.

(a) *In general.* An agreement ntered into as provided in § 36.3121(l)(1)–1 shall be in effect for the period beginning with the first day of the calendar quarter in which the agreement is signed by the district director or director of the service center, or the first day of the calendar quarter following the calendar quarter in which the agreement is signed by the district director or director of the service center, whichever is specified in the agreement. In no case, however, shall the agreement be effective for any calendar quarter which begins prior to January 1, 1955.

(b) *Amendment of agreement.* If an amendment on Form 2032 Supplement (filed by a domestic corporation to include in its agreement services performed for a foreign subsidiary not previously named therein) is signed by the district director or director of the service center, within the quarter for which the agreement is first effective or within the first calendar month following such quarter, the agreement shall be effective with respect to the subsidiary named in the amendment as of the date such agreement first became effective. However, if the amendment is signed by the district director or director of the service center after the last day of the fourth month for which the agreement is in effect, such agreement shall be in effect with respect to the subsidiary named in the amendment for the period beginning with the first day of the calendar quarter following the calendar quarter in which the amendment is signed by the district director or director of the service center.

PAR. 33. Paragraphs (a) and (b)(2) of § 36.3121(l)(3)–1 are amended to read as follows:

§ 36.3121(l)(3)–1 Termination of agreement by domestic corporation or by reason of change in stock ownership.

(a) *Termination by domestic corporation.* (1) A domestic corporation which has entered into an agreement under section 3121(l)(1) with respect to one or more of its foreign subsidiaries may terminate such agreement in part or in its entirety by giving (for calendar quarters beginning before 1969, to the district director for the internal revenue district in which is located the principal place of business in the United States of the domestic corporation; and for calendar quarters beginning after 1968, except as provided in paragraph (b) of § 301.6091–1 (relating to hand-carried documents) to the director of the service center serving such internal revenue district) 2 years' advance notice in writing of its desire so to terminate the agreement at the end of a specified calendar quarter: *Provided*, That, at the time of the receipt of such notice by such internal revenue officer, the agreement has been in effect with respect to the subsidiary or subsidiaries covered by the notice for at least 8 years. The notice of termination shall be signed and dated and shall show (i) the title of the officer authorized to sign the notice, (ii) the name, address, and identification number of the domestic corporation, (iii) the internal revenue officer with whom the agreement was entered into, (iv) the name and address of each foreign subsidiary with respect to which the agreement is to be terminated, (v) the date on which the agreement became effective with respect to each such foreign subsidiary, and (vi) the date on which the agreement is to be terminated with respect to each such foreign subsidiary. The notice shall be submitted in duplicate and shall be accompanied by a certified copy of the minutes of the meeting of the board of directors of the domestic corporation, or other evidence, showing authorization for the notice of termination. No particular form is prescribed for the notice of

termination. The Internal Revenue Service will transmit one copy of the notice of termination to the Department of Health, Education, and Welfare.

(2) A notice of termination given by a domestic corporation in respect of any one or more of its foreign subsidiaries may be revoked by the corporation with respect to any such subsidiary or subsidiaries by giving, prior to the close of the calendar quarter specified in the notice of termination, written notice of revocation. The notice of revocation shall be filed with the internal revenue officer with whom the notice of termination was filed. Such notice of revocation shall be signed and dated and shall show (i) the title of the officer authorized to sign the notice of revocation, (ii) the name, address, and identification number of the domestic corporation, (iii) the name and address of each foreign subsidiary with respect to which the notice of termination is revoked, and (iv) the date of the notice of termination to be revoked. The notice shall be submitted in duplicate and shall be accompanied by a certified copy of the minutes of the meeting of the board of directors of the domestic corporation, or other evidence, showing authorization for the notice of revocation. No particular form is prescribed for the notice of revocation. The Internal Revenue Service will transmit one copy of the notice of revocation to the Department of Health, Education, and Welfare.

(b) *Termination by reason of change in stock ownership.* * * *

(2) A domestic corporation which has entered into an agreement as provided in § 36.3121(l)(1)–1 shall furnish (for calendar quarters beginning before 1969, to the district director for the internal revenue district in which is located its principal place of business in the United States; and for calendar quarters beginning after 1968, except as provided in paragraph (b) of § 301.6091–1 (relating to hand-carried documents) to the director of the service center serving such internal revenue district) written notification in the event that a foreign corporation named in the agreement, including any amendment thereof, as a foreign subsidiary of the domestic corporation ceases to be its foreign subsidiary. The written notification shall be furnished in duplicate on or before the last day of the first month following the close of the calendar quarter in which the foreign corporation ceases, at any time in such quarter, to be a foreign subsidiary of the domestic corporation. Such notification shall be signed and dated by the president or other principal officer of the domestic corporation. The written notification shall show (i) the title of the officer signing the notice, (ii) the name, address, and identification number of the domestic corporation, (iii) the internal revenue officer with whom the agreement was entered into, (iv) the date on which the agreement was entered into, (v) the name and address of the foreign corporation with respect to which the notification is furnished, and (vi) the date on which the foreign corporation ceased to be a foreign subsidiary of the domestic corporation. No particular form is prescribed for the written notification. The Internal Revenue Service will transmit one copy of the written notification to the Department of Health, Education, and Welfare.

PAR. 34. Section 36.3121(l)(7)–1 is amended by revising subparagraphs (1), (2), and (3)(ii) of paragraph (a) and by revising subdivisions (i) and (iii) of paragraph (b)(2). The revised provisions read as follows:

§ 36.3121(l)(7)–1 Overpayments and underpayments.

(a) *Adjustments*—(1) *In general.* Errors in the payment of amounts for which liability equivalent to the employee and employer taxes with respect to any payment of remuneration is incurred by a domestic corporation pursuant to its agreement are adjustable by the domestic corporation in certain cases without interest. However, not all corrections made under this section constitute adjustments within the meaning of the regulations in this part. The various situations in which such corrections constitute adjustments are set forth in subparagraphs (2) and (3) of this paragraph. All corrections in respect of underpayments and all adjustments or credits in respect of overpayments made under this section must be reported on a return filed by the domestic corporation under the regulations in this part and not on a return filed with respect to the employee and employer taxes imposed by sections 3101 and 3111, respectively. Every return on which such a correction (by adjustment, credit, or otherwise) is reported pursuant to this section must have securely attached as a part thereof a statement explaining the error in respect of which the correction is made, designating the calendar quarter in which the error was ascertained, and setting forth such other information as would be required if the correction were in respect of an overpayment or underpayment of taxes under the Federal Insurance Contributions Act. An error is ascertained when the domestic corporation has sufficient knowledge of the error to be able to correct it. An underpayment may not be corrected under this section after receipt from the district director or director of the service center of written notification of the amount due and demand for payment thereof, but the amount shall be paid in accordance with such notification.

(2) *Underpayments.* If a domestic corporation fails to report, on a return filed under the regulations in this part, all or any part of the amount for which liability equivalent to the employee and employer taxes is incurred under its agreement with respect to any payment of remuneration, the domestic corporation shall adjust the underpayment by reporting the additional amount due as an adjustment on a return or supplemental return filed on or before the last day on which the return for the return period in which the error is ascertained is required to be filed. The amount of each underpayment adjusted in accordance with this subparagraph shall be paid, without interest, at the time fixed for reporting the adjustment. If an adjustment is reported pursuant to this subparagraph but the amount thereof is not paid when due, interest thereafter accrues.

(3) *Overpayments.* * * *

(ii) A correction may not be made in one calendar year in respect of any part of an overpayment which was collected from an individual in a prior calendar year unless the domestic corporation has secured the written statement of the individual showing that he has not claimed and will not claim refund or credit of the amount so collected, and retains such receipt as a part of its records. See § 31.6413(c)–1 of this chapter, relating to claims for special credit or refund.

The correction constitutes an adjustment under this subparagraph only if it is reported on the return for the period in which the error is ascertained or on the return for the next following period, and then only if the correction is reported within the statutory period of limitation upon refund or credit of overpayments of amounts due under the agreement. See paragraph (b)(2)(iii) of this section relating to such statutory period. A claim for credit or refund may be filed in accordance with the provisions of paragraph (b)(2) of this section for any overpayment of an amount due under the agreement which is not adjusted under this subparagraph.

(b) *Errors not adjustable.* * * *

(2) *Overpayments.* (i) If more than the correct amount due from a domestic corporation pursuant to its agreement (including the amount of any interest or addition) is paid and the amount of the overpayment is not adjusted under paragraph (a)(3) of this section, the domestic corporation may file a claim for refund or credit. Except as otherwise provided in this subparagraph, such claim shall be made in the same manner and subject to the same conditions as to allowance of the claim as would be the case if the claim were in respect of an overpayment of taxes under the Federal Insurance Contributions Act. Refund or credit of an amount erroneously paid by a domestic corporation under its agreement may be allowed only to the domestic corporation.

* * * * *

(iii) No refund or credit of an overpayment of the amount due from a domestic corporation under its agreement will be allowed after the expiration of 2 years after the date of payment of such overpayment, except upon one or more of the grounds set forth in a claim filed prior to the expiration of such 2-year period.

* * * * *

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

PART 41—EXCISE TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

PAR. 35. Paragraph (a)(1) of § 41.6109–1 is amended to read as follows:

§ 41.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person in whose name a highway motor vehicle is registered at a time, after September 30, 1962, when a taxable use of such vehicle occurs, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

* * * * *

PART 45—MISCELLANEOUS STAMP TAXES

PAR. 36. Paragraph (a)(1) of § 45.6109–1 is amended to read as follows:

§ 45.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, performs any act with respect to which a tax is imposed by section 4461, 4471, 4821, or 4841, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

* * * * *

PART 46—REGULATIONS RELATING TO MISCELLANEOUS EXCISE TAXES PAYABLE BY RETURN

PAR. 37. Paragraph (a)(1) of § 46.6109–1 is amended to read as follows:

§ 46.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, performs any manufacturing or processing operation with respect to which a tax is imposed by section 4501(a) or 4511, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other prinicpal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

* * * * *

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

PAR. 38. Paragraph (a)(1) of § 48.6109–1 is amended to read as follows:

§ 48.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, makes a sale of an article with respect to which a tax is imposed by chapter 31 or 32 of the Code, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

* * * * *

PART 49—FACILITIES AND SERVICES EXCISE TAXES

PAR. 39. Paragraph (a)(1) of § 49.6109–1 is amended to read as follows:

§ 49.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at anytime after September 30, 1962, receives a payment for a facility or service with respect to which a tax is imposed by chapter 33 of the Code, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

* * * * *

PART 147—TEMPORARY REGULATIONS UNDER THE INTEREST EQUALIZATION TAX ACT

PAR. 40. That part of paragraph (b) of § 147.1–1 which precedes subparagraph (1) is amended to read as follows:

§ 147.1–1 Credit or refund in case of insurance companies.

