FEDERAL REGISTER

VOLUME 34 • NUMBER 70

Saturday, April 12, 1969 • Washington, D.C.

Pages 6411–6461

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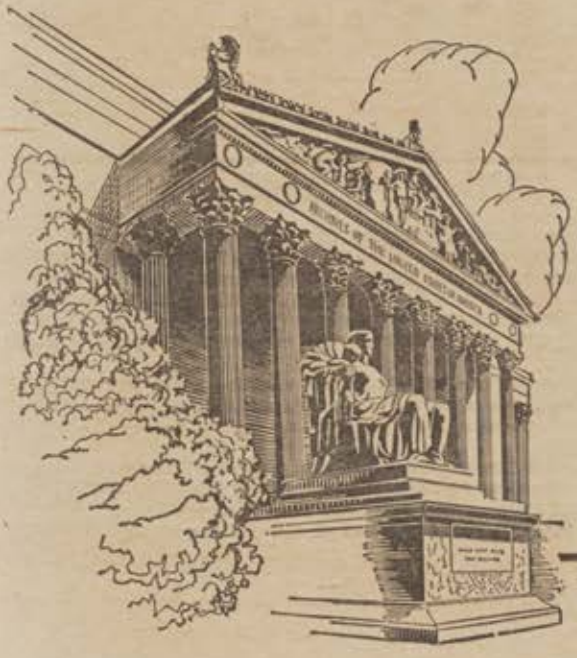

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Appointed January 20–March 20, 1969

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Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962–8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1969, and specifies how they are affected.

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Title 3—THE PRESIDENT

Executive Order 11465

INSPECTION OF INCOME, EXCESS-PROFITS, ESTATE, AND GIFT TAX RETURNS BY THE COMMITTEE ON INTERNAL SECURITY, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939, as amended (53 Stat. 29, 54 Stat. 1008; 26 U.S.C. (1952 Ed.) 55(a)), and by section 6103(a) of the Internal Revenue Code of 1954, as amended (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, excess-profits, estate, or gift tax return for the years 1950 to 1969, inclusive, shall, during the Ninety-first Congress, be open to inspection by the Committee on Internal Security, House of Representatives, or any duly authorized subcommittee thereof, for the purpose of carrying on those investigations authorized by clause 11 of Rule XI of the Rules of the House of Representatives, as amended and agreed to February 18, 1969. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

Richard Nixon

THE WHITE HOUSE,
April 10, 1969.

[F.R. Doc. 69-4385; Filed, Apr. 10, 1969; 12:42 p.m.]

Rules and Regulations

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. A]

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Obligations Eligible as Collateral for Advances

The following subparagraph (15) is hereby added to § 201.108(b):

(15) Commodity Credit Corporation certificates of interest in a price-support loan pool.

(Interprets and applies 12 U.S.C. 347)

Dated at Washington, D.C., this 4th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-4275; Filed, Apr. 11, 1969; 8:45 a.m.]

[Reg. A]

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Advances to Member Banks

1. Effective immediately § 201.2(a) is hereby amended to read as follows:

§ 201.2 Advances to member banks.

(a) *Advances on obligations or eligible paper.* Reserve Banks may make advances to member banks for not more than 90 days if secured by obligations or other paper eligible under the Federal Reserve Act for discount or purchase by Reserve Banks.

* * * * *

2a. The purpose of this amendment is to delete the unnecessary reference in § 201.2(a) to Commodity Credit Corporation certificates of interest, which are now designated as eligible collateral for Reserve Bank advances in § 201.108 (b)(15) without regard to the maturities of loans in the pool in which such certificates represent an interest.

b. The provisions of section 553 of title 5, United States Code, relating to notice and public procedure and to deferred effective date with respect to changes in substantive rules were not followed in connection with this amendment because the Board found that such actions would result in delays that would have consequences contrary to the national interest.

Dated at Washington, D.C., this 4th day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-4276; Filed, Apr. 11, 1969; 8:45 a.m.]

[Reg. Z]

PART 226—TRUTH IN LENDING

Miscellaneous Interpretations

§ 226.101 Use of ranges or brackets to determine periodic rate of finance charge on open end accounts.

(a) Section 226.5(a)(1) in effect gives a creditor the option in certain circumstances of stating (1) two or more separate annual percentage rates (e.g., the rate on a $700 balance might be stated as 18 percent on balance to $500 and 12 percent on balance over $500), or (2) a single annual percentage rate determined by the "quotient method" resulting from applying the rates to a total balance (e.g., in the example above, an annual percentage rate of 16¼ percent on a $700 balance).

(b) Section 226.5(a)(2), which relates to the use of ranges or brackets to compute periodic finance charges, does not prevent a creditor who uses such brackets from exercising the options referred to in § 226.5(a)(1).

§ 226.102 Overstatement of annual percentage rate.

(a) Section 226.6(h) provides that in certain circumstances the disclosure of an annual percentage rate which is greater than that required to be disclosed under the regulation does not in itself constitute a violation of the regulation. Under this section may a disclosure regarding an annual percentage rate (e.g., "the annual percentage rate does not exceed 18 percent") be preprinted on a contract or periodic statement and comply with disclosure requirements when the actual rate will at times be lower (e.g., 15 percent) for some transactions?

(b) Section 226.5 specifies the methods which shall be employed in determining annual percentage rates. Section 226.6 (h) is not intended to provide an alternative to these requirements, but is merely to provide appropriate relief to a creditor who overstates accidentally. Any disclosure of an annual percentage rate whether preprinted or otherwise which overstates the annual percentage rate determined in accordance with § 226.5 other than through inadvertence does not comply with requirements.

§ 226.103 Transition period; using existing forms, suitably altered or supplemented.

(a) Section 226.6(k) provides that, in some circumstances, if a creditor has been unable to obtain needed new printed forms by July 1, 1969, he may use existing forms until new ones are obtained, but not later than December 31, 1969. In such instances, the existing forms must be suitably altered or supplemented to make necessary disclosures clearly and conspicuously. The requirement that existing forms be supplemented is met by attachments or enclosures.

(b) Also in some instances, creditors encounter unavoidable delays in obtaining necessary equipment or computer programs needed to utilize new printed forms. Such delays can produce problems comparable to those involved in delays in obtaining printed forms. In such a situation, a creditor, under § 226.6(k), may continue to use existing forms until the means of utilizing the new forms are available, but in no event later than December 31, 1969, and subject, of course, to the conditions applicable under § 226.6 (k): Namely, that the creditor must have taken bona fide steps prior to July 1, 1969, to obtain the necessary equipment or computer programs, and the existing forms must be "altered or supplemented as necessary to assure that all of the items of information the creditor is required to disclose are set forth clearly and conspicuously."

§ 226.104 Disclosures in transaction involving multiple customers.

Section 226.6(e) states the general rule that, except in the case of a rescindable transaction under § 226.9, where there are multiple customers in a transaction, the creditor is only required to make disclosures to one of them. However, in determining which customer shall receive disclosures, the creditor may not select a customer who is secondarily liable, such as an endorser, comaker (when designated as surety), guarantor, or a similar party. This does not prohibit the creditor from also furnishing disclosures to such persons who are secondarily liable.

§ 226.105 Periodic statements; finance charge resulting from more than one periodic rate.

(a) Section 226.7(b)(4) requires that a periodic statement for open end credit show the amount of any finance charge, and that the statement also itemize and identify that portion of the finance charge that is due to application of one or more periodic rates and that portion due to any other charge such as minimum, fixed, check service, transaction, activity, or similar charge.

(b) This does not require the statement to state separately the portions of a finance charge due to application of two or more periodic rates. For example, if a creditor charges 1½ percent per month on the first $500 of a balance and 1 percent per month on amounts over $500, the monthly charge on a $600 balance would be $8.50, which must be shown. However, it would not be necessary to itemize the two components ($7.50 and $1) of the $8.50 charge. Under § 226.7(b)(5), the periodic rates that may apply to the account, and the applicable range of balances must, of course, be shown, but this could be preprinted.

(12 U.S.C. 248(i). Interprets and applies 15 U.S.C. 1631, 1636, and 1637)

Dated at Washington, D.C., the 2d day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-4298; Filed, Apr. 11, 1969; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-97]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Immediate Delivery Permits

The Bureau is advised that the period now prescribed in § 8.59(g) of the Customs Regulations for making timely entry for merchandise released under an immediate delivery permit is often inadequate. It has been suggested that additional time is required for the preparation and filing of the entry and the deposit of estimated duties and taxes.

The Bureau has therefore decided to extend the prescribed period by providing that there shall be a uniform period of 10 days, excluding the day of release and any Saturday, Sunday, or holiday, in which timely entry may be made for merchandise released under an immediate delivery permit other than for certain merchandise subject to a tariff-rate quota. Furthermore, in order to avoid duplication of effort by customs personnel the Bureau has decided to require that any invoice submitted in connection with the release of merchandise under a special permit shall be used to make entry of the merchandise. In addition, the importer should, when applying for immediate delivery under a blanket special permit, note a value for the shipment which value should not be less than the invoice value.

Accordingly, § 8.59(g) is amended to read as follows:

§ 8.59 Application; entry; procedure.

* * * * *

(g) Except as otherwise prescribed in this section, entry shall be made and estimated duties and taxes shall be deposited within 10 days after the day on which the articles or any portion thereof are first released under a special permit. In computing the period within which entry and deposit must be made under this paragraph the day of release and any Saturday, Sunday, or holiday shall be excluded. Notwithstanding the foregoing, the time within which entries (including deposit of estimated duties and taxes) shall be filed covering articles of a kind which is subject to a tariff-rate quota which are released under a special permit at a time when the pertinent quota is filled shall expire in any event not later than midnight on the last day before the applicable quota again opens and no extension beyond that time shall be granted. Where an invoice was furnished to the customs officer concerned in connection with the release of the merchandise under a special permit, the same invoice shall be used to make entry. The importer when applying for immediate delivery under a blanket special permit shall note a value for the shipment on the document presented as evidence of the right to make entry. The value so noted shall not be less than the invoice value. No entry permit on customs Forms 7501-A, 5119, or 5119-A is required to accompany an entry for merchandise released under a special permit.