* * * * *

(b) *Credit or refund for overpayment of tax.* If an insurance company is entitled to a credit or refund (without interest) for overpayment of tax in 1964 or in any subsequent calendar year under paragraph (a) of this section, the company may, in accordance with the applicable provisions of § 301.6402–2 of this chapter (Regulations on Procedure and Administration), file a claim for refund on Form 843 or claim credit for such overpayment on any return made on Form 3780 after the close of such calendar year. Each claim for credit or refund must be accompanied by a statement which shall include the following information:

* * * * *

PAR. 41. Paragraph (c) (1) of § 147.2–1 is amended to read as follows:

§ 147.2–1 Credit or refund in case of direct investments.

* * * * *

(c) *Refund or credit for overpayment*—(1) *Filing of claim.* A claim for refund or credit (without interest) for an overpayment of tax under paragraph (b) of this section shall be made in accordance with the applicable provisions of § 301.6402–2 of this chapter (Regulations on Procedure and Administration). The taxpayer may file a claim for refund on Form 843 or claim credit for the amount on a return on Form 3780. Each claim of credit or refund must be accompanied by a statement setting forth the applicable information required by subparagraph (2) of this paragraph.

* * * * *

PAR. 42. Paragraph (c) (4) of § 147.4–1 is amended to read as follows:

§ 147.4–1 Exclusion for original or new issues where required for international monetary stability.

* * * * *

(c) *Notice of acquisition of Canadian issues.* * * *

(4) *Extensions of time.* Extensions of time within which a notice of acquisition must be filed will be granted for good cause. Except as provided in paragraph (b) of § 301.6091–1 (relating to hand-carried documents) the request for extension of time shall be made to the internal revenue officer (including the Director of International Operations, Washington, D.C. 20225) with whom the acquiring U.S. person files his income tax return.

* * * * *

PAR. 43. Paragraph (b) (1) of § 147.6–1 is amended to read as follows:

§ 147.6–1 Credit or refund in case of sales by underwriters and dealers to foreign persons.

* * * * *

(b) *Refund or credit for overpayment*—(1) *In general.* A claim for refund or credit for an overpayment of tax under paragraph (a) of this section shall be made in accordance with the applicable provisions of § 301.6402–2 of this chapter (Regulations on Procedure and Administration). The taxpayer may file a claim for refund on Form 843 or claim credit for the amount on a return on Form 3780. Each claim for credit or refund must be accompanied by a statement setting forth the applicable information required by paragraph (d) of this section.

* * * * *

PAR. 44. Paragraph (d) of § 147.8–1 is amended to read as follows:

§ 147.8–1 Interest equalization quarterly tax return.

* * * * *

(d) *Place for filing returns.* The return under paragraph (a) of this section shall be filed with the internal revenue officer designated in instructions applicable to such return.

PAR. 45. Paragraph (b) of § 147.8–3 is amended to read as follows:

§ 147.8–3 Reporting requirements for members of exchanges and associations.

* * * * *

(b) *Time and manner of filing information return.* The information referred to in paragraph (a) of this section shall be furnished on return Form 3845, Brokers' Quarterly Information Return. Each such return shall contain all of the information required by such form and the accompanying instructions. Form 3845 shall be filed with the internal revenue officer designated in instructions applicable to Form 3845. Form 3845 shall be filed on or before the last day of the month following the close of each calendar quarter beginning on or after July 1, 1964.

PART 151—REGULATORY TAXES ON NARCOTIC DRUGS

PAR. 46. Paragraph (c) of § 151.30 is amended to read as follows:

§ 151.30 Employer identification numbers.

* * * * *

(c) The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of a service center. The application on Form SS–4 shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be filed on or before the seventh day after the first date, after September 30, 1962, on which occurs any act with respect to which a tax is imposed by section 4721. The application shall be signed by (1) the individual, if the person is an individual; (2) the president, vice president, or other principal officer if the person is a corporation; (3) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (4) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of the information reported on the application required under this section.

* * * * *

PART 152—REGULATORY TAXES ON MARIHUANA

PAR. 47. Paragraph (c) of § 152.28 is amended to read as follows:

§ 152.28 Employer identification numbers.

* * * * *

(c) The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director or director of service center. The application on Form SS–4 shall be filed with the internal revenue officer designated in the instructions applicable to Form SS–4. The application shall be filed on or before the seventh day after the first date, after September 30, 1962, on which occurs any act with respect to which a tax is imposed by section 4751. The application shall be signed by (1) the individual, if the person is an individual; (2) the president, vice president, or other principal officer if the person is a corporation; (3) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (4) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of the information reported on the application required under this section.

* * * * *

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

PAR. 48. Section 301.6091–1 is amended by adding at the end thereof the following new paragraph:

§ 301.6091–1 Place for filing returns and other documents.

* * * * *

(c) *Definition of hand carried.* For purposes of this section and section 6091

(b)(4) and the regulations issued thereunder, a return or document will be considered to be hand carried if it is brought to the district director by the person required to file the return or other document, or by his agent. Examples of persons who will be considered to be agents, for purposes of the preceding sentence, are: Members of the taxpayer's family, an employee of the taxpayer, the taxpayer's attorney, accountant, or tax advisor, and messengers employed by the taxpayer. A return or document will not be considered to be hand carried if it is sent to the Internal Revenue Service through the U.S. Mail.

[F.R. Doc. 69-2936; Filed, Mar. 10, 1969; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 980]

ONIONS

Imports

Notice is hereby given of a proposed amendment of § 980.107 *Onion import regulation* (33 F.R. 11642), applicable to the importation of onions into the United States to become effective March 24, 1969, under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Under section 8e-1 of the act (7 U.S.C. 608e-1), whenever two or more marketing orders are concurrently in effect regulating the same agricultural commodity produced in different areas of the United States, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

Onion import regulation § 980.107 (33 F.R. 11642), became effective August 19, 1968, and set forth the applicable grade, size, quality, and maturity requirements for onions handled under Marketing Order No. 958, as amended (7 CFR Part 958) regulating the shipments of onions grown in designated counties in Idaho and eastern Oregon. On March 1, 1969 (33 F.R. 17309), grade, size, quality, and maturity requirements became effective for the period March 1 through June 15, 1969, under Marketing Order No. 959, as amended (7 CFR Part 959), regulating the handling of onions grown in south Texas.

Consideration will be given to any written data, views, or arguments pertaining to the proposed amendment which are filed in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment is as follows:

In § 980.107 *Onion import regulation* (33 F.R. 11642), delete the introductory paragraph and paragraphs (a) and (h) and substitute the following new introductory paragraph and new paragraphs (a), (h), and (i), with paragraph (b) republished for information:

§ 980.107 Onion import regulation.

Pursuant to section 608e-1 of the Act (7 U.S.C. 608e-1) and except as otherwise provided herein, during the period beginning March 24, 1969, and continuing through June 15, 1969, the importation of onions is prohibited unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *Grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applications of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(2) *Size.* White onions—1 inch minimum diameter; all other varieties of onions—1¾ inches minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the requirements of this section.

* * * * *

(h) It is hereby determined that imports of onions, during the effective time of this section, are in most direct competition with onions grown in South Texas. The requirements set forth in this section are the same as those applicable to grade, size, quality and maturity effective for onions grown in South Texas.

(i) *Definitions.* For the purpose of this section, "Onions" means all (except red) varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195—51.3209 of this title), U.S. Standards for Grades of Creole Onions (§§ 51.3955—51.3970 of this title) or in the U.S. Standards for Grades of Onions Other Than Bermuda-Granex-Grano and Creole Types (§§ 51.2830—51.2854 of this title), whichever is applicable to the particular variety. Tolerances for size shall be those in the applicable U.S. Standards. The requirements of Canada No. 1 grade are deemed comparable to the requirements of U.S. No. 1 grade. "Importation" means release from custody of the U.S. Bureau of Customs.

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

Dated: March 6, 1969.

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

[F.R. Doc. 69-2894; Filed, Mar. 10, 1969; 8:47 a.m.]

[7 CFR Parts 1070, 1078, 1079]

[Dockets Nos. AO-229-A21, AO-272-A16, AO-295-A18]

MILK IN CEDAR RAPIDS-IOWA CITY, NORTH CENTRAL IOWA, AND DES MOINES, IOWA, MARKETING AREAS

Termination of Proceedings on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a notice was issued on November 8, 1968 (33 F.R. 16570), giving notice of a public hearing to be held at the Roosevelt Hotel, 200 First Avenue Northeast, Cedar Rapids, Iowa, beginning at 9:30 a.m., local time, on December 3, 1968, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, marketing areas.

Notice was issued November 28, 1968 (33 F.R. 17661), that the said hearing was postponed until a date to be announced at a later time.

Proponents who submitted proposals for consideration at this public hearing have informed us that due to changed marketing conditions they do not wish to have such proposals considered at this time. Since proponents are not prepared to support their proposals at a hearing and no other persons have indicated an interest in the proposed amendments, it is hereby concluded that a public hearing as previously announced should not be held.

Accordingly, the aforesaid proceedings which were initiated by the notice of hearing issued November 8, 1968 (33 F.R. 16570), are hereby terminated.

If interested persons wish to have their proposals, in the present form or in a revised form, considered at a later date, such proposals should be resubmitted for consideration.

Signed at Washington, D.C., on March 6, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-2932; Filed, Mar. 10, 1969; 8:50 a.m.]