* * * * *

(Secs. 448, 484, 624, 46 Stat. 714, 722, as amended, 759; 19 U.S.C. 1448, 1484, 1624)

The purpose of this amendment is to provide for a longer period during which a prescribed action must be taken and to make certain procedural changes. Experience in the administration of the provisions involved has indicated the need for the changes. It is found, therefore, that the issuance of this amendment with notice under 5 U.S.C. 553 or subject to the effective date provisions of that section is unnecessary.

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

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 4, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-4308; Filed, Apr. 11, 1969; 8:48 a.m.]

[T.D. 69-96]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of March 1969, of approved fruit products and other approved products containing sugar amounts to Australian $88.40 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be Australian $88.40 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury Decision in the column headed Treasury Decision" and the words "New rate" in the column headed "Action." The table in § 16.24(f) is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the No. 69-33 in the column headed "Treasury Decision" and the words "New rate" appearing opposite such number in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 4, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-4307; Filed, Apr. 11, 1969; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

O-Ethyl S,S-Dipropylphosphorodithioate

A petition (PP 9F0750) was filed with the Food and Drug Administration by the Mobile Chemical Co., Industrial Chemicals Division., Richmond, Va. 23208, proposing the establishment of tolerances for negligible residues of the insecticide *O*-ethyl *S,S*-dipropylphosphorodithioate in or on the raw agricultural commodities corn (in grain or ear form) and corn fodder and forage at 0.025 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. There is no reasonable expectancy for residues of the insecticide to result in

meat, milk, eggs, or poultry from the feeding of treated corn grain, ears, fodder, or forage to livestock; therefore, this use is in the category specified in § 120.6(a)(3).

2. Data in the petition show that a tolerance level of 0.02 part per million will be adequate.

3. The tolerances established by this order are safe and will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(5) is amended by alphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item as follows:

§ 120.3 **Tolerances for related pesticide chemicals.**

* * * * *

(e) * * *

(5) * * *

O-Ethyl *S,S*-dipropylphosphorodithioate.

* * * * *

2. A new section is added to Subpart C as follows:

§ 120.262 ***O*-Ethyl *S,S*-dipropylphosphorodithioate; tolerances for residues.**

Tolerances are established for negligible residues of the insecticide *O*-ethyl *S,S*-dipropylphosphorodithioate in or on the raw agricultural commodities corn (in the grain and ear form) and corn fodder and forage at 0.02 part per million.

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

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4277; Filed, Apr. 11, 1969; 8:45 a.m.]

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

2-Chloro-2',6'-Diethyl-*N*-(Methoxymethyl) Acetanilide

A petition (PP 9F0776) was filed with the Food and Drug Administration by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of tolerances for negligible residues of the herbicide 2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide and its metabolites (expressed as 2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide) in or on the raw agricultural commodities: Cotton forage and peanut forage at 0.2 part per million; and cottonseed and peanuts at 0.05 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.249 is amended by revising the paragraph "0.2 part per million" and adding immediately thereafter a new paragraph, as follows:

§ 120.249 **2-Chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide; tolerances for residues.**

* * * * *

0.2 part per million (negligible residues) in or on corn fodder and forage, corn grain, cotton forage, peanut forage, and soybeans.

0.05 part per million (negligible residues) in or on cottonseed and peanuts.

* * * * *

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

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4278; Filed, Apr. 11, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

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

DEFOAMING AGENTS IN PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2387) filed by Wyandotte Chemicals Corp., Wyandotte, Mich. 48192, and other relevant material, concludes that § 121.2519 should be amended by deleting the upper molecular weight limitation on polyoxypropylene-polyoxyethylene condensate in the list of substances for use as components of defoaming agents in the manufacture of paper and paperboard for food-contract use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2519(d)(3) is amended by revising the item "Polyoxypropylene-polyoxyethylene condensate, * * *" to read as follows:

§ 121.2519 **Defoaming agents used in the manufacture of paper and paperboard.**

* * * * *

(d) * * *

(3) * * *

Polyoxypropylene-polyoxyethylene condensate, minimum molecular weight 950.

* * * * *

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

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

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

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner For Compliance.

[F.R. Doc. 69-4279; Filed, Apr. 11, 1969; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Identity Test by Infrared Spectrophotometry

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 141.521(c) is revised to read as follows to make a minor technical change:

§ 141.521 Identity test by infrared spectrophotometry.

* * * * *

(c) *Procedure.* Place the sample, prepared as directed in paragraph (b) of this section, in the spectrophotometer. Determine the infrared absorbance spectrum between the wavelengths of 2 to 15 microns. To be suitable the spectrum should have a transmittance of between 20 and 70 percent at most of the wavelengths showing significant absorption. Compare the spectrum to that of an authentic sample of the same antibiotic prepared in an identical manner. To pass the infrared identity test, the absorption spectrum of the sample should compare qualitatively with that of the authentic sample.

This order, which makes a technical improvement in the subject test, is noncontroversial and nonrestrictive in nature; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4280; Filed, Apr. 11, 1969; 8:46 a.m.]

PART 148p—POLYMYXIN

Sterile Polymyxin B Sulfate-Benzalkonium Chloride Urethral Lubricant

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 148p.9(b)(2) is revised to read as follows to change the method of sterility testing for the subject drug:

§ 148p.9 Sterile polymyxin B sulfate-benzalkonium chloride urethral lubricant.

* * * * *

(b) * * *

(2) *Sterility.* Proceed as directed in § 141.2(e)(1) of this chapter, except dissolve the ointment as follows: Aseptically transfer a portion of 0.25 gram from each of 10 immediate containers of the drug to 400 milliliters of diluting fluid D in an Erlenmeyer flask. Repeat the procedure on another 10 immediate containers. Swirl the flasks to dissolve the ointment.

* * * * *

This order improves the sterility test method prescribed for the subject drug, raises no points of controversy, and is in the public interest; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4281; Filed, Apr. 11, 1969; 8:46 a.m.]

PART 149d—NAFCILLIN

Sodium Nafcillin Monohydrate Capsules

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act, (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following new section is added to the antibiotic drug regulations to provide for certification of the subject drug (this new section is also the first section established in new Part 149d):

§ 149d.2 Sodium nafcillin monohydrate capsules.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium nafcillin monohydrate capsules are capsules containing sodium nafcillin monohydrate and one or more suitable and harmless buffer substances and lubricants. Each capsule contains the equivalent of 250 milligrams of nafcillin. The nafcillin content is satisfactory if it is not less than 90 percent nor more than 120 percent of the number of milligrams of nafcillin that it is represented to contain. The moisture content is not more than 5.0 percent. The sodium nafcillin monohydrate conforms to the requirements of § 146a.120(a) of this chapter. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* It shall be packaged in accordance with the requirements of § 148.2 of this chapter.

(3) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium nafcillin monohydrate used in making the batch for potency, safety, moisture, pH, crystallinity, and nafcillin content.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The sodium nafcillin monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(5) *Fees.* $0.75 for each capsule in the sample submitted in accordance with subparagraph (4)(ii)(*b*) of this paragraph; $5 for each package in the sample submitted in accordance with subparagraph (4)(ii)(*a*) of this paragraph; $4 for each package in the sample submitted in accordance with subparagraph (4)(ii)(*c*) of this paragraph.

(b) *Tests and methods of assay—*(1) *Potency.* Using the nafcillin working standard as the standard of comparison, assay for potency by either of the following methods; however, the results of the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Blend a representative number of capsules in a high-speed glass blender with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Further dilute with solution 1 to the reference concentration of 2.0 micrograms of nafcillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample for assay as described in subparagraph (i) of this paragraph except dilute the sample to the concentration of 1.25 milligrams of nafcillin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

Data supplied by the manufacturer concerning the subject antibiotic drug have been evaluated. Since the conditions prerequisite to providing for certification of the drug have been complied with and since it is in the public interest not to delay in providing for such certification, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4282; Filed, Apr. 11, 1969; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 25—REINSURANCE FOR RIOT OR CIVIL DISORDER LOSSES

1. Sections 25.1 through 25.18, Subpart A—Binder of Reinsurance, Part 25, which were applicable to binders in force through October 29, 1968, pursuant to § 25.18(b), are hereby deleted from the Code of Federal Regulations.

2. Sections 25.20 through 25.38, Subpart B—Standard Reinsurance Contract, Part 25, which expire at 12 p.m., e.s.t., April 30, 1969, pursuant to § 25.29(a), are deleted from the Code of Federal Regulations.

(Title XII of National Housing Act, 12 U.S.C. 1749bbb—1749bbb-21)

Effective date. This document shall be effective as of 12 p.m., e.s.t., April 30, 1969.

WM. B. ROSS,
Acting Federal Insurance Administrator.

[F.R. Doc. 69-4317; Filed, Apr. 11, 1969; 8:49 a.m.]

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER A—NATIONAL INSURANCE DEVELOPMENT PROGRAM

PART 1906—STANDARD REINSURANCE CONTRACT

A new Chapter VII is established to read as follows:

Sec.
1906.20 Statement of applicable law.
1906.21 Definitions.
1906.22 Offer to provide reinsurance.
1906.23 Effective date of offer.
1906.24 Acceptance of offer.
1906.25 Policies reinsured.
1906.26 Premiums.
1906.27 Assessments.
1906.28 Claims.
1906.29 Inception and expiration dates.
1906.30 Adjustments.
1906.31 Insolvency.
1906.32 Errors and omissions.
1906.33 Restriction of benefits.
1906.34 Participation in statewide plans.
1906.35 Limitations on reinsurance.
1906.36 Arbitration.
1906.37 Access to books and records.
1906.38 Information and annual statements.

AUTHORITY: The provisions of this Part 1906 issued under title XII, National Housing Act, as added by the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb—1749bbb-21; Secretary's delegation of authority to Federal Insurance Administrator effective February 27, 1969 (34 F.R. 2680); and Secretary's designation of Acting Federal Insurance Administrator effective August 1, 1968 (33 F.R. 11794, Aug. 20, 1968).

§ 1906.20 Statement of applicable law.

Title XII of the National Housing Act (hereinafter referred to as the Act), as added by the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb—1749bbb-21, provides for a National Insurance Development Program. Pursuant to title XII of the Act, the Secretary of Housing and Urban Development is authorized to offer to any insurer reinsurance against losses resulting from riots or civil disorders in any one or more States, on all standard lines of property insurance enumerated under subparagraphs (A) through (E) of section 1203(a)(10) together, and, with respect to any State in which such reinsurance is purchased, to offer reinsurance on any one or more standard lines of property insurance enumerated under subparagraphs (F) through (J) of section 1203(a)(10) of the Act.

§ 1906.21 Definitions.

As used in this part:

(a) "Reinsurer" means the Federal Insurance Administrator.

(b) "Contract" means the Standard Reinsurance Contract.

(c) "Losses" means all claims proved and approved by the company under policies reinsured resulting from riots or civil disorders during the period of the contract, together with an allowance for expenses in connection therewith, hereby agreed to equal an amount per claim of eight per centum (8%) of the first $25,000 of any such claim, plus three per centum (3%) of the amount by which such claim exceeds $25,000 but is less than $100,000, plus one per centum (1%) of the amount by which the claim exceeds $100,000, after making proper deduction for salvage and for recoveries other than reinsurance.

(d) "Riot" or "civil disorder" means:

(1) Any tumultuous disturbance of the public peace by three or more persons mutually assisting one another, or otherwise acting in concert, in the execution of a common purpose by the unlawful use of force and violence resulting in property damage of any kind;

(2) Three or more unlawful and terroristic acts or occurrences, all taking place under similar circumstances and within reasonable proximity as to time and place and apparently having civil disruption or civil disobedience as a primary motivation, at least two of which each involve intentionally caused property damage of any kind in excess of $1,000; or

(3) Any other unlawful and terroristic act or occurrence, apparently having civil disruption or civil disobedience as a primary motivation, resulting in intentionally caused property damage of any kind in the amount of $2,000 or more, which may reasonably be determined by the reinsurer, on the basis of evidence submitted by the company, to have been, under the circumstances, a form of civil disorder.

(e) "Aggregate losses" means the sum total of losses resulting from riots or civil disorders occurring in (or allocable to) a State during the period of the contract.

(f) "Excess aggregate losses" means that part of aggregate losses which is equal to the sum of:

(1) Ninety per centum (90%) for that part of the aggregate losses which exceeds the net retention but does not exceed the sum of the net retention and an amount equal to twenty per centum (20%) of the specified percentage of the company's direct premiums earned for the calendar year 1969;

(2) Ninety-five per centum (95%) for that part of the aggregate losses which exceeds the sum of the net retention and an amount equal to twenty per centum (20%) of the specified percentage of the company's direct premiums earned for the calendar year 1969, but does not exceed the sum of the net retention and an amount equal to sixty per centum (60%) of such specified percentage; and

(3) Ninety-eight per centum (98%) for that part of the aggregate losses which exceeds the sum of the net retention and an amount equal to sixty per centum (60%) of the specified percentage of the company's direct premiums earned for the calendar year 1969.

(g) "Net retention" means the amount of aggregate losses that the company must stand before the reinsurer's liability hereunder attaches and shall be one aggregate figure for each State which shall be determined by applying a factor of two and one-half per centum (2½%) to the specified percentage of the company's direct premiums eanred in the State for the calendar year 1969 on those lines of insurance hereby reinsured.

(h) "Specified percentage" means one hundred per centum (100%) of each line of insurance reinsured under this contract except that the specified percentage of Homeowners multiple peril shall be eighty-five per centum (85%) and that of Commercial multiple peril shall be sixty-five per centum (65%).

(i) "Direct premiums earned" means direct premiums earned as reported in column 2 on page 14 of the company's Fire and Casualty Annual Statement, for the appropriate calendar year, in the form adopted by the National Association of Insurance Commissioners subject to adjustment as approved by the reinsurer for cessions to pools, facilities, and associations and for the inclusion of participation shares in such pools, facilities, and associations and such other appropriate adjustments, which shall include adjustments for dividends paid or credited to policy holders and reported

in column 3 on page 14, as may be approved or required by the reinsurer.

(j) "Company" means any company authorized to engage in the insurance business under the laws of any State except that, if there are two or more companies within a State in which reinsurance is to be provided under this contract which, as determined by the reinsurer:

(1) Are under common ownership and ordinarily operate on a group basis; or

(2) Are under single management direction; or

(3) Are otherwise determined by the reinsurer to have substantially common or interrelated ownership, direction, management, or control;

then all such related, associated, or affiliated companies shall be reinsured only as one aggregate entity.

(k) "State pool or other facility" means any pool or facility required under State law or approved by the State insurance authority which is formed, associated, or otherwise created as part of a statewide plan for the purpose of making property insurance more readily available.

(l) "Property owner" means any individual or group of individuals, corporation, partnership, or association, or any other organized group of persons having an insurable interest in any real, personal, or mixed real and personal property.

§ 1906.22 Offer to provide reinsurance.

Pursuant to the provisions of the Urban Property Protection and Reinsurance Act of 1968 and subject to the terms and conditions set forth in this part, the reinsurer offers to enter into a contract to pay, as reinsurance of the company, the amount of the company's excess aggregate losses resulting from riots or civil disorders in such lines of mandatory and optional coverage as may be designated by the company separately for each State.

§ 1906.23 Effective date of offer.

The reinsurer's offer to provide reinsurance under the terms and conditions set forth in this part is effective at the time this document is filed for public inspection at the Office of the Federal Register (8:49 a.m., e.s.t., April 11, 1969).

§ 1906.24 Acceptance of offer.

(a) Acceptance of this offer shall be by telegraphed or mailed notice of acceptance to the reinsurer. The date of dispatch of this notice of acceptance, which date shall be no later than 12 p.m., e.s.t., April 30, 1969, must be clearly shown either by telegraph dispatch notation or postmark.

(b) The telegram or letter accepting this offer of reinsurance must indicate the States in which reinsurance on lines of mandatory coverage is to be provided and must specifically designate for each such State the lines of optional coverage for which reinsurance is to be provided. This notice of acceptance shall be in substantially the following form:

The [name of insurer or insurers] hereby accepts the offer as filed with the FEDERAL REGISTER of a Standard Reinsurance Contract pursuant to the Urban Property Protection and Reinsurance Act of 1968 for the mandatory and [specify] optional lines in the following States: [specify].

(c) Any company accepting this offer of reinsurance in accordance with paragraphs (a) and (b) of this section shall be supplied copies of the Standard Reinsurance Contract, HUD–1601, for execution and return to the reinsurer.

§ 1906.25 Policies reinsured.

(a) Reinsurance, under a Standard Reinsurance Contract provided pursuant to this offer, shall apply to:

(1) All policies or contracts of insurance (unless otherwise reinsured by the reinsurer under subparagraphs (2) and (3) of this paragraph) issued by the company to any property owner;

(2) The company's participation shares (to the extent not otherwise reinsured by the reinsurer under subparagraphs (1) and (3) of this paragraph) in any State pool or other facility required under the State law or approved by the State insurance authority as a part of a statewide plan to improve the availability of essential property insurance in urban areas; and

(3) As may be approved by the reinsurer, the company's participation shares (to the extent not otherwise reinsured by the reinsurer under subparagraphs (1) and (2) of this paragraph) in any continuing organization or association of insurers created to meet special problems of insurability,

which policies, contracts, or participation shares are in force on the effective date of the contract or which commence or are renewed on or after such effective date in all the mandatory and in such optional standard lines of property insurance listed under paragraphs (b) and (c) of this section as may be designated separately for each State.

(b) The lines of mandatory coverage are:

(1) Fire and extended coverage;

(2) Vandalism and malicious mischief;

(3) Other allied lines of fire insurance;

(4) Burglary and theft; and

(5) Those portions of multiple peril policies covering similar perils to those provided in subparagraphs (1), (2), (3), and (4) of this paragraph.

(c) The lines of optional coverage are:

(1) Inland marine;

(2) Glass;

(3) Boiler and machinery;

(4) Ocean marine; and

(5) Aircraft physical damage.

§ 1906.26 Premiums.

(a) The aggregate gross reinsurance premium due the reinsurer for the coverage provided under the contract of reinsurance shall be computed by applying an annual rate of one and one-quarter per centum (1.25%) to a premium base consisting of the sum of the products of the company's direct premiums earned in each State in each reinsured line for the calendar year 1969 multiplied by the specified percentage of such earned premiums, as defined in §§ 1906.21 (h) and (i). Where a company is newly authorized to write insurance in a State after May 1, 1969, and subsequently acquires reinsurance under the contract with respect to such insurance, the premium for such reinsurance shall be prorated in the ratio of (1) the number of days of coverage to be provided from the date of inception of coverage through April 30, 1970, to (2) 365.

(b) If any reinsurance coverage existed with respect to any State under a prior contract of reinsurance between the reinsurer and the company, and reinsurance with respect to any lines of insurance in the same State is continued under the contract with no lapse following the termination of the prior contract, a renewal credit equal to eighty per centum (80%) of the net premium paid for such prior reinsurance coverage, as adjusted, will be applied as a credit against the gross premium hereby required to be paid with respect to all lines of insurance reinsured in the same State: *Provided, however*, That the minimum net premium due the reinsurer under the contract for reinsurance in any State for a full contract year shall in no event be less than one-half of one per centum (0.5%) of the premium base for that State.

(c) An advance premium, which shall be an estimated premium only, shall be computed on the basis of direct premiums earned in the calendar year 1968 in the manner required for the computation of the reinsurance premium, less any renewal credits, and at least one-half thereof shall be paid within 15 days of demand for such payment. The balance of this estimated premium, if any, shall be due and payable on or before November 1, 1969, without further notice. The amount of the actual premium shall subsequently be determined and adjusted in accordance with § 1906.30.