[7 CFR Part 1079]

[Docket No. AO-295-A19]

MILK IN DES MOINES, IOWA, MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Savery Hotel, Fourth and Locust Streets, Des Moines, Iowa, beginning at 9:30 a.m., local time, on March 18, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Des Moines, Iowa, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Mid-America Dairymen, Inc.:

Proposal No. 1. Revise § 1079.16 to read as follows:

§ 1079.16 Approved milk.

"Approved milk" means the skim milk and butterfat contained in milk received at an approved plant directly from an approved dairy farmer: *Provided,* That milk diverted under the conditions set forth in paragraphs (a), (b), and (c) of this section from an approved plant to a nonpool plant for the account of either the operator of the approved plant or a cooperative association shall also be approved milk and shall be deemed to have been received by the diverting handler at the plant to which diverted.

(a) A handler pursuant to § 1079.14 (b) may divert for its account without limit during the other days of the month the milk of any member producers whose milk is received at a pool distributing plant for at least one delivery during the month. The total quantity of milk so diverted may not exceed 50 percent in September through February and 100 percent in March through August of the larger of the following amounts: (1) The total quantity of its member approved milk received at all pool distributing plants during the current month, or (2) the average daily quantity of its member approved milk received at all pool distributing plants during the previous month multipled by the number of days in the current month.

(b) A handler in his capacity as the operator of a pool distributing plant may divert for his account the milk of any producer other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section whose milk is received at his pool distributing plant for at least one delivery during the month without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 50 percent in September through February and 100 percent in March through August of the larger of the following amounts: (1) The total quantity of approved milk received at such plant during the current month from producers who are not members of a cooperative association which has diverted milk pursuant to paragraph (a) of this section, or (2) the average daily quantity of approved milk received at such plant during the previous month multiplied by the number of days in the current month from producers who are not members of a cooperative association which has diverted milk in the current month pursuant to paragraph (a) of this section.

(c) Any milk so diverted by the operator of a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1079.14(b) in excess of the limits prescribed pursuant to paragraphs (a) and (b) of this section shall not be approved milk and if the diverting handler fails to designate the dairy farmers whose milk is not approved milk, then no milk diverted by such handler during the month shall be approved milk.

Proposal No. 2. a. In § 1079.50(b) eliminate the last sentence which provides a minus 10-cent location adjustment on the Class I price for plants located outside the base zone.

b. In § 1079.82 eliminate paragraph (b).

c. Delete all of § 1079.20 *Base zone.*

Proposal No. 3. Revise § 1079.52(a) to read as follows:

§ 1079.52 Location differentials to handlers.

(a) For approved milk received at an approved plant located outside the marketing area and 60 miles or more by the shortest hard-surfaced highway distance as measured by the market administrator from the city hall in Des Moines, Iowa, and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable the price specified in § 1079.50(b) shall be reduced by 10 cents plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 75 miles.

* * * * *

Proposal No. 4. Revise § 1079.82(a) to read as follows:

§ 1079.82 Location differentials to producers.

(a) The uniform price pursuant to § 1079.72 for approved milk received at a pool plant located outside the marketing area 60 miles or more from the city hall in Des Moines, Iowa, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced by 10 cents plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 75 miles.

* * * * *

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 5. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, E. H. McGuire, Watch Tower Plaza, 924 37th Avenue, Rock Island, Ill. 61201, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on March 6, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-2933; Filed, Mar. 10, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SO-17]

TRANSITION AREAS

Proposed Designation, Alteration, and Revocation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate, alter, and revoke controlled airspace in the State of Tennessee by designating the Tennessee transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

There are six small portions of uncontrolled airspace and two segments of controlled airspace having floors above 1,200 feet above the surface scattered throughout the State of Tennessee. These areas are either surrounded by Federal airways or 1,200-foot transition areas. Because of the increasing traffic volume and demand for air traffic control services, there is a need to include these areas within the proposed Tennessee transition area. Inclusion of these areas within the proposed transition area, along with the adjustment of the floors of existing transition areas designated above 1,200 feet above the surface, would incur no apparent derogation to VFR operations.

To simplify airspace descriptions, provide continuity of the floors of controlled airspace, and improve chart legibility, the following airspace actions are proposed:

1. Designate the Tennessee transition area as that airspace extending upward from 1,200 feet above the surface within the boundary of the State of Tennessee.

2. The Memphis, Paris, and Union City, Tenn., 1,200-foot transition areas would be altered by adding "* * * excluding the portion within the State of Tennessee * * *" to each present description.

3. The portions of the following transition areas with floors of 1,200 feet above the surface or above would be revoked:

Chattanooga, Tenn	Lexington, Tenn.
Dyersburg, Tenn.	Nashville, Tenn.
Jackson, Tenn.	Snowbird, Tenn.
Knoxville, Tenn.	Tri-City, Tenn.

Those portions of the transition areas considered herein for revocation that extend into Mississippi and Alabama would be replaced by the proposed Mississippi (ASD 69–SO–16) and Alabama (ASD 69–SO–15) transition areas to be published concurrently with this docket.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 28, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69–2887; Filed, Mar. 10, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–16]

TRANSITION AREAS

Proposed Designation, Alteration, and Revocation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate, alter, and revoke controlled airspace in the State of Mississippi and its coastal waters by designating the Mississippi transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

There are varying portions of uncontrolled airspace and one segment of controlled airspace having a floor of 2,500-feet MSL scattered throughout the State of Mississippi. These areas are either surrounded by Federal airways or 1,200-foot transition areas. Because of the increasing traffic volume and demand for air traffic control services, there is a need to include these areas within the proposed Mississippi transition area. Inclusion of these areas within the proposed transition area, along with the adjustment of the floor of the 2,500-foot MSL additional control area, would incur no apparent derogation to VFR operations.

To simplify airspace descriptions, provide continuity of the floors of controlled airspace, and improve chart legibility, the following airspace actions are proposed:

1. Designate the Mississippi transition area as that airspace extending upward from 1,200 feet above the surface within the boundary of the State of Mississippi, including that airspace 3 nautical miles from and parallel to the shoreline, beginning at the intersection of the Mississippi/Alabama State line, extending west along a line 3 nautical miles and parallel to the shoreline, to and southwest along the southeast boundary of V–22, to and south along long. 88°51'00" W. to lat. 30°07'20" N. (point of intersection of the Mississippi State line and long. 88°51'00" W.).

2. The Gulfport, Greenville, McComb, Natchez, and Vicksburg, Miss., 1,200-foot transition areas would be altered by adding "* * * excluding the portion within the State of Mississippi * * *" to each present description.

3. The portions of the following transition areas with floors of 1,200 feet above the surface would be revoked:

Columbus, Miss.	Louisville, Miss.
Greenwood, Miss.	Meridian, Miss. (Key Field).
Hattiesburg, Miss.	Tupelo, Miss.
Jackson, Miss.	Yazoo City, Miss.
Kosciusko, Miss.	

4. The Greenville, Miss., additional control area would be revoked.

The actions proposed herein will not alter the extent of designated offshore controlled airspace. Those portions of the transition areas considered herein for revocation that extend into Alabama and Tennessee would be replaced by the proposed Alabama (ASD 69–SO–15) and Tennessee (ASD 69–SO–17) transition areas to be published concurrently with this docket.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 28, 1969.

HENRY S. CHANDLER,
Acting Director, Southern Region.

[F.R. Doc. 69–2888; Filed, Mar. 10, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–15]

TRANSITION AREAS

Proposed Designation and Revocation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate and revoke controlled airspace in the State of Alabama and its coastal waters by designating the Alabama transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

There are six small portions of uncontrolled airspace and four segments of controlled airspace having floors above 1,200 feet AGL/MSL scattered throughout the State of Alabama. These areas are either surrounded by Federal airways or 1,200-foot transition areas.

Because of the increasing traffic volume and the demand for air traffic control services, there is a need to include these areas within the proposed Alabama transition area. Inclusion of these areas within the proposed transition area, along with the adjustment of the floors of existing transition areas and additional control areas designated above 1,200 feet AGL/MSL, would incur no apparent derogation to VFR operations.

To simplify airspace descriptions, provide continuity of the floors of controlled airspace, and improve chart legibility, the following airspace actions are proposed:

1. Designate the Alabama transition area as that airspace extending upward from 1,200 feet above the surface within the boundary of the State of Alabama including that airspace within 3 nautical miles from and parallel to the shoreline of Alabama, excluding the portions within R-2101, R-2103, and R-3002A.

2. The portions of the following transition areas with floors of 1,200 feet above the surface or above would be revoked:

Birmingham, Ala.	Monroeville, Ala.
Eufaula, Ala.	Montgomery, Ala.
Fort Rucker, Ala.	Muscle Shoals, Ala.
Gadsden, Ala.	Atlanta, Ga.
Huntsville, Ala.	Columbus, Ga.
Mobile, Ala.	Pensacola, Fla.

3. The Piedmont, Ala., and Langston, Ala., additional control areas would be revoked.

The actions proposed herein will not alter the extent of designated offshore controlled airspace. Those portions of the transition areas considered herein for revocation that extend into Tennessee and Mississippi would be replaced by the proposed Tennessee (ASD 69-SO-17) and Mississippi (ASD 69-SO-16) transition areas to be published concurrently with this docket.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 28, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-2889; Filed, Mar. 10, 1969; 8:46 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 69-WA-4]

JET ROUTES

Proposed Establishment

The Federal Aviation Administration (FAA) is considering amendments to Part 75 of the Federal Aviation Regulations that would exchange numbered identifiers between J-501 and J-502 between the United States/Canadian border and Seattle, Wash./Oakland, Calif., and would designate a VHF and a LF jet route between Annette Island, Alaska, and Sandspit, British Columbia, Canada.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

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

J-501 is presently aligned in part from Anchorage, Alaska, VORTAC via Johnstone Point, Alaska, VOR; Yakutat, Alaska, VORTAC; Biorka Island, Alaska, VORTAC; to Sandspit, British Columbia, Canada, VOR; and from Victoria, British Columbia, Canada, VOR to Seattle, Wash., VORTAC. HL-501 is presently aligned in part by the Canadian Department of Transport from Sandspit VOR via Malcolm Island, British Columbia, Canada, VOR to Victoria VOR. J-502 is presently aligned in part from Fairbanks, Alaska, VORTAC via Northway, Alaska, VOR; Burwash Landing, Yukon Territory, Canada, RR; Sisters Island, Alaska, VOR; Annette Island, Alaska, VOR; Malcolm Island VOR; Tofino, British Columbia, Canada, RBN; Neah Bay, Wash., RBN; Hoquiam, Wash., VORTAC; Medford, Oreg., VORTAC; Ukiah, Calif., VORTAC; INT of Ukiah VORTAC 172° T (154° M) and Oakland, Calif., VORTAC 305° T (288° M) radials; to Oakland VORTAC.

As presently aligned, HL-501 and HL-502 cross in Canadian territory at Malcolm Island, so that north of the crossing point J/HL-501 is to the west of J/HL-502, and south of the crossing point, J/HL-501 is to the east of J/HL-502. It is proposed herein to change the route identifier between Seattle and Victoria from J-501 to J-502. It is also proposed herein to change the route identifier between Tofino and Oakland from J-502 to J-501. The Canadian Department of Transport proposes to make corresponding alterations so that parallel routes will be provided with J/HL-502 to the east for Fairbanks traffic, and J/HL-501 to the west for Anchorage traffic.

The Canadian Department of Transport proposes designation of two jet routes and two HL airways between the Sandspit VOR/RR and the Annette Island VOR/RR, and has requested the FAA to take compatible action. In response to Canada's request, the FAA proposes designation of J-523 from Annette Island VOR to Sandspit VOR, and designation of J-525 from Annette Island RR to Sandspit RR. Such action would provide transition routes between J/HL-502 and J/HL-501 for both VHF and LF equipped aircraft.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 4, 1969.

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

[F.R. Doc. 69-2890; Filed, Mar. 10, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 12782; FCC 69-189]

COMPETITION AND RESPONSIBILITY IN NETWORK TELEVISION BROADCASTING

Order Extending Time for Filing Comments

In the matter of amendment of Part 73 of the Commission's rules and regulations with respect to competition and responsibility in network television broadcasting, docket No. 12782.

1. The Commission has before it Petition of National Broadcasting Co., Inc., and Columbia Broadcasting System, Inc., for Procedural Relief, requesting that the time for filing comments herein be extended to May 17, 1969, from March 17, 1969, and that time for filing reply comments and the date for oral argument be likewise extended.

2. On October 25, 1968, the Commission released its Order (FCC 68-1068) extending time herein for filing comments and information from November 16, 1968 to March 17, 1969, for reply comments to April 14, 1969, and scheduling oral argument for May 12, 1969. This was done on the representation by counsel for CBS and NBC that in order adequately to deal with the new developments in the industry relevant to the proposal which have occurred since the Commission's investigation and to consider the Westinghouse proposal regarding which the Commission asked for comment in its order of September 20, 1968, it is essential that an additional economic study be made of television program production, distribution and exhibition in order to provide information relevant to the present circumstances in that industry and to facilitate proper consideration of the Commission's proposal. NBC and CBS informed the Commission that they intended to employ the Arthur D. Little Co. (who had made an economic study of the industry to 1964, the report of which is a part of the record herein) to make such further study. It was anticipated that the supplemental Little Report would be available about the 15th of February and sufficient copies would

be made available to all those who wished to further comment in the proceeding. Relying on these representations the Commission granted the extension above referred to. The networks immediately concluded their arrangements with Arthur D. Little, Inc. We are now informed by NBC and CBS in their petition and in a letter to Counsel from Arthur D. Little, Inc., dated February 15, 1969, that due to circumstances not subject to the control of NBC and CBS or Little and, despite due diligence, it will not be possible to complete the supplementary study and present it in a satisfactory form in time to enable the filing of comments based thereon by March 17, 1969.

3. The present proceeding is unusual in many respects. It is highly complex and controversial, is the result of a protracted continuing inquiry and seeks to evaluate a volatile enterprise—television network broadcasting. This makes the need for current information of the kind being provided by the supplemental economic studies highly useful to commenters and the Commission adequately to consider the matter.

4. There is, of course, public interest in proceeding with this matter with all due speed. However, the need for detailed and adequate consideration of the various complex factors involved requires that the Commission proceed with due deliberation and on an informed basis as is reasonably feasible. We regret the apparent necessity of further postponing this matter. However, in the present circumstances we believe it is in the public interest to grant the request for additional time.

5. *Therefore, it is ordered,* That the time for filing comments and additional information in this proceeding be extended to May 17, 1969. It is understood that at or about April 17, 1969, upon completion, the supplemental report by the Arthur D. Little Co., will be filed with the Commission in sufficient copies to permit all interested persons to use the data contained in the report if they so choose in preparing their own comments. All persons, whether or not they have previously filed comments in this proceeding may file formal comments and submit relevant information with regard to the matter herein at or prior to May 17, 1969. The date for filing reply comments is extended to June 17, 1969. Oral argument will be held scheduled to begin at 10 a.m. on the 21st day of July 1969.

Adopted: February 28, 1969.

Released: March 5, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-2920; Filed, Mar. 10, 1969; 8:49 a.m.]

[1] Commissioners Wadsworth and H. Rex Lee concurring in the result; Commissioner Johnson dissenting.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

POLYPROPYLENE FILM FROM JAPAN

Antidumping Proceeding Notice

MARCH 4, 1969.

On January 8, 1969, information was received in proper form pursuant to §§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27) indicating a possibility that polypropylene film manufactured by Kokoku Rayon and Pulp Co., Tokyo, Japan, is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a), et seq.).

The information was submitted by W. R. Grace & Co., Cryovac Division, Duncan, S.C.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices for home consumption are higher than the prices of the merchandise sold for exportation to the United States.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-2935; Filed, Mar. 10, 1969; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-3357]

COLORADO

Notice of Proposed Classification of Public Lands for Multiple-Use Management

MARCH 3, 1969.

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, the lands described below were classified for multiple-use management by classification appearing in the FEDERAL REGISTER of March 26, 1968 date, at page 4998.

This classification segregated these lands from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the revised statutes (24 U.S.C. 1171). It has been determined from discussions with local officials and user groups that the land described below should be further segregated to protect public recreational values therein. Accordingly, publication of this notice has the effect of further segregating the described lands from all forms of appropriation under the public land laws including the U.S. mining laws (30 U.S.C. Ch. 2), and the mineral leasing laws.

2. The public lands are shown on a map on file in the Montrose District Office, Bureau of Land Management, Montrose, Colo. 81401 and in the Land Office, Bureau of Land Management, 15010 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

HINSDALE AND SAGUACHE COUNTIES

NEW MEXICO PRINCIPAL MEDIDIAN, COLORADO

Powderhorn Lakes Site

T. 45 N., R. 3 W.,
Sec. 23, lots 9 and 10.

Cochetopa Creek

T. 47 N., R. 2 E.,
Those lands within 300 feet of either side of Cochetopa Creek within Sec. 17.

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

E. I. ROWLAND,
State Director.

[F.R. Doc. 69-2892; Filed, Mar. 10, 1969; 8:47 a.m.]

[Colo. 2055]

COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MARCH 3, 1969.

Notice of an application Serial No. Colorado 2055, for withdrawal and reservation of lands was published as F.R. Doc. 67-7176 on pages 9113-9114 of the issue for June 27, 1967. The applicant agency has canceled the application in its entirety. Therefore, pursuant to the regulations contained in 43 CFR Part 2310, the lands will be at 10 a.m. on April 8, 1969, relieved of the segregative effect of the above-mentioned application.

J. ELLIOTT HALL,
Chief, Division Lands and Minerals Program Management and Land Office Manager.

[F.R. Doc. 69-2895; Filed, Mar. 10, 1969; 8:47 a.m.]

[Serial No. N-1534, etc.]

NEVADA

Notice of Public Sale

MARCH 4, 1969.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, three parcels of land will be offered for sale to the highest bidder on Wednesday, April 16, 1969, at the Battle Mountain District Office, Bureau of Land Management, Second and Scott Streets, Battle Mountain, Nev. 89820. The lands are more particularly described below (all township and range references are to Mount Diablo Base and Meridian, Nevada):

Sale N-1534. T. 24 N., R. 41 E., Sec. 6, SE¼ NW¼. 40 acres. Appraised value: $360; estimated cost of publication: $6. Time of sale: 2 p.m.

Sale N-1701. T. 26 N., R. 43 E., Sec. 16, W½; Sec. 21, NW¼. 480 acres. Appraised value: $4,320; estimated cost of publication: $6. Time of sale: 2:30 p.m.

Sale N-2424. T. 25 N., R. 42 E., Sec. 27, NE¼. 160 acres. Appraised value: $1,440; estimated cost of publication: $6. Time of sale: 3 p.m.

The lands will be sold subject to all valid existing rights. Reservations will be made to the United States of rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) Any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or of any State thereof, authorized to hold title to real property in Nevada.

Bids must be for all the land in a parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if

received by the Battle Mountain District Office, Bureau of Land Management, Post Office Box 194, Battle Mountain, Nev. 89820, prior to 4 p.m., on Tuesday, April 15, 1969. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelopes must show the sale number and date of sale in the lower left-hand corner: "Public Sale Bid, Sale N-------, ------ p.m., April 16, 1969."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 4:30 p.m. of the day of the sale.

Any parcel not sold on Wednesday, April 16, 1969, shall be reoffered on the first Wednesday of subsequent months at 10 a.m., beginning May 7, 1969.

Any adverse claimants to the above described lands should file their claims, or objections, with the undersigned before the time designated for sale.

The lands described in this notice have been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502, or to the District Manager, Bureau of Land Management, Post Office Box 194, Battle Mountain, Nev. 89820.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 69-2876; Filed, Mar. 10, 1969; 8:45 a.m.]

[Serial No. N-2693]

NEVADA

Notice of Public Sale

MARCH 4, 1969.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 9 a.m., local time on Wednesday, April 16, 1969, at the Carson City District Office, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev. 89701. The land is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 16 N., R. 21 E.,
Sec. 29, W½SE¼NW¼SE¼, S½SW¼NW¼SE¼.