(d) If reinsurance coverage with respect to any State, provided under a prior Standard Reinsurance Contract between the reinsurer and the company, cannot be continued in such State under this contract through no fault of the company, as determined by the reinsurer, or, if the company is prevented from applying all of the renewal credit to which it would otherwise be entitled by reason of the reinsurer's minimum net premium requirement, then in either case any unused renewal credit otherwise applicable to reinsurance under the contract may, at the option of the reinsurer, be applied toward reinsurance premiums due with respect to the same State in the next year during which the company is eligible for coverage in such State.

§ 1906.27 Assessments.

If any other company (or companies) reinsured by the reinsurer under a like Standard Reinsurance Contract incurs aggregate losses in reinsured lines in any State during the period of the contract, which in total exceed its net retention for all such lines, and as a result lodges claims against the reinsurer, then the company, on demand of the reinsurer, shall pay to the reinsurer an assessment sufficient to meet the company's equitable

share of all such excess aggregate losses incurred in the State, but only to the extent that such losses exceed the aggregate net amount of reinsurance premiums (after credits) paid or payable into the National Insurance Development Fund for the period from May 1, 1969, through April 30, 1970, for reinsurance in such State. Such share shall be in the proportion that—

(a) The amount, if any, by which the company's net retention in lines reinsured under the contract in such State exceeds the company's aggregate losses in such lines, bears to

(b) The aggregate amount of unabsorbed net retention for all the lines of insurance of all companies reinsured under the contract in such State,

but such share shall not exceed the amount of the company's unabsorbed net retention under paragraph (a) of this section. An assessment will be required only after the termination of coverage provided by the contract.

§ 1906.28 Claims.

(a) The company shall advise the reinsurer by letter (1) of all losses which exceed $10,000 and (2) whenever it appears that aggregate losses have been incurred in an amount which approaches seventy-five per centum (75%) of the company's net retention based upon direct premiums earned for the calendar year 1968 in any State.

(b) When the company incurs aggregate property losses which exceed its net retention in any State, the company may make claim upon the reinsurer for the payment of excess aggregate losses in that State by filing a certification of loss and thereafter such supporting documentation of losses as may be required by the reinsurer, and following the receipt of such certifications and documentation the reinsurer shall, as promptly as possible, in such installments and on such conditions as may be determined by the reinsurer to be appropriate (including advance payments made on the basis of preliminary certifications of loss filed in advance of the final determination of the ultimate amount of losses), pay to the company such excess aggregate losses subject to adjustments on account of underpayments or overpayments.

(c) If the ultimate amount of losses to be paid by the company has not been finally determined when the certification of loss is filed, the company shall, in due course, file one or more supplementary certifications of loss and thereafter the reinsurer or the company, as the case may be, shall pay the balance due.

(d) Claims paid pursuant to computations of net retentions based upon the direct premiums earned for the calendar year 1968 shall be recomputed and adjusted at the termination of the coverage provided by the contract on the basis of direct premiums earned in reinsured lines for the calendar year 1969.

§ 1906.29 Inception and expiration dates.

(a) Except as otherwise provided by section 1222(d) of the National Housing Act, 12 U.S.C. 1749bbb–8(d), the Standard Reinsurance Contract shall be entered into on or before April 30, 1969, and shall be in effect from 12:01 a.m., e.s.t., May 1, 1969. All coverage under the contract shall expire at 12 p.m. (midnight), e.s.t., April 30, 1970, unless sooner terminated.

(b) Reinsurance under the contract may be canceled by the company in its entirety or with respect to any State:

(1) Upon notice by the company to the reinsurer that the company desires to cancel the reinsurance coverage specified; and

(2) Upon the company's commitment to pay any net premium due for coverage afforded under the contract prorated in the ratio of:

(i) The number of days for which coverage was provided prior to the cancellation of such coverage plus 30, to

(ii) The total number of days of coverage provided under the contract from the inception of such coverage up to and including April 30, 1970.

(c) In the event of any cancellation of reinsurance coverage under this § 1906.29, the net retention and assessment of such company shall be computed, without proration, on the basis of the direct premiums earned for the calendar year 1969. Refunds of premiums, if any, due the company upon cancellation may, at the discretion of the reinsurer, be deferred until after final adjustments have been made in accordance with § 1906.30.

§ 1906.30 Adjustments.

On or before May 30, 1970, the company shall report to the reinsurer its direct premiums earned for the calendar year 1969 in all reinsured lines in all States for which reinsurance was provided under the contract, for the purpose of computing and adjusting the reinsurance premium due to the reinsurer with respect to the coverage provided, and, on or before July 31, 1970, its aggregate losses, for the purpose of computing and adjusting excess aggregate losses and assessments. Any overpayment or underpayment between the reinsurer and the company shall be adjusted and paid in accordance with the obligations assumed under the contract.

§ 1906.31 Insolvency.

(a) In the event of insolvency of the company the reinsurance under the contract shall be payable by the reinsurer to the company or to its liquidator, receiver, or statutory successor on the basis of the liability of the company under all policies, contracts, or participation shares reinsured without diminution because of the insolvency of the company.

(b) It is further agreed that the liquidator, or receiver, or statutory successor of the company shall give written notice to the reinsurer of the pendency of any claim against the company on the policies, contracts, or participation shares reinsured within a reasonable time after such claim is filed in the insolvency proceeding, and that during the pendency of such claim the reinsurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defense or defenses which may be deemed available to the company or its liquidator, or receiver, or statutory successor. The expense thus incurred by the reinsurer shall be chargeable, subject to court approval, against the company as part of the expense of liquidation to the extent of a proportionate share of the benefit which may accrue to the company solely as a result of the defense undertaken by the reinsurer.

§ 1906.32 Errors and omissions.

Inadvertent delays, errors, or omissions made in connection with the contract or any transaction under the contract shall not relieve either party from any liability which would have attached had such delay, error, or omission not occurred, provided always that such delay, error, or omission is rectified as soon as possible after discovery.

§ 1906.33 Restriction of benefits.

No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of the contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to the contract if made with a corporation for its general benefit.

§ 1906.34 Participation in statewide plans.

(a) No reinsurance shall be offered or effective under the contract in any State (1) unless there is in effect in such State a statewide plan to make essential property insurance more widely available, and the company is, at the inception of the contract, as determined by the State insurance authority, fully participating in such plan and (2) unless, in the case of a State in which a State pool or other facility has been established pursuant to State law, the company is also participating in such State pool or other facility. The company shall file and maintain with the State insurance authority in each State in which it is participating in such plan a statement pledging its full participation and cooperation in carrying out the plan and shall file a copy of each such statement with the reinsurer. The company shall not direct any agent, broker, or other producer not to solicit business through such plans and shall not penalize in any way any agent, broker, or other producer for submitting applications for insurance under such plans. The company shall also establish and carry out an education and public information program to encourage agents, brokers, and other producers to utilize the programs and facilities available under such statewide plans.

(b) In the event that the company after the inception of the contract voluntarily withdraws from any State plan, pool, or other facility required by this section, such withdrawal shall be deemed to constitute cancellation by the company with respect to that State as of the effective date of the withdrawal, and the computation of the premium due to the reinsurer shall be made in accordance with § 1906.29(b)(2).

§ 1906.35 Limitations on reinsurance.

(a) Reinsurance under the contract shall not be applicable to insurance policies subsequently written in a State by the company:

(1) After August 1, 1969, or such later date as may be applicable in accordance with section 1223(a)(1) of the National Housing Act, 12 U.S.C. 1749bbb–9(a)(1), where the State has not enacted legislation to reimburse the reinsurer, as necessary, for the portion of the aggregate losses incurred by the reinsurer (subsequent to Aug. 1, 1968) specified in said section 1223(a)(1);

(2) After 30 days following notification to the company that the reinsurer has found (after consultation with the State insurance authority) that it is necessary to have a suitable program adopted, in addition to required statewide plans, to make essential property insurance available without regard to environmental hazards and that such a program has not been adopted;

(3) After 30 days following notification to the company that the reinsurer has found (after consultation with the State insurance authority) or that the State insurance authority has found that the company is not fully participating in the statewide plan; and, where it exists, in a State pool or other facility; and, where it exists, in any other program found necessary to make essential property insurance more readily available in the State; or

(4) Following a merger, acquisition, consolidation, or reorganization involving the company and one or more insurers with or without such reinsurance, unless the surviving insurer meets all conditions for eligibility for reinsurance and within 10 days pays any reinsurance premiums due.

(b) Notwithstanding paragraph (a) of this section, reinsurance may at the election of the reinsurer be continued, up to and including April 30, 1970, for the term of such policies and contracts reinsured prior to the date of termination of reinsurance under this section for as long as the company pays the reinsurance premiums in such amounts as may be required, and for the purposes of this section the renewal, extension, modification, or other change in a policy or contract for which any additional premium is charged shall be deemed to be a policy or contract written on the date such change was made.

§ 1906.36 Arbitration.

(a) If any misunderstanding or dispute arises between the company and the reinsurer with reference to the amount of premium due, the amount of loss, or to any other factual issue under any provision of the contract, other than as to legal liability or interpretation of law, such misunderstanding or dispute may be submitted to arbitration for a determination which shall be binding only upon approval by the reinsurer. The company and the reinsurer may agree on and appoint an arbitrator who shall investigate the subject of the misunderstanding or dispute and make his determination. If the company and the reinsurer cannot agree on the appointment of an arbitrator, then two arbitrators shall be appointed, one to be chosen by the company and one by the reinsurer. The two arbitrators so chosen, if they are unable to reach an agreement, shall select a third arbitrator who shall act as umpire, and such umpire's determination shall become final only upon approval by the reinsurer. The company and the reinsurer shall bear equally all expenses of the arbitration.

(b) Findings, proposed awards, and determinations resulting from arbitration proceedings carried out under this section shall, upon objection by the reinsurer or the company, be inadmissible as evidence in any subsequent proceedings in any court of competent jurisdiction.

§ 1906.37 Access to books and records.

The reinsurer and the Comptroller General of the United States, or their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books, documents, papers, and records of the company that are pertinent to the business reinsured under the contract. Such audits shall be conducted to the maximum extent feasible in cooperation with the State insurance authorities and through the use of their examining facilities. The company shall keep reasonable records which fully disclose all matters pertinent to the business reinsured under the contract and such other records as will facilitate an effective audit of the liability for reinsurance payments by the reinsurer.