The area described contains 10 acres. The appraised value of the tract is $3,000 and the estimated publication costs to be assessed are $12.

The land will be sold subject to all valid existing rights. Reservations will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) Any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or any state thereof, authorized to hold title to real property in Nevada.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Carson City District Office, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev. 89701, prior to 4 p.m., on Tuesday, April 15, 1969. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelope must show the sale number and date of sale in the lower left-hand corner: "Public Sale Bid, Sale N-2693, April 16, 1969".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m., of the day of the sale.

If no bids are received for the sale tract on Wednesday, April 16, 1969, the tract will be reoffered on the first Wednesday of subsequent months at 9 a.m., beginning May 7, 1969.

Any adverse claimants to the above described land should file their claims, or objections, with the undersigned before the time designated for sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502, or to the District Manager, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev. 89701.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 69-2877; Filed, Mar. 10, 1969; 8:45 a.m.]

[New Mexico 929]

NEW MEXICO

Notice of Proposed Classification of Public Lands for Multiple-Use Management

MARCH 4, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands described below were classified for multiple-use management (32 F.R. 3894-3895) on March 9, 1967.

2. Publication of this notice has the effect of further segregating the lands described in paragraph 3 from all forms of appropriation under the public land laws, including the general mining, but not from the mineral leasing laws. As used herein "public lands" means any lands 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 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 Federal use or purpose.

3. The public lands located within the following described areas have high recreational values and are shown on maps designated SE-14 on file in the Roswell District Office, Bureau of Land Management, 1902 South Main Street, Roswell, N. Mex., and the New Mexico Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. The description of the area is as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 S., R. 30 E.,
Sec. 28, S½ and that part of S½N½ lying south of U.S. Highway 380;
Sec. 33.
T. 11 S., R. 30 E.,
Secs. 11, 12, 13, 14, 23, 24, 25, and 26;
Sec. 35, N½.
T. 11 S., R. 31 E.,
Sec. 7, lots 1, 2, 3, 4, and E½W½;
Sec. 19, lots 1, 2, 3, 4, and E½W½;
Sec. 30;
Sec. 31, E½.

The area described above aggregates 8,058.19 acres more or less.

4. Publication of this notice has the effect of further segregating the following described lands from all forms of appropriation under the public land laws, including the general mining and the mineral leasing laws and from issuance

of rights-of-way. The lands have unique recreational value and are in proximity to planned recreation improvements. The description of the lands is as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 S., R. 30 E.,
Sec. 26, SW¼ and that part of the S½NW¼ lying south of U.S. Highway 380;
Sec. 27, S½ and that part of the S½N½ lying south of U.S. Highway 380;
Secs. 34 and 35.
T. 11 S., R. 30 E.,
Sec. 1, lots 1, 2, 3, 4, and S½;
Sec. 35, S½.
T. 11 S., R. 31 E.,
Sec. 6, lots 3, 4, 5, 6, and E½SW¼;
Sec. 31, lots 1, 2, 3, 4, and E½W½.
T. 12 S., R. 30 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, and SW¼;
Secs. 11 and 12;
Sec. 13, E½;
Sec. 14, N½, N½S½, S½SW¼, and SW¼SE¼;
Sec. 23, SW¼NE¼, and S½NW¼;
Sec. 24, SW¼NE¼, and S½NW¼.
T. 12 S., R. 31 E.,
Sec. 6, lots 1, 2, 3, 4, 5, 7, S½NE¼, SE¼NW¼, SE¼SW¼, and S½SE¼;
Secs. 7 and 18;
Sec. 19, lot 2, SW¼NE¼, and SE¼NW¼.

The area described aggregates 7,735.31 acres, more or less.

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 amendment, may present their views in writing to the Roswell District Manager, Bureau of Land Management, Post Office Box 1397, Roswell, N. Mex. 88201.

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-2878; Filed, Mar. 10, 1969; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. S-462]

WARREN L. CURRIE

Notice of Loan Application

Warren L. Currie, 349 North 10th, Reedsport, Oreg., 97467, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 34.0-foot registered length wood vessel to engage in the fishery for salmon and tuna.

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

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-2896; Filed, Mar. 10, 1969; 8:47 a.m.]

[Docket No. G-424]

TIMOTHY P. MASON

Notice of Loan Application

Timothy P. Mason, 805 P Street, Brunswick, Ga. 31520, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 75-foot length over-all wood vessel to engage in the fishery for shrimp.

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

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-2897; Filed, Mar. 10, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the list (34 F.R. 2330) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (34 Stat. 1260, as amended by Public Law 90-201) and which use humane methods of slaughter and incidental handling of livestock is hereby amended as follows:

The reference to calves and sheep with respect to Clayton Packing Co., establishment 2373, is deleted. The reference to calves with respect to Prime Meat Products Co., establishment 6079, is deleted.

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

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
I. Kaplan, Inc.	102	(*)						
David Davies, Inc.	575-A	(*)						
Gustav B. Nissen & Son Packing Co.	2388	(*)						
DuQuoin Packing Co.	2599	(*)	(*)			(*)		
Redwood Meat Co.	6066	(*)	(*)	(*)		(*)		
Cuyamaca Meat Co.	6126	(*)						
New establishments reported: 6.								
Swift & Co.	3AE					(*)		
Sunnyland Packing Co. of Ala.	56		(*)					
Ferrara Meat Co., Inc.	134		(*)					
Solano Meat Co.	285		(*)					
City Custom Packing Co., Inc.	387		(*)					
Austin Community Livestock Processors Inc.	590		(*)	(*)	(*)			
Hillcrest Packing Co.	943		(*)					
Joe Doctorman & Son Packing Co., Inc.	949		(*)	(*)		(*)		
Fort Plain Packing Co., Inc.	5074		(*)					
Double A Meat Packing Inc.	5162			(*)				
Morris Mendel & Co.	5309			(*)	(*)	(*)		
Hohener Meat Co., Inc.	6011				(*)			
Mount Vernon Meat Co., Inc.	6039			(*)				
Species added: 19.								

Done at Washington, D.C., on March 3, 1969.

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

[F.R. Doc. 69-2934; Filed, Mar. 10, 1969; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report 25]

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 March 4, 1969. 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 (57 ships)	383,552
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
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 (16 ships)	89,334
Court Harwell	7,133
Dartford	2,739
Fortune Glory	5,832
*Golden Ocean	3,827
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
**Shun On (trip to North Vietnam under ex-name Pundua—British)	7,295
Shun Wah (previous trip to North Vietnam under ex-name Vircharmian—British)	7,265
*Shun Wing	6,987
Taipieng (tanker)	5,676
Tetrarch (previous trips to North Vietnam under ex-name Ardowan—British)	7,300
Cypriot (4 ships)	21,784
Acme	7,173
Amfithea	5,171
Antonia II	7,303
Marianthi	2,137
Somali (2 ships)	16,082
**Shun Tai (trip to North Vietnam—British)	7,085
*Yvonne	8,997
Greek (1 ship)	6,724
**Leonis (trip to North Vietnam under exname Shirley Christine—British	6,724
Panamanian (1 ship)	1,889
**Salamanca (trip to North Vietnam under ex-name, Milford—British)	1,889
Singapore (1 ship)	4,225
*Lucky Dragon	4,225

*Added to Rept. No. 24, appearing in the FEDERAL REGISTER issue of Feb. 4, 1969.

**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:

FLAG OF REGISTRY AND NAME OF SHIP	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, sunk, or wrecked.

FLAG OF REGISTRY	Gross tonnage
a. Since last report:	
Agenor (Cypriot)	7,139
Laurel (Cypriot)	7,297
Shienfoon (British)	7,127

b. Previous reports:	Broken up, Sunk, or wrecked
British	3
Cypriot	3
Greek	1
Lebanese	2
Maltese	1
Polish	1

Dated: March 5, 1969.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-2992; Filed, Mar. 10, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0808) has been filed by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing that § 120.183 *O,O-Diethyl S-2-(ethylthio) ethyl phosphorodithioate; tolerances for residues* (21 CFR 120.183) be amended by increasing the tolerance level for residues of the subject insecticide from 0.1 part per million to 0.75 part per million in or on the raw agricultural commodity sorghum grain.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic technique using a potassium chloride thermionic-emission flame detector after oxidation of the insecticide and its metabolites to the corresponding sulfone and oxygen analog sulfone.

Dated: March 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-2872; Filed, Mar. 10, 1969; 8:45 a.m.]

FULTS-SANKO

Notice of Withdrawal of Petition for Food Additives Polysorbate 60 and Sorbitan Monostearate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52) Fults-Sanko, Post Office Box 331, Tulare, Calif. 93274, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of August 1, 1968 (33 F.R. 10952), proposing the issuance of a regulation to provide for the safe use of polysorbate 60 (Polyoxyethylene (20) sorbitan monostearate) in combination with sorbitan monostearate as a wetting agent in steam flaking of grain intended for use in animal feeds.

Dated: March 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-2873; Filed, Mar. 10, 1969; 8:45 a.m.]

HOFFMANN-LA ROCHE, INC.

Notice of Filing of Petition for Food Additive Sulfadimethoxine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Hoffmann-La Roche, Inc., Nutley, N.J. 07110, proposing that § 121.311 *Sulfadimethoxine* (21 CFR 121.311) be amended to provide for the safe use of sulfadimethoxine in the drinking water of turkeys for the treatment of coccidiosis and fowl cholera.

Dated: March 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-2874; Filed, Mar. 10, 1969; 8:45 a.m.]

JOSEPH E. SEAGRAM & SONS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9A2395) has been filed by Joseph E. Seagram & Sons, Inc., 375 Park Avenue, New York, N.Y. 10022, proposing an amendment to § 121.1017 *Calcium disodium EDTA* (21 CFR 121.1017) to provide for the safe use of calcium disodium EDTA in distilled alcoholic beverages to promote stability of color, flavor, and/or product clarity.

Dated: March 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-2875; Filed, Mar. 10, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20777; Order 69-3-19]

TRANS WORLD AIRLINES, INC.

Order Granting Exemption During Strike Emergency

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of March 1969.

By telegraphic application on March 3, 1969, Trans World Airlines, Inc. (TWA), requests an exemption, during the emergency created by the current strike against American Airlines, Inc. (American), from Title IV of the Act, and the terms, limitations, and conditions of its certificate to the extent necessary to permit it to carry local passengers, freight, and mail between Detroit and Boston on its international flights.

We have been informally advised that United Air Lines, Inc., Mohawk Airlines, Inc., Allegheny Airlines, Inc., and American do not object to the relief requested by TWA.

We have decided to grant the requested exemption, so as to permit TWA to carry Detroit-Boston passengers on the one daily round trip it presently operates between Detroit/Boston and London. There is a need for service to replace American's Detroit-Boston service which has been temporarily interrupted by a strike. American is the sole carrier authorized to provide nonstop service in the Detroit-Boston market, and has regularly provided nonstop service for the substantial traffic which flows in this market. Moreover, the new authority requested by TWA is limited in extent. TWA is authorized to serve both Detroit and Boston, as coterminals on its international route, but has no authority to carry Detroit-Boston local passengers. TWA now seeks limited temporary authority to carry Detroit-Boston local traffic on international flights which will, in any event, be operated between Boston/Detroit and London.

We conclude that the enforcement of the provisions of Title IV, and the terms, limitations, and conditions of TWA's certificate of public convenience and necessity, to the extent that they would otherwise prevent the service authorized herein, would be an undue burden on TWA by reason of the limited extent of and unusual circumstances affecting its operations and is not in the public interest.

Accordingly, it is ordered, That:

1. Trans World Airlines, Inc., be and it hereby is exempted from Title IV of the Act and the terms, limitations, and conditions of its certificate of public convenience and necessity for route 147 to the extent necessary to permit it to carry passengers, property, and mail between Detroit, Mich., and Boston, Mass., on one daily round trip which originates or terminates at a point in Europe, provided that the rates or fares to be charged for such service shall be the same as those charged by American Airlines;

2. To the extent not otherwise granted herein TWA's application be and it hereby is denied;

3. The authority granted herein shall be effective on the date of issuance of this order and shall continue in effect until such time as American Airlines resumes its Boston-Detroit service; and

4. This order may be amended or revoked at any time in the discretion of the Board without notice or hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-2926; Filed, Mar. 10, 1969; 8:49 a.m.]

[Docket No. 20655]

LUFTVERKEHRSUNTERNEHMEN ATLANTIS GmbH

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 17, 1969, at 10 a.m., e.s.t., in Room 630, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., March 5, 1969.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 69-2925; Filed, Mar. 10, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18460-18470; FCC 69-182]

RADIO LONGVIEW, INC. (KHER), ET AL.

Order Designating Applications for Oral Argument

In re applications of Radio Longview, Inc. (KHER), Longview, Tex., Docket No. 18460, File No. BMPCT-6531; Tele-Americas Corp. of Florida (WTML), Miami, Fla., Docket No. 18461, File No. BMPCT-6543; WBEJ, Inc. (WMLK), Janesville, Wis., Docket No. 18462, File No. BMPCT-6609; Onondaga UHF-TV, Inc. (WONH), Syracuse, N.Y., Docket No. 18463, File No. BMPCT-6633; Custom

Electronics, Inc. (WPCT), Melbourne, Fla., Docket No. 18464, File No. BMPCT-6639; Eli E. Fink and George Fink Trust a partnership doing business as Elgin Television (WFNT), Elgin, Ill., Docket No. 18465, File No. BMPCT-6738; Rovan of Florence, Inc. (WPDT), Florence, S.C., Docket No. 18466, File No. BMPCT-6743; Peter F. Mack, Jr., and Stanley C. Myers doing business as Illinois Broadcasting Co. (WPNG), Springfield, Ill., Docket No. 18467, File No. BMPCT-6757; Charles W. Dowdy (WROA-TV), Gulfport, Miss., Docket No. 18468, File No. BMPCT-6772; Beacon Television Corp. (KWID-TV), Tulsa, Okla., Docket No. 18469, File No. BMPCT-6780; Comet Television Corp. (KTOV-TV), Denver, Colo., Docket No. 18470, File No. BMPCT-6820; for extension of construction permits.

1. The Commission having under consideration the above-captioned applications for additional time within which to complete construction. The above-named applicants are the permittees of UHF television broadcast stations on which construction has not been completed.

2. The Commission has advised the applicants by letter that it could not determine that a grant of the requests for additional time within which to complete construction would be warranted, since it had been unable to find that the applicants had been diligent in proceeding with construction or that applicants were prevented from completing construction by causes beyond their control.

3. The applicants were also advised that unless they informed the Commission that they desired to prosecute their applications further, their construction permits would be canceled and their call letters deleted; that their reasons for not proceeding with construction entitled them at most to oral argument on the question of whether failure to complete was due to causes not under their control or that the reasons stated are sufficient to justify an extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules.

4. The above-named applicants replied to the Commission's letter and either requested oral argument or indicated a desire to prosecute further their applications, but failed specifically to request oral argument; that the Commission believes that these latter replies also should be treated as requests for oral argument.

5. *It is ordered*, That the above-captioned applications are designated for oral argument before the Commission En Banc in Washington, at 9:30 a.m., on March 31, 1969, on the following issue: To determine whether the reasons advanced by the permittee in support of its request for extension of completion date, constitute a showing that failure to complete construction was due to causes not under control of the permittee, or constitute a showing of other matters sufficient to warrant further extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules.

6. *It is further ordered*, That to avail themselves of the opportunity to be heard, each of the applicants, in person, or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, an original and nineteen (19) copies of a written appearance stating an intention to appear on the date fixed for the oral argument and present arguments on the issue specified, and shall have until ten (10) days prior to oral argument to file briefs or memoranda of law.

Adopted: February 26, 1969.

Released: March 6, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-2921; Filed, Mar. 10, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF LONG BEACH AND EVANS PRODUCTS CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 73, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 12 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of Agreement filed for approval by:

Mr. Leslie E. Still, Jr., Deputy City Attorney, City of Long Beach, Suite 600 City Hall, Long Beach, Calif. 90802.

Agreement No. T-1985-2 between the city of Long Beach (City) and Evans Products Co. (Evans) modifies the basic agreement which provides for the lease of certain marine terminal properties in Long Beach, Calif. The purpose of the modification is to (1) withdraw 15,000 square feet of leased space from one area and add 55,000 square feet to another; (2) revise the rental; (3) delete a provision relating to an option to lease Berth 203; and (4) redefine the leased area.

Dated: March 5, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-2891; Filed, Mar. 10, 1969; 8:47 a.m.]

[1] Commissioners Robert E. Lee and H. Rex Lee absent.

U.S. ATLANTIC AND GULF-JAMAICA CONFERENCE ET AL.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desirsed, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreements filed for approval by:

Mr. H. T. Schoonebeek, 11 Broadway, New York, N.Y. 10004.

The following agreements have been filed to modify the basic agreements as outlined hereinafter:

United States Atlantic & Gulf-Jamaica Conference Agreement No. 4610-13.

United States Atlantic & Gulf-Venezuela & Netherlands Antilles Conference Agreement No. 6190-23.

United States Atlantic & Gulf-Venezuela & Netherlands Antilles Conference Agreement No. 6870-11 (covers the movement of cargo of oil companies intended for their companies' use and not for resale).

West Coast South America Northbound Conference Agreement No. 7890-5.

United States Atlantic & Gulf-Haiti Conference Agreement No. 8120-8.

Atlantic and Gulf/West Coast of Central America and Mexico Conference Agreement No. 8300-8.

The agreements listed above add paragraph 2 to Article 1 (with the exception of Agreement 6870-11 which adds paragraph 2 to Article 4). Paragraph 2 provides:

No provision of this Agreement shall be deemed to prohibit the Conference from agreeing to, and establishing, through rates by arrangement with other modes of transportation; or to prohibit the publication and filing of through rates by the Conference, in conformity with any such rate agreement;

or to prohibit the issuance by the member lines of through bills of lading pursuant to a published Conference tariff embodying through rates or the adoption by the member lines of any uniform through bill of lading which may be agreed upon, and formally adopted, by the Conference. However, no member line, either individually or in concert with any other member line or lines or any nonmember line or lines, may negotiate, establish, publish, file, or operate under any through intermodal transportation rates or issue any through bills of lading otherwise than pursuant to the formal action and authorization of the Conference.

Other changes are made in the conferences' rules and regulations in order to remove any inconsistencies with the above paragraph.

Dated: March 6, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-2918; Filed, Mar. 10, 1969; 8:49 a.m.]

CHINESE MARITIME TRUST, LTD.

Notice of Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

CHINESE MARITIME TRUST, LTD. (Orient Overseas Line), Certificate No. C-1,070, Effective date: March 5, 1969.

Dated: March 6, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-2916; Filed, Mar. 10, 1969; 8:48 a.m.]

CHINESE MARITIME TRUST, LTD.

Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

CHINESE MARITIME TRUST, LTD. (Orient Overseas Line), Certificate No. P-74, effective date: March 5, 1969.

Dated: March 6, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-2917; Filed, Mar. 10, 1969; 8:48 a.m.]

[Docket No. 69-9]

SOUTH ATLANTIC AND CARIBBEAN LINES, INC.

Order To Show Cause

On March 6, 1969, the South Atlantic and Caribbean Lines, Inc., a common carrier by water engaged in the carriage of goods between the Commonwealth of Puerto Rico and Miami, Fla., published a notice entitled "Embargo Notice" together with an amendment wherein said carrier advised that effective March 6, 1969, it would no longer book or accept for loading aboard or discharge from their ships at Miami any container which (a) contains LTL loads or consolidated full container loads; and, (b) comes from or goes to any person (including a consolidator who loads containers of outbound cargo or a distributor who unloads containers of inbound cargo), who is either a consolidator of outbound cargo or a distributor of inbound cargo who is not the beneficial owner of the cargo; and, (c) comes from or goes to any point within a geographical area described by a 50-mile circle with its radius extending, respectively, from the center of Miami, Fla. It appears that such "embargo" is now being enforced by the carrier.