§ 1906.38 Information and annual statements.

The company shall furnish to the reinsurer such summaries and analyses of information in its records as may be necessary to carry out the purposes of the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb, in such form as the reinsurer, in cooperation with the State insurance authority, shall prescribe, and the company shall file with the reinsurer a true and correct copy of the company's Fire and Casualty Annual Statement, or amendment thereof, filed with the State insurance authority of the company's domiciliary State, at the time the company files such statement or amendment with the State insurance authority. The company shall also file with the reinsurer an equivalent page 14 of such annual statement for each State in which reinsurance is provided under the contract.

Effective date. This part is effective at the time this document is filed for public inspection at the Office of the Federal Register.

WM. B. ROSS,
Acting Federal Insurance Administrator.

[F.R. Doc. 69-4319; Filed, Apr. 11, 1969; 8:49 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Miscellaneous Amendments

This part as filed with the FEDERAL REGISTER on June 29, 1955, was last amended on November 21, 1968 (33 F.R. 17234). The following amendments are made to Part 601:

PARAGRAPH 1. Section 601.104 is amended by revising paragraph (a)(4) to read as follows:

§ 601.104 Collection functions.

(a) *Collection methods* * * *

(4) *Collection by sale of revenue stamps.* Certain taxes are collected by sale of revenue stamps. These taxes fall into three general classes: Documentary stamp taxes, commodity stamp taxes, and occupational stamp taxes. The documentary and commodity stamp taxes are paid by having affixed to the document, package, container, etc., in respect to which the tax is imposed, internal revenue stamps in the amount equal to the tax due and by canceling such stamps in the manner prescribed. Payment of occupational taxes is evidenced by a special occupational tax stamp issued to the taxpayer. In certain situations where it is not practicable to collect the tax by stamp, for example, where the instrument or commodity subject to stamp tax is no longer in existence or for other reasons cannot be stamped or where it is discovered that an occupational stamp tax was due for a prior taxable year, the tax may be collected by assessment. For special provisions applicable to stamp taxes, see § 601.404.

* * * * *

PAR. 2. Section 601.105 is amended by revising subdivisions (i) (*d*) and (*e*) and (vi)(*d*) of paragraph (b)(5), by revising subdivision (ii) of paragraph (c)(1), by deleting paragraph (e)(4), by revising paragraphs (f) and (i), and by adding a new paragraph (j). These revised provisions read as follows:

§ 601.105 Examination of returns and claims for refund, credit or abatement; determination of correct tax liability.

* * * * *

(b) *Examination of returns.* * * *

(5) *Technical advice from the National Office*—(i) *Definition and nature of technical advice.* * * *

(d) The provisions of this subparagraph apply only to a case under the jurisdiction of a district director. They do not apply to a case under the jurisdiction of the Alcohol, Tobacco, and Firearms Division or to a case or issue under the jurisdiction of a regional Appellate Division, including cases previously considered by Appellate. Technical advice may not be requested with respect to a taxable period if a prior Appellate disposition of the same taxable period of the same taxpayer's case was based on mutual concessions (ordinarily with an 870–AD type agreement). Technical advice may not be requested by a district office on issues previously considered in a prior Appellate disposition, not based on mutual concessions, of the same taxable periods of the same taxpayer unless Appellate concurs in the request.

(e) The Assistant Commissioner (Technical), acting under a delegation of authority from the Commissioner, is exclusively responsible for providing technical advice in any issue involving the establishment of basic principles and rules for the uniform interpretation and application of substantive tax laws other than those which are under the jurisdiction of the Alcohol, Tobacco, and Firearms Division. This authority has been largely redelegated to subordinate officials.

* * * * *

(vi) *Conference in the National Office.* * * *

(d) It is the responsibility of the taxpayer to furnish to the National Office, for addition to the case file, a written record of any additional data, lines of reasoning, precedents, etc., which are proposed by the taxpayer and discussed at the conference but which were not previously or adequately presented in writing. This additional record and a copy thereof should be addressed to and sent to the National Office which will forward the copy to the appropriate district director. The district director will be requested to give the matter his prompt attention. He may verify the additional facts and data and comment upon it to the extent he deems it appropriate.

* * * * *

(c) *District conference procedure—*(1) *Office audit.* * * *

(ii) If, at the conclusion of an office interview audit, the taxpayer does not agree with the adjustments proposed, the examining officer will fully explain the adjustments and the available appeal procedures. If the taxpayer desires an immediate conference it will be granted if practicable. If an immediate conference is not requested by the taxpayer, the examination report will be mailed to him under cover of an appropriate transmittal letter. This letter provides him with a detailed explanation of the available appeal procedures and requests him to inform the district, within the specified time, of his choice of action. The taxpayer will be granted a district Audit Division conference on request, and will not be required to file a protest.

* * * * *

(e) *Claims for refund or credit.* * * *

(4) [Deleted]

* * * * *

(f) *Interruption of audit and conference procedure.* The process of field audits and the course of the administrative procedure described in this section and in the following section may be interrupted in some cases by the imminent expiration of the statutory period of limitations for assessment of the tax. In this event the district director of internal revenue or other appropriate officer concerned must dispatch a statutory notice of deficiency (income, profits, estate or gift tax cases) or take other appropriate action with a view to assessment, even though the audit or conferences may then be going forward. In order to avoid interruption of the established procedure (except in estate tax cases), it is suggested to the taxpayer that he execute an agreement on Form 872 (or such other form as may be prescribed for this purpose). To be effective this agreement must be entered into by the taxpayer and the district director or other appropriate officer concerned prior to the expiration of the time otherwise provided for assessment. Such a consent extends the period for assessment of any deficiency, or any additional or delinquent tax, and extends the period during which the taxpayer may claim a refund or credit to a date 6 months after the agreed time of extension of the assessment period. When appropriate, a consent may be entered into restricted to certain issues.

* * * * *

(i) *Regional post review of examined cases.* Regional Commissioners review samples of examined cases closed in their district offices to insure uniformity throughout their districts in applying Code provisions, regulations, and rulings, as well as the general policies of the Service. In a similar manner the National Office Audit Division reviews samples of examined cases closed in the Office of International Operations.

(j) *Reopening of Cases Closed After Examination.* (1) The Service does not reopen any case closed after examination by a district office or Office of International Operations to make an adjustment unfavorable to the taxpayer unless:

(i) There is evidence of fraud, malfeasance, collusion, concealment, or misrepresentation of a material fact; or

(ii) The prior closing involved a clearly defined substantial error based on an established Service position existing at the time of the previous examination; or

(iii) Other circumstances exist which indicate failure to reopen would be a serious administrative omission.

(2) All reopenings are approved by the Assistant Regional Commissioner (Audit), or by the Director of International Operations for cases under his jurisdiction. If an additional inspection of the taxpayer's books of account is necessary, the notice to the taxpayer required by Code section 7605(b) will be delivered to the taxpayer at the time the reexamination is begun.

PAR. 3. Section 601.106(d)(3) is amended by adding the following new subdivision (iii)(i):

§ 601.106 **Appellate functions.**

* * * * *

(d) *Disposition and settlement of cases before Appellate Division.* * * *

(3) *Cases docketed in the Tax Court.* * * *

(iii) * * *

(i) Cases classified as "Small Tax" cases by the Tax Court are given expeditious consideration because such cases are not included on a Trial Status Order. These cases are considered by the Court as ready for placing on a trial calendar as soon as the answer has been filed and are given priority by the Court for trial over other docketed cases.

* * * * *

PAR. 4. Section 601.201 is amended by revising paragraphs (e) and (k)(1), by redesignating paragraph (n)(1)(iii) as (n)(1)(iv) and adding a new paragraph (n)(1)(iii), by revising paragraph (n)(6)(vii), and by adding a new paragraph (q), to read as follows:

§ 601.201 **Rulings and determination letters.**

* * * * *

(e) *Instructions to taxpayers.* (1) A request for a ruling or determination letter is to be submitted in duplicate if (i) it is a request for exemption under section 501(c) or 501(d) of the Code; (ii) more than one issue is presented in the request; or (iii) a closing agreement is requested with respect to the issue presented. It is not necessary to present requests in duplicate under other circumstances including requests for exemption from tax under section 521 of the Code or with respect to the qualification of plans under section 401 of the Code.

(2) Each request for a ruling or a determination letter must contain a complete statement of all relevant facts relating to the transaction. Such facts include names, addresses, and taxpayer identifying numbers of all interested parties; the district office where each party files or will file its return or report; a full and precise statement of the business reasons for the transaction; and a carefully detailed description of the transaction. In addition, true copies of all contracts, wills, deeds, agreements, instruments, and other documents involved in the transaction must be submitted with the request. However, relevant facts reflected in documents submitted must be included in the taxpayer's statement and not merely incorporated by reference, and must be accompanied by an analysis of their bearing on the issue or issues, specifying the pertinent provisions. (The term "all interested parties" is not to be construed as requiring a list of all shareholders of a widely held corporation

requesting a ruling relating to a reorganization, or a list of employees where a large number may be involved in a plan.) The request must contain a statement whether, to the best of the knowledge of the taxpayer or his representative, the identical issue is being considered by any field office of the Service in connection with an active examination or audit of a tax return of the taxpayer already filed. Where the request pertains to only one step of a larger integrated transaction, the facts, circumstances, etc., must be submitted with respect to the entire transaction. As documents and exhibits become a part of the Internal Revenue Service file and cannot be returned, the original documents should not be submitted. If the request is with respect to a corporate distribution, reorganization, or other similar or related transaction, the corporate balance sheet nearest the date of the transaction should be submitted. (If the request relates to a prospective transaction, the most recent balance sheet should be submitted.)