There further appears to be no evidence of any emergency condition or physical limitations of said carrier necessitating the imposition of an embargo; and South Atlantic and Caribbean Lines, Inc., has on file with the Federal Maritime Commission a schedule of freight rates which apply to LTL loads or consolidated full containers of consolidators and/or distributors who are not the beneficial owners of such cargo; and which come from or go to points within a geographical area described by a 50-mile circle with its radius extending, respectively, from the center of Miami, Fla.

Section 2 of the Intercoastal Shipping Act, 1933, and Federal Maritime Commission Tariff Circular No. 3, as amended, require a carrier to file with this Commission a new schedule or schedules to become effective not earlier than 30 days after date of filing, before any change shall be made in the rates, fares, charges, classifications, rules, or regulations that have previously been filed with the Commission.

Now, therefore, it is ordered, Pursuant to section 2 of the Intercoastal Shipping Act, 1933 and section 22 of the Shipping Act, 1916, that South Atlantic and Caribbean Lines, Inc., show cause on or before March 13, 1969, why it should not be ordered to cease and desist from carrying out the aforementioned embargo, and the proceeding shall be confined solely to such issue.

It is further ordered, That this order be published in the FEDERAL REGISTER and served on South Atlantic and Caribbean Line, Inc., who is named as respondent in this proceeding. Oral argument in this proceeding will be heard by the Commission on March 13, 1969, in Room 1215, 1405 I Street NW., Washington, D.C., at 2 p.m., e.s.t. Notwithstanding the rules as to time and service of documents of this Commission's rules of practice and procedure, the parties to this proceeding shall adhere to the following schedule: Affidavits of fact and memoranda of law may be submitted to the Commission on or before the close of business, March 11, 1969. All persons having an interest in this proceeding, desiring to intervene therein, should notify the Secretary of the Commission promptly and may file petitions for leave to intervene together with affidavits of fact and memoranda of law in accordance with the schedule set forth herein. All documents or pleadings filed in this proceeding including petitions to intervene must be served by the person filing same upon all parties of record. The parties to this proceeding will be notified by the Secretary of the time allotted for oral argument.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

RESPONDENT

South Atlantic and Caribbean Lines, Inc., c/o John Mason, Esq., Ragan & Mason, 900 17th Street NW., Washington, D.C. 20006.

[F.R. Doc. 69-2994; Filed, Mar. 10, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP69-25]

WESTERN TRANSMISSION CORP.

Notice of Proposed Change in Rates and Charges

MARCH 6, 1969.

Notice is hereby given that Western Transmission Corp. (Western), on February 24, 1969, filed changes in its FPC Gas Tariff, Original Volume No. 1, and seeks waiver of the 30-day notice requirements (§ 154.22 of the Commission's regulations) to permit such to be effective as of January 1, 1969. The proposed change would increase the rate charged to Colorado Interstate Gas Co. for gas sold under Rate Schedule F from 20 cents per Mcf to 21 cents.

Western alleges that the increase is of the periodic type and tracks a periodic increase of 1 cent per Mcf filed by its supplier, U.S. Natural Gas Corp., on January 6, 1969.

Protests, petitions or notices of intervention may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before March 21, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-2922; Filed, Mar. 10, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF CO.

Order Suspending Trading

MARCH 5, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co., being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 6, 1969, through March 15, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-2902; Filed, Mar. 10, 1969; 8:48 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

MARCH 5, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp., is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 6, 1969, through March 15, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-2903; Filed, Mar. 10, 1969; 8:48 a.m.]

[File No. 1-3468]

MOUNTAIN STATES DEVELOPMENT CO.

Order Suspending Trading

MARCH 5, 1969.

The common stock, 1-cent par value, of Mountain States Development Co., being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Mountain States Development Co., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 6, 1969, through March 15, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-2904; Filed, Mar. 10, 1969; 8:48 a.m.]

TELSTAR, INC.

Order Suspending Trading

MARCH 5, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 6, 1969 through March 15, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-2905; Filed, Mar. 10, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 03/05-0025, etc.]

AMERICAN SMALL BUSINESS INVESTMENT CORP. ET AL.

Notice of Surrender of Licenses

Notice is hereby given that the following small business investment companies have, pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326), surrendered their licenses to operate as small business investment companies.

American Small Business Investment Co., Arlington, Va., License No. 03/05-0025, was incorporated on June 13, 1961, under the laws of the State of Florida, and licensed by the Small Business Administration (SBA) on May 11, 1962.

Eastern States Small Business Investment Corp., Hackensack, N.J., License No. 02/02-0036, was incorporated on October 13, 1960, under the laws of the State of New Jersey, and licensed by SBA on June 23, 1961.

Universal Investment Co., Barrington, N.J., License No. 03/03-0009, was incorporated on June 8, 1960, under the laws of the State of Pennsylvania, and licensed by SBA on July 21, 1960.

All three were licensed solely to operate under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

Under the authority vested in the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the licenses of American Small Business Investment Co., Eastern States Small Business Investment Co., and Universal Investment Co. are hereby accepted, and accordingly, are no longer licensed to operate as small business investment companies.

Dated: March 3, 1969.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-2883; Filed, Mar. 10, 1969; 8:46 a.m.]

FIRST CARIBBEAN MAINLAND CAPITAL CO., INC.

Notice of Surrender of License

Notice is given hereby that the Small Business Administration accepted on January 10, 1969, the surrender of the license issued to First Caribbean Mainland Capital Co., Inc., New York, N.Y. (incorporated in the Commonwealth of Puerto Rico).

The surrender acceptance followed the completion of merger of First Caribbean Mainland Capital Co., Inc., and Country Capital Corp., Melville, N.Y. (License No. 02/02-0189), and satisfaction of the terms of an agreement of merger dated September 5, 1968.

Dated: March 3, 1969.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-2898; Filed, Mar. 10, 1969; 8:47 a.m.]

HANCOCK CAPITAL CORP.

Notice of Surrender of License

Hancock Capital Corp., incorporated under the laws of the Commonwealth of

Massachusetts on July 31, 1961, and having its principal place of business located at 1455 Commonwealth Avenue, Brighton, Mass. 02235, was licensed by the Small Business Administration (SBA) on August 25, 1961, to operate solely under the Small Business Investment Act of 1958 as amended (the "Act") (15 U.S.C. 661 et seq.).

On May 8, 1968, a civil suit (Civil No. 68-387) was filed on behalf of SBA against Hancock Capital Corp., in the U.S. District Court, District of Massachusetts, alleging violations of the Act and SBA rules and regulations and seeking a determination and adjudication of such violations, a judgment for the indebtedness due SBA, an injunction and the appointment of a receiver.

During the pendency of this action, Hancock Capital Corp., repaid all of its indebtedness to SBA and surrendered its license. Accordingly, on February 13, 1969, a stipulation of dismissal was filed in termination of the pending litigation.

In view of the foregoing, notice is hereby given that the surrender of the license by Hancock Capital Corp., is hereby approved and accepted.

Dated: March 3, 1969.

For the Small Business Administration.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-2899; Filed, Mar. 10, 1969; 8:47 a.m.]

[License No. 12/12-0026]

JUDSON-MURPHY CAPITAL CORP.

Notice of Surrender of License

Notice is hereby given that Judson-Murphy Capital Corp., Oakland, Calif., has pursuant to § 107.105 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) surrendered its license to operate as a small business investment company. It was incorporated on January 21, 1961, under the laws of the State of California, and licensed by the Small Business Administration (SBA) on April 10, 1961, to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.).

Judson-Murphy Capital Corp. has complied with all conditions set forth by SBA for the surrender of its license, including repayment of all indebtedness owing to SBA.

Thefefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Judson-Murphy Capital Corp. is hereby accepted, and Judson-Murphy Capital Corp., accordingly, is no longer licensed to operate as a small business investment company.

Dated: March 3, 1969.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-2884; Filed, Mar. 10, 1969; 8:46 a.m.]

[License No. 02/02-0046]

SLAYTON EQUITIES CORP.

Notice of Surrender of License

Notice is given hereby that the Small Business Administration accepted on January 23, 1969, the surrender of the license issued to Slayton Equities Corp., New York, N.Y. (incorporated in New York).

On February 29, 1968, Slayton Equities Corp. entered into an agreement with the Small Business Administration whereby Slayton Equities Corp. agreed to accelerate repayment of all indebtedness owed the Small Business Administration, and withdraw from the small business investment company program. Slayton Equities Corp. satisfied all the terms of its agreement, including repayment of all indebtedness owed the Small Business Administration and surrender of license.

The corporation no longer is licensed to operate as a small business investment company.

Dated: March 3, 1969.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-2900; Filed, Mar. 10, 1969; 8:47 a.m.]

[Declaration of Disaster Loan Area 700]

CALIFORNIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Contra Costa County, Calif.;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring the latter part of February 1969.

OFFICE

Small Business Administration Regional Office, 450 Golden Gate Avenue, Box 36044, San Francisco, Calif. 94102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1969.

Dated: March 3, 1969.

HOWARD GREENBERG,
Acting Administrator.