(3) As an alternative procedure for the issuance of rulings on prospective transactions, the taxpayer may submit a summary statement of the facts he considers controlling the issue, in addition to the complete statement required for ruling requests by subparagraph (2) of this paragraph. Assuming agreement with the taxpayer's summary statement, the Service will use it as the basis for the ruling. Any taxpayer wishing to adopt this procedure should submit with the request for ruling:

(i) A complete statement of facts relating to the transaction, together with related documents, as required by subparagraph (2) of this paragraph; and

(ii) A summary statement of the facts which he believes should be controlling in reaching the requested conclusion.

Where the taxpayer's statement of controlling facts is accepted, the ruling will be based on those facts and only this statement will ordinarily be incorporated in the ruling letter. It is emphasized, however, that:

(*a*) This procedure for a "two-part" ruling request is elective with the taxpayer and is not to be considered a required substitute for the regular procedure contained in paragraphs (a) through (m) of this section;

(*b*) Taxpayers' rights and responsibilities are the same under the "two-part" ruling request procedure as those provided in paragraphs (a) through (m) of this section;

(*c*) The Service reserves the right to rule on the basis of a more complete statement of facts it considers controlling and to seek further information in developing facts and restating them for ruling purposes; and

(*d*) The "two-part" ruling request procedure will not apply where it is inconsistent with other procedures applicable to specific situations, such as requests for permission to change accounting method or period, application for exemption under section 501, or rulings on employment tax status.

(4) If the taxpayer is contending for a particular determination, he must furnish an explanation of the grounds for his contentions, together with a statement of relevant authorities in support of his views. Even though the taxpayer is urging no particular determination with regard to a proposed or prospective transaction, he must state his views as to the tax results of the proposed action and furnish a statement of relevant authorities to support such views.

(5) If the request is with respect to the qualification of a plan under section 401(a) of the Code, see paragraphs (o) and (p) of this section. If the request is with respect to the qualification of an organization for exemption from Federal income tax under section 501 or 521 of the Code, see paragraph (n) of this section.

(6) A request by or for a taxpayer must be signed by the taxpayer or his authorized representative. If the request is signed by a representative of the taxpayer, or if the representative is to appear before the Internal Revenue Service in connection with the request, he must either be:

(i) An attorney who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, and who files with the service a written declaration that he is currently qualified as an attorney and he is authorized to represent the principal,

(ii) A certified public accountant who is duly qualified to practice in any State, possession, territory, Commonwealth, or the District of Columbia, and who files with the Service a written declaration that he is currently qualified as a certified public accountant and he is authorized to represent the principal, or

(iii) A person, other than an attorney or certified public acountant, enrolled to practice before the Service. (See Treasury Department Circular No. 230, as amended, C.B. 1966–2, 1171.)

The above requirements do not apply to an individual representing his full-time employer, or to a bona fide officer, administrator, trustee, etc., representing a corporation, trust, estate, association, or organized group. An unenrolled preparer of a return (other than an attorney or certified public accountant referred to in subdivisions (i) and (ii) of this subparagraph (6)) who is not a full-time employee, or a bona fide officer, administrator, trustee, etc., may not represent a taxpayer with respect to a ruling or a determination letter. Any authorized representative, whether or not he is enrolled to practice, must also comply with the conference and practice requirements of Subpart E of this part. Forms 2848, Power of Attorney, and 2848–D, Authorization and Declaration, may be used with regard to rulings or determination letters requested under this section.

(7) A request for a ruling by the National Office should be addressed to the Commissioner of Internal Revenue, Attention: T:PS:T, Washington, D.C. 20224. A request for a determination letter should be addressed to the district director of internal revenue for the district with which the tax return of the taxpayer has been filed or is required to be filed. See also paragraphs (n) through (q) of this section.

(8) Any request for a ruling or a determination letter which does not comply with all the provisions of this paragraph will be acknowledged, and the requirements which have not been met will be pointed out.

(9) A taxpayer or his representative who desires an oral discussion of the issue or issues involved should indicate such desire in writing when filing the request or soon thereafter in order that the conference may be arranged at that stage of consideration when it will be most helpful.

(10) It is the practice of the Service to process requests for rulings or determination letters in regular order and as expeditiously as possible. Compliance with a request for consideration of a particular matter ahead of its regular order, or by a specified time, tends to delay the disposition of other matters. Requests for processing ahead of the regular order, made in writing in a separate letter submitted with the request or subsequent thereto and showing clear need for such treatment, will be given consideration as the particular circumstances warrant. However, no assurance can be given that any ruling or determination letter will be processed by the time requested. For example, the scheduling of a closing date for a transaction or a meeting of the board of directors or shareholders of a corporation without due regard to the time it may take to obtain a ruling or determination letter will not be deemed sufficient reason for handling a request ahead of its regular order. Neither will the possible effect of fluctuation in the market price of stocks on a transaction be deemed sufficient reason for handling a request out of order. Requests by telegram will be treated in the same manner as requests by letter. Rulings and determination letters ordinarily will not be issued by telegram. A taxpayer or his representative desiring to obtain information as to the status of his case may do so by contacting the appropriate division in the office of the Assistant Commissioner (Technical).

(11) When a taxpayer receives a ruling or a determination letter prior to the filing of his return with respect to any transaction that has been consummated and that is relevant to the return being filed, he should attach a copy of the ruling or determination letter to the return.

(12) Where a taxpayer has received an adverse determination under section 367 of the Code, a protest directed to the position upon which the adverse determination is based will be considered by an informal board consisting of the Assistant Commissioner (Technical), Director of Income Tax Division, and a representative of the Chief Counsel. This procedure is invoked by a request

directed to the Assistant Commissioner (Technical).

* * * * *

(k) *Oral advice to taxpayers.* (1) The Service does not issue rulings or determination letters upon oral requests. Furthermore, National Office officials and employees ordinarily will not discuss a substantive tax issue with a taxpayer or his representative prior to the receipt of a request for a ruling, since oral opinions or advice are not binding on the Service. This should not be construed as preventing a taxpayer or his representative from inquiring whether the Service will rule on a particular question. In such cases, however, the name of the taxpayer and his identifying number must be disclosed. The Service will also discuss questions relating to procedural matters with regard to submitting a request for a ruling.

* * * * *

(n) *Organizations claiming exemption under section 501 or 521 of the Code*—(1) *Filing applications for exemption.* * * *

(iii) An exemption ruling or determination letter will not ordinarily be issued if an issue involving the organization's exempt status under section 501 or 521 of the Code is pending in litigation or before the Appellate Division.

(iv) Requests for rulings or determination letters other than in the form of applications for exemption are governed by the procedures outlined in paragraphs (a) through (m) of this section.

* * * * *

(6) *Revocation or modification of exemption rulings or determination letters.* * * *

(vii) If it is concluded that an organization entered into a prohibited transaction for the purpose of diverting corpus or income from its exempt purpose and if the transaction involved a substantial part of the corpus or income of the organization, its exemption is revoked effective as of the beginning of the taxable year during which the prohibited transaction was commenced.

* * * * *

(q) *Corporate Master and prototype plans.* (1) *Scope and definitions.* (i) The general procedures set forth in this paragraph pertain to the issuance of rulings, determination letters, and opinion letters relating to master and prototype pension, annuity, and profit-sharing plans (except those covering self-employed individuals) under section 401(a) of the Code, and the status for exemption of related trusts or custodial accounts under section 501(a). (A custodial account described in section 401(f) of the Code is treated as a qualified trust for purposes of the Code.) These procedures are subject to the general procedures set forth in paragraph (o) of this section, and relate only to master plans and prototype plans that do not include self-employed individuals and are sponsored by trade or professional associations, banks, insurance companies, or regulated investment companies. These plans are further identified as "variable form" and "standardized form" plans.

(ii) A "master plan" is a form of plan in which the funding organization (trust, custodial account, or insurer) is specified in the sponsor's application, and a "prototype plan" is a form of plan in which the funding organization is specified in the adopting employer's application.

(iii) A "variable form" plan is either a master or prototype plan that permits an employer to select various options relating to such basic provisions as employee coverage, contributions, benefits, and vesting. These options must be set forth in the body of the plan or in a separate document. Such plan, however, is not complete until all provisions necessary for qualification under section 401(a) of the code are appropriately included.

(iv) A "standardized form" plan is either a master or prototype plan that meets the requirements of subparagraph (2) of this paragraph.

(2) *Standardized form plan requirements.* A standardized form plan must be complete in all respects (except for choices permissible under subdivisions (i) and (iv) of this subparagraph) and contain among other things provisions as to the following requirements:

(i) *Coverage.* The percentage coverage requirements set forth in section 401(a)(3)(A) of the Code must be satisfied. Provisions may be made, however, for an adopting employer to designate such eligibility requirements as are permitted under that section.

(ii) *Nonforfeitable rights.* Each employee's rights to or derived from the contributions under the plan must be nonforfeitable at the time the contributions are paid to or under the plan, except to the extent that the limitations set forth in § 1.401-4(c) of the Income Tax Regulations, regarding early termination of a plan, may be applicable.

(iii) *Bank trustee.* In the case of a trusteed plan, the trustee must be a bank.

(iv) *Definite contribution formula.* In the case of a profit-sharing plan, there must be a definite formula for determining the employer contributions to be made. Provision may be made, however, for an adopting employer to specify his rate of contribution.

(3) *Rulings, determination letters, and opinion letters.* (i) A favorable determination letter as to the qualification of a pension or profit-sharing plan and the exempt status of any related trust or custodial account, is not required as a condition for obtaining the tax benefits pertaining thereto. However, paragraph (c)(5) of this section authorizes district directors to issue determination letters as to the qualification of plans and the exempt status of related trusts or custodial accounts.

(ii) In addition, the National Office upon request from a sponsoring organization will furnish a written opinion as to the acceptability of the form of a master or prototype plan and any related trust or custodial account, under sections 401(a) and 501(a) of the Code. Each opinion letter will bear an identifying plan serial number. However, opinion letters will not be issued under this paragraph as to (*a*) plans of a parent company and its subsidiaries, (*b*) pooled fund arrangements contemplated by Revenue Ruling 56-267, C.B. 1956-1, 206, (*c*) industry-wide or area-wide union-negotiated plans, (*d*) plans that include self-employed individuals, (*e*) stock bonus plans, and (*f*) bond purchase plans.

(iii) A ruling as to the exempt status of a trust or custodial account under section 501(a) of the Code will be issued to the trustee or custodian by the National Office where such trust or custodial account forms part of a plan described in subparagraph (1) of this paragraph and the trustee or custodian is specified on Form 4461, Sponsor Application—Approval of Master or Prototype Plan. Where not so specified, a determination letter as to the exempt status of a trust or custodial account will be issued by the district director for the district in which is located the principal place of business of an employer who adopts such trust or custodial account after he furnishes the name of the trustee or custodian.

(iv) Since a determination as to the qualification of a particular employer's plan can be made only with regard to facts peculiar to such employer, a letter expressing the opinion of the Service as to the acceptability of the form of a master or prototype plan will not constitute a ruling or determination as to the qualification of a plan as adopted by any individual employer nor as to the exempt status of a related trust or custodial account.

(v) A determination as to the qualification of a plan as it relates to a particular employer will be made by the district director for the district in which each employer's principal place of business is located, if the employer has adopted a master or prototype plan that has been previously approved as to form. An employer who desires such a determination must file Form 4462, Employer Application—Determination as to Qualification of Pension, Annuity, or Profit-Sharing Plan and Trust, and furnish a copy of the adoption agreement or other evidence of adoption of the plan and such additional information as the district director may require.

(4) *Request by sponsoring organizations and employers.* (i) The National Office will consider the request of a sponsoring organization desiring a written opinion as to the acceptability of the form of a master or prototype plan and any related trust or custodial account. Such request is to be made on Form 4461 and filed with the Commissioner of Internal Revenue, Washington, D.C. 20224, attention T:MS:PT. Copies of all documents, including the plan and trust or custodial agreement, together with specimen insurance contracts, if applicable, are to be submitted with the request. In making its determination, the National Office may require additional information as appropriate.

(ii) Each district director, in whose jurisdiction there are employers who adopt the form of plan, is to be furnished a copy of the previously approved form of plan and related documents by the sponsoring organization. The sponsoring organization must also furnish such district director a copy of all amendments subsequently approved as to form by the National Office.

(iii) The sponsoring organization must furnish copies of opinion letters as to the acceptability of the form of plan, including amendments (see subparagraph (5) of this paragraph), to all adopting employers.

(5) *Amendments.* (i) Subsequent to obtaining approval of the form of a master or prototype plan, a sponsoring organization may wish to amend the plan. Whether a sponsoring organization may effect an amendment depends on the plan's administrative provisions.

(ii) If the plan provides that each subscribing employer has delegated authority to the sponsor to amend the plan and that each such employer shall be deemed to have consented thereto, the plan may be amended by the sponsor acting on behalf of the subscribers. If the plan does not contain such provision but all subscribing employers consent in a collateral document to permit amendment, the sponsor, acting on their behalf, may amend the plan. However, where a sponsor is unable to secure the consent of each such employer, the plan cannot be amended. In such cases any change can only be effected by the establishment of a new plan and the submission of a new Form 4461 by the sponsor. The new plan must be complete and separate from the old plan, and individual employers may, if they desire, substitute the new plan for the old plan.

(iii) Where the plan has been amended pursuant to subdivision (ii) of this subparagraph, the sponsor is to submit an application, Form 4461, a copy of the amendment, a description of the changes, and a statement indicating the provisions in the original plan authorizing amendments, or a statement that each participating employer's consent has been obtained.

(iv) Upon approval of the amendment by the National Office, an opinion letter will be issued to the sponsor containing the serial number of the original plan, followed by a suffix: "A–1" for the first amendment "A–2" for the second amendment, etc. Employers adopting the form of plan subsequent to the date of the amendment must use the revised serial number.

(v) If a new plan is submitted, together with Form 4461 and copies of all documents evidencing the plan, an opinion letter bearing a new serial number will be issued to the sponsor, and all employers who adopt the new plan are to use the new serial number. Employers who adopted the old plan continue to use the original serial number. However, any employer who wishes to change to the new plan may do so by filing with his district director a new Form 4462, indicating the change.

(vi) An employer who amends his adoption agreement may request a determination letter as to the effect of such amendment by filing Form 4462 with his district director, together with a copy of the amendment and a summary of the changes. However, in the event an employer desires to amend his adoption agreement under a master or prototype plan, and such amendment is not contemplated or permitted under the plan, then such amendment will in effect substitute an individually designed plan for the master or prototype plan and the amendment procedure described in paragraph (o) of this section will be applicable.

(6) *Effect on other plans.* Determination letters previously issued by district directors specified in paragraph (o)(2)(vii) of this section are not affected by these procedures even though the plans covered by the determination letters were designed by organizations described in subparagraph (1)(i) of this paragraph. However, such organizations may avail themselves of these procedures with respect to any subsequent action regarding such plans if they otherwise come within the scope of this paragraph.

PAR. 5. Section 601.301 is amended by revising paragraph (b), so much of paragraph (c) as precedes subparagraph (1) thereof, and subparagraphs (7) and (16) to read as follows:

§ 601.301 Imposition of taxes, qualification requirements, and regulations.

* * * * *

(b) *Qualification requirements.* Distillers, winemakers, brewers, warehousemen, rectifiers, bottlers, liquor bottle manufacturers, dealers in specially denatured alcohol, users of tax-free and specially denatured alcohol, and wholesalers and importers of liquors, are required to qualify with the Internal Revenue Service, usually by filing notice or application and bond with, and procuring permit from, the assistant regional commissioner (alcohol, tobacco, and firearms) of the region in which operations are to be conducted. Detailed information respecting such qualification, including the forms to be used and the procedure to be followed, is contained in the respective regulations described in paragraph (c) of this section.

(c) *Regulations.* The procedural requirements with respect to matters relating to distilled spirits, wines, and beer which are within the jurisdiction of the Alcohol, Tobacco, and Firearms Division are published in the regulations described in this paragraph. These regulations contain full information as to the general course and method by which the functions concerning liquors are channeled and determined, including the nature and requirements of formal and informal procedures, the forms, records, reports, and other documents required, and the contents of applications, notices, registrations, permits, bonds, and other documents. Supplies of prescribed forms may be obtained from the office of assistant regional commissioners (alcohol, tobacco, and firearms), except that Forms 52–A, 52–B, 122, 133, 338, 2051, 2056–2060, 2621, and 2637 must be provided by the users at their own expense. Users and commercial printers may procure specimen copies of such forms from such offices. IRS Publication No. 480, which contains a listing of alcohol and tobacco tax public-use forms, may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Such publication is available, for reference purposes, in Internal Revenue Service reading rooms. The following is a brief description of the several regulations arranged according to the principal subjects and operations concerned:

* * * * *

(7) *Rules of practice in permit proceedings.* Part 200 of this chapter contains the rules governing the procedure and practice in connection with the disapproval of applications for basic permits, and for the issuance of citations for the suspension, revocation, and annulment of such permits under sections 3 and 4 of the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.), and disapproval, suspension, and revocation of industrial use, operating, withdrawal, and tobacco permits under the Code. Such rules also govern, insofar as applicable, any adversary proceeding involving adjudication required by statute to be determined on the record, after opportunity for hearing, under laws administered by the Alcohol, Tobacco, and Firearms Division.

* * * * *

(16) *Establishment and operations of breweries and experimental breweries.* Part 245 of this chapter contains the regulations relating to the production (including concentration and reconstitution incident thereto) and removal of beer and cereal beverages. The regulations cover the location, construction, equipment, and operations of breweries; and the qualification of such establishments, including the ownership, control and management thereof, and the establishment and operation of experimental breweries.

* * * * *

PAR. 6. Section 601.302 is amended by revising paragraph (a) to read as follows:

§ 601.302 Taxes.

(a) *Collection.* Taxes on distilled spirits, wines, beer, and rectified products are paid by returns. If the person responsible for paying the tax has filed a proper bond with the assistant regional commissioner (alcohol, tobacco, and firearms), he may file semimonthly returns, with proper remittances, to cover the taxes incurred on distilled spirits, wines, beer, and rectified products during such semimonthly period. If the taxpayer is not qualified to defer taxpayment, or has been placed on a prepayment basis by the assistant regional commissioner, he must prepay the tax on the distilled spirits, wines, beer, or rectified products. Distilled spirits and rectification tax returns

are filed with an officer designated by the assistant regional commissioner (alcohol, tobacco, and firearms), or with the district director when so directed by the assistant regional commissioner, except that where a remittance is in cash the return must be filed with the district director. Returns of tax on beer and wine are filed with the district director in all cases. The forms for filing these tax returns are furnished to industry members by the assistant regional commissioner (alcohol, tobacco, and firearms). Special tax stamps are issued to denote the payment of special (occupational) taxes by liquor dealers, brewers, rectifiers, still manufacturers, and manufacturers of nonbeverage products. Special tax stamps are also issued to denote payment of the commodity tax on stills and condensers, and are required to be cancelled and secured to the article or furnished to the user of the apparatus for retention at the premises where such apparatus is set up, available for inspection by internal revenue officers. Detailed information respecting the payment of tax on liquors and the payment of occupational and commodity taxes, including the forms to be used and the procedure to be followed, is contained in the respective regulations described in § 601.301(c).

* * * * *

PAR. 7. Section 601.303 is amended by revising paragraphs (b), (c), (d), and (e) to read as follows:

§ 601.303 Claims.

* * * * *

(b) *Claims for abatement.* When the tax on distilled spirits, wines, or beer, or the rectification tax is assessed and the taxpayer thinks that the tax is not due under the law, he may file a claim for abatement of the tax on Form 843 with the director of an internal revenue service center or, where required by regulations, with the assistant regional commissioner (alcohol, tobacco, and firearms). Form 843 may be procured from the director of the service center, the district director, or the assistant regional commissioner. The director of the service center forwards the claim to the assistant regional commissioner (alcohol, tobacco, and firearms) for consideration, and the director of the service center may call upon the taxpayer to file a bond in double the amount of the tax in order to insure collection of the tax if the claim is rejected. When the claim is acted upon, both the taxpayer and the director of the service center are notified of the allowance or rejection of the claim. If the claim is rejected, the director of the service center will initiate action to collect the tax.