[F.R. Doc. 69-2901; Filed, Mar. 10, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 792]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 6, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 59292 (Sub-No. 25 TA), filed March 3, 1969. Applicant: THE MARYLAND TRANSPORTATION COMPANY, 1111 Frankfurst Avenue, Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosoted or otherwise chemically preserved poles, pilings, lumber, cans and switch ties*, from Chesapeake, Va., to points in Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia and *return shipments* of the above described commodities, for 180 days. Supporting shippers: Carl A. Wilhelm, Vice President, Eppinger and Russell Co., Post Office Box 5083, Chesapeake, Va. 23506; George J. McClure, Jr., Pile-Drivers, Inc., 1334 Sulphur Spring Road, Halethorpe, Md. 21227. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 99798 (Sub-No. 13 TA) (Correction), filed January 27, 1969, published FEDERAL REGISTER, issue of February 14, 1969, and republished as corrected this issue. Applicant: DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, Mo. 65775. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over specified regular

routes, specifically set forth in FEDERAL REGISTER notice of February 14, transporting: *General commodities* (with certain exceptions), between East St. Louis, Ill., and Mountain Home, Ark., for 180 days. NOTE: The purpose of this republication is to state that applicant does intend to interline with other carriers at St. Louis, Mo. Supporting shippers: There are 10 statements from supporting shippers attached to the application which may be examined here at the Offices of the Interstate Commerce Commission, Washington, D.C., or at the field office named below. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 103493 (Sub-No. 9 TA), filed February 28, 1969. Applicant: ROBINSON TRANSFER COMPANY, INC., 1809 St. James Street, La Crosse, Wis. 54601. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses and, in connection therewith, *materials, equipment, and supplies* used in the conduct of such business, from Rochester, Minn., to La Crosse and Eau Claire, Wis., under contract with Dolly Madison Dairies, Division of Marigold Foods, Inc., *empty containers*, on return movement, for 150 days. Supporting shipper: Dolly Madison Dairies, Division of Marigold Foods, Inc., 110 South Second Street, La Crosse, Wis. 54601. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 108340 (Sub-No. 20 TA), filed March 3, 1969. Applicant: HANEY TRUCK LINE, 2219 Cedar Street, Forest Grove, Oreg. 97116. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cannery products, materials, supplies, and equipment*, between Portland, Oreg., and the plantsite of Libby, McNeill & Libby at Salem, Oreg., for 180 days. Supporting shipper: Libby, McNeill & Libby, 520 South El Camino Real, San Mateo, Calif. 94402. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 111401 (Sub-No. 274 TA), filed March 3, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, from Great Bend, Kans., to points in Alabama, Arkansas, Arizona, Colorado, California, Delaware, Florida, Georgia, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, Nevada, New Jersey, Illinois, Indiana, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Utah, for 180 days. Supporting shipper: Thies Packing Co., Inc., Arthur Dietz, General Manager, Post Office Box 49, Great Bend, Kans. 67530. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office and Federal Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 114533 (Sub-No. 183 TA), filed March 3, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Audit media and other business records*, between Elk Grove Village, Ill., on the one hand, and, on the other, Detroit, Mich., (2) *specification and drawings*, between Topeka, Kans., on the one hand, and, on the other, St. Louis, Mo., for 180 days. Supporting shippers: (1) Owens Corning Fiberglas, Supply & Contracting Division, 2300 Estes Avenue, Elk Grove Village, Ill. 60007; (2) Southwestern Bell Telephone Co., 823 Quincy, Topeka, Kans. 66612. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 115331 (Sub-No. 267 TA), filed March 3, 1969. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate fertilizer*, in bulk, from the plantsite or storage facilities of Monsanto Co., at or near El Dorado, Ark., to points in Oklahoma and Texas, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 119213 (Sub-No. 1 TA), filed March 3, 1969. Applicant: KING'S EXPRESS, INC., 509 Susquehanna Avenue, Old Forge, Pa. 18518. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Avenue, Scranton, Pa. 18505. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, portable swimming and wading pools; accessories, supplies and equipment used in connection therewith, and supplies, accessories, equipment and machinery used in manufacture of above commodities*, on return; from Wilkes-Barre, Pa., and Pittston Township, Pa., to Colton and Los Angeles, Calif., Detroit and Grand Rapids, Mich., and Chicago, Ill., for 180 days. Supporting shipper: Muskin Manufacturing, Co., Inc., 38 Courtright Avenue, Wilkes-Barre, Pa. 18703. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 133314 (Sub-No. 1 TA), filed March 3, 1969. Applicant: SILVAN TRUCKING COMPANY, INC., Rural Route No. 2, Post Office Box 87, Pendleton, Ind. 46064. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid suspension fertilizer*, from Maxwell, Ind., to Piqua, Ohio, for 180 days. Supporting shipper: Royster Co., Indianapolis Division, Indianapolis, Ind. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 133513 TA, filed March 3, 1969. Applicant: RUSSELL A. AIKIN, doing business as AIKIN DELIVERY SERVICE, 4524 Lansing Road, Lansing, Mich. 48917. Applicant's representative: Russell A. Ailin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic materials, equipment and supplies, film and prints*, between Lansing, Mich., on the one hand and, on the other, Maumee and Toledo, Ohio, for Linn Camera Shop, Inc., for 150 days. Supporting shipper: Linn Camera Shop, Inc., 210 South Washington Avenue, Lansing, Mich. 48901. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 133514 TA, filed March 3, 1969. Applicant: KINNISON TRUCK LINES, INC., 511 West Coolbaugh, Red Oak, Iowa 51566. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruits and vegetables, dietary foods, soups, salad dressing, puddings, dessert toppings and various tomato-based products for human consumption*, to be shipped in cans, bottles, and barrels, from Stockton and Modesto, Calif., to points in Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Tennessee, Mississippi, Alabama, Indiana, Kentucky, and Ohio, for 150 days. Supporting shipper: Tillie Lewis Foods, Inc., Drawer J, Stockton, Calif. 95201. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133515 TA, filed March 3, 1969. Applicant: ART WILSON ENTERPRISES, INC., 3936 55th Street, Des Moines, Iowa 50310. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309.

Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Yogurt, snack dips, ice cream, ice milk, dairy products, and vegetable fat products* (1) from Kansas City, Mo., to points in Iowa; Omaha, Nebr., and Rock Island, Ill., and (2) between Rock Island, Ill., and Des Moines, Iowa, under a continuing contract or contracts with Borden, Inc., for 180 days. Supporting shipper: Borden, Inc., 2341 Second Avenue, Des Moines, Iowa 50313. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-2923; Filed, Mar. 10, 1969; 8:49 a.m.]

[Notice 308]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 6, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70696. By order of February 24, 1969, the Motor Carrier Board approved the transfer to W. B. Howard Express Co., Inc., 47 Rich Street, Waltham, Mass. 02154, of certificate No. MC-41809 and the certificate of registration No. MC-41809 (Sub-No. 2), both issued October 30, 1967, to Anthony F. Lisano, doing business as W. B. Howard Express Co., Boston, Mass. 02109, the former authorizing transportation of general commodities, with the usual exceptions, over irregular routes, between Boston, Mass., on the one hand, and, on the other, Brookline, Cambridge, Lynn, Malden, Medford, Somerville, and Watertown, Mass., and the latter evidencing a right of the holder to engage in transportation in interstate or foreign commerce within the limits of Irregular Route Common Carrier Certificate No. 3437, dated March 22, 1950, issued by the Massachusetts Department of Public Utilities. J. Chester Webb, 397 Moody Street, Waltham, Mass. 02154, attorney for transferor.

No. MC-70979. By order of February 28, 1969, the Motor Carrier Board approved the transfer to Cletus E. Mummert, Inc., East Berlin, Pa., of the operating rights in permits Nos. MC-694, MC-694 (Sub-No. 1), MC-694 (Sub-No. 2), MC-694 (Sub-No. 5) issued February 24, 1943, October 20, 1950, March 12, 1952, and November 28, 1967, respectively, to Cletus E. Mummert, East Berlin, Pa., authorizing the transportation of paper and paper products, from Spring Grove, Pa., and East Liverpool, Ohio, to points as specified in New Jersey, New York, Maryland, West Virginia, and Pennsylvania, and those in the District of Columbia; paper mill supplies and equipment other than sand and pulpwood, in return movements; and wood chips, from specified points in Delaware, Maryland, and Virginia, to the plantsite of P. H. Glatfelter Co. at Spring Grove, Pa. Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101, attorney for applicants.

No. MC-FC-71109. By order of February 28, 1969, the Motor Carrier Board approved the transfer to Bernie's Express, Inc., New York, N.Y., of certificate No. MC-30111, issued August 12, 1963, to Rapid Trucking Co., Jersey City, N.J., authorizing the transportation of: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from New York, N.Y., to points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., with no transportation for compensation on return except as otherwise authorized. *Dual operations were authorized.* A. David Millner, 744 Broad Street, Newark, N.J. 07102, attorney for transferee. Robert B. Pepper, registered practitioner, 297 Academy Street, Jersey City, N.J. 07306, representative for transferor.

No. MC-FC-71121. By order of February 26, 1969, the Motor Carrier Board approved the transfer to Ireland Transfer & Storage Co., Ketchikan, Alaska, of certificates Nos. MC-123327, MC-123327 (Sub-No. 2), MC-123327 (Sub-No. 5), MC-123327 (Sub-No. 6), MC-123327 (Sub-No. 8), issued October 27, 1964, July 28, 1965, May 8, 1967, October 20, 1965, and January 30, 1969, respectively, to Ralph M. Bartholomew, doing business as Ireland Transfer & Storage Co., Ketchikan, Alaska, authorizing the transportation of: (1) General commodities, except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment, between points in Revillagigedo and Annette Island, Alaska, and between points in Alaska south and east of the United States-Canada boundary line north of Haines, Alaska; (2) household goods as defined by the Commission, between points in Alaska south and east of the United States-Canada boundary line north of Haines, Alaska, on the one hand, and, on the other, Tok Junction, Alaska, and Blaine and Sumas, Wash.; (3) classes A and B explosives, as defined by the Commission, between points on Revillagigedo Island, Alaska; and (4) household goods as defined by the Commission, between those points in Alaska south and east of the United States-Canada boundary line located north of Haines, Alaska, on the one hand, and, on the other, Seattle, Wash. C. L. Cloudy, Ziegler, Ziegler, Cloudy & Ellis, Box 1079, Ketchikan, Alaska 99901, attorney at Law.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-2924; Filed, Mar. 10, 1969; 8:49 a.m.]

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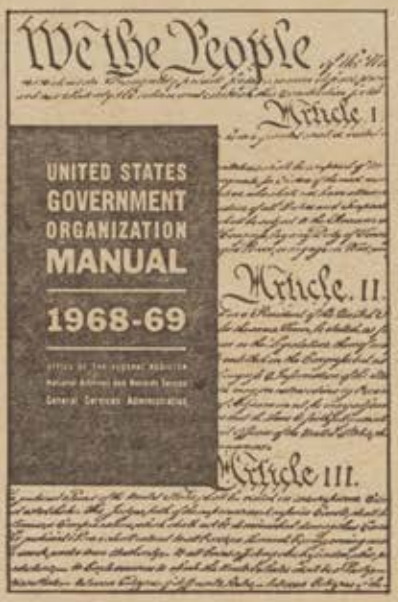

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