(c) *Claims for refund*—(1) *Taxes illegally, erroneously, or excessively collected.* A claim on Form 843 for refund of taxes illegally, erroneously, or excessively collected may be filed by a taxpayer with the director of the service center serving the internal revenue district in which the tax was paid or, where required by regulations, with the assistant regional commissioner (alcohol, tobacco, and firearms). Such claim must be filed within 3 years (2 years under certain circumstances) after the date of payment of the tax. The director of the service center forwards the claim to the assistant regional commissioner (alcohol, tobacco, and firearms) for consideration. If the claim is rejected, the taxpayer is notified of the rejection by registered or certified mail, and he may then bring suit in the U.S. District Court or the Court of Claims for recovery of the tax. Such suits must be filed generally within 2 years from the date of mailing of the rejection notice. If the claim is allowed, an appropriate notice of allowance with a check for the amount of the refund and allowable interest is forwarded to the taxpayer; however, if there are other unpaid taxes outstanding against the taxpayer, the overpayment may be applied to the outstanding taxes and the balance, if any, refunded.

(2) *Taxes on liquors lost, destroyed, returned to bond, or taken as samples by the United States.* A taxpayer may, subject to the conditions in the appropriate regulations, file claim on Form 843 with the assistant regional commissioner (alcohol, tobacco, and firearms) for refund of tax paid on (i) spirits returned to bonded premises, lost in rectification or bottling operations, lost by accident or disaster, or taken as samples by the United States, or (ii) wine returned to bond as unmerchantable, or lost by disaster, or (iii) beer removed from the market, or lost by disaster. If the claim is allowed, a notice of allowance with a check for the amount of the refund is forwarded to the claimant; except, that where there are any unpaid taxes outstanding against the claimant, the refund may be applied to the outstanding taxes and a check for the balance, if any, forwarded to the claimant. If the claim is rejected, a notice giving the reasons for rejection is forwarded to the claimant.

(d) *Claims for allowance, credit, or relief.* A qualified permittee, manufacturer, or proprietor may, subject to the conditions in the appropriate regulations, file claim on Form 2635 with the assistant regional commissioner (alcohol, tobacco, and firearms) for allowance of loss, credit of tax, or relief from tax liability, as applicable, on (1) spirits returned to bonded premises, lost or destroyed on bonded premises or in transit thereto, or lost in rectification or bottling operations; (2) wine lost or destroyed on bonded premises or in transit thereto, and unmerchantable domestic wine returned to bond; (3) beer removed from the market, lost (other than by theft), or destroyed by fire, casualty, or act of God; (4) denatured spirits lost or destroyed in bond, or lost on the premises of a qualified dealer or user or in transit to such premises; and (5) tax-free spirits lost on the premises of a qualified user or in transit to such premises.

(e) *Claims for payment—disaster losses.* When distilled spirits, wines, rectified products, or beer held or intended for sale is lost, rendered unmarketable, or condemned by a duly authorized official by reason of a "major disaster" as determined by the President of the United States, the person holding such product for sale at that time may, subject to the conditions in the appropriate regulations, file claim on Form 843 with the assistant regional commissioner (alcohol, tobacco, and firearms) of the region in which the product was lost, rendered unmarketable, or condemned, for payment of an amount equal to the internal revenue taxes paid or determined and any customs duties paid thereon. Claims must be filed within 6 months from the date on which the President makes the determination that the disaster has occurred. The determination date is construed to mean the date the Director, Office of Emergency Planning, identifies the specific disaster area.

PAR. 8. Section 601.304 is amended by revising paragraph (l) to read as follows:

§ 601.304 Preparation and filing of claims.

* * * * *

(l) *Reopening claims.* A claimant who wishes to have a rejected claim reopened must, within the applicable statutory period of limitations, submit a written application to his assistant regional commissioner (alcohol, tobacco, and firearms) for reconsideration of the claim. Such application must show that the additional evidence to be presented is new and material, and that such evidence was unknown to the claimant, or unobtainable by him, when the claim was previously under consideration.

* * * * *

PAR. 9. Section 601.306 is amended to read as follows:

§ 601.306 Application for approval of interlocking directors and officers under section 8 of the Federal Alcohol Administration Act.

Any person who is an officer or director of a corporation now engaged in business as a distiller, rectifier, or blender of distilled spirits, or of an affiliate thereof, who desires to take office in other companies similarly engaged, must obtain permission to do so from the Director of the Alcohol, Tobacco, and Firearms Division. Applications for such permission to take office shall be prepared and filed in accordance with instructions available from the assistant regional commissioner (alcohol, tobacco, and firearms) or from the Director, Alcohol, Tobacco, and Firearms Division, Internal Revenue Service, Washington, D.C. 20224.

PAR. 10. Section 601.308 is amended to read as follows:

§ 601.308 Conferences.

Any person desiring a conference in the office of the assistant regional commissioner (alcohol, tobacco, and firearms) of his region or of the Director, Alcohol, Tobacco, and Firearms Division, in Washington, relative to any matter arising in connection with his operations, will be accorded such a conference upon request. No formal requirements are prescribed for such conference.

PAR. 11. Section 601.309 is amended to read as follows:

§ 601.309 Representatives.

Subpart E, conference and practice requirements, is applicable to all representatives of the taxpayer before the Service, in the office of the Director, Alcohol, Tobacco, and Firearms Division, or in the office of the assistant regional commissioner (alcohol, tobacco, and firearms).

PAR. 12. Section 601.312 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 601.312 Qualification and bonding requirements.

(a) *Manufacturers of tobacco products and proprietors of export warehouses.* Every person, before commencing business as a manufacturer of tobacco products or as a proprietor of an export warehouse, is required to qualify with the Internal Revenue Service by making application for a permit and filing bond and other required documents with, and obtaining a permit from, the assistant regional commissioner (alcohol, tobacco, and firearms) for the region in which operations are to be conducted.

(b) *Manufacturers of cigarette papers and tubes.* Every person, before commencing business as a manufacturer of cigarette papers and tubes, is required to qualify with the Internal Revenue Service by filing bond and other required documents with the assistant regional commissioner (alcohol, tobacco, and firearms) for the region in which operations are to be conducted.

* * * * *

(c) *Proprietors of customs warehouses.* Every proprietor of a customs bonded manufacturing warehouse, Class 6, who desires to remove under Part 290 tax-exempt cigars for exportation (including supplies for vessels and aircraft), or for delivery for subsequent exportation, is required to file a bond with the assistant regional commissioner (alcohol, tobacco, and firearms) for the region in which the customs warehouse is located. However, removal of cigars for sale or consumption in the United States is subject to customs regulations.

* * * * *

PAR. 13. Section 601.313 is amended by revising paragraph (a) to read as follows:

§ 601.313 Collection of taxes.

(a) *Cigars and cigarettes.* Taxes on cigars and cigarettes are paid by the manufacturer on the basis of a return. If the manufacturer has filed a proper bond, he may defer payment at the time of removal and file semimonthly returns to cover the taxes. If the manufacturer has not filed such a bond of if he has defaulted in any way in paying his taxes, he is required to file a prepayment return prior to removal of such products, and to continue so doing until the assistant regional commissioner (alcohol, tobacco, and firearms) finds that the revenue will not be jeopardized by deferred payment. Tax returns, with remittances, are filed by the domestic manufacturer with the appropriate district director of internal revenue. Taxes on cigars produced in a customs bonded manufacturing warehouse, Class 6, are paid on the basis of a return to the director of customs in accordance with customs procedures and regulations. Taxes on cigars and cigarettes imported or brought into the United States from a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are paid by the importer to the director of customs on the basis of a return made on the customs form by which release from customs custody is to be effected. However, taxes on cigars and cigarettes manufactured in Puerto Rico and brought into the United States may be prepaid in Puerto Rico on the basis of a return.

If a Puerto Rican manufacturer has filed a proper bond, he may defer payment at the time of release for shipment to the United States and file a semimonthly return to cover the taxes. If the manufacturer has not filed such a bond or if he has defaulted in any way in payment of his taxes, he must file a prepayment return prior to removal of such products for shipment to the United States, and continue to do so until the Director's Representative of the Office of International Operations in Puerto Rico finds that the revenue will not be jeopardized by deferred payment. Tax returns in Puerto Rico, with remittances, are filed with the Director's representative.

* * * * *

PAR. 14. Section 601.315 is amended by revising paragraph (i) to read as follows:

§ 601.315 Claims.

* * * * *

(i) *Reopening claims.* A claimant who wishes to have a rejected claim reopened must, within the applicable statutory period of limitations, submit a written application to his assistant regional commissioner (alcohol, tobacco, and firearms) for reconsideration of the claim. Such application must show that the additional evidence to be presented is new and material, and that such evidence was unknown to the claimant, or unobtainable by him, when the claim was previously under consideration.

* * * * *

PAR. 15. Section 601.318 is amended to read as follows:

§ 601.318 Forms.

Detailed information as to all forms prescribed for use in connection with tobacco taxes is contained in the regulations referred to in § 601.311(b). Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from assistant regional commissioners (alcohol, tobacco, and firearms). IRS Publication No. 480, which contains a listing of alcohol and tobacco tax public-use forms, may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Such publication is available, for reference purposes, in Internal Revenue Service reading rooms.

PAR. 16. Section 601.323 is amended to read as follows:

§ 601.323 Assessments.

Where the evidence disclosed by investigation establishes that additional or delinquent tax liability has been incurred and not paid, the assistant regional commissioner (alcohol, tobacco, and firearms), will notify the district director to list the tax as an assessment. Notification and demand for payment of assessed taxes will be issued the taxpayer by the district director.

PAR. 17. Section 601.327 is amended to read as follows:

§ 601.327 Offers in compromise.

(a) *Liabilities (other than forfeiture) under Internal Revenue Code.* Persons desiring to submit offers in compromise in order to avoid prosecution proceedings, and taxpayers who disclaim liability in whole or in part for taxes or claim inability to pay the taxes in full, may submit offers in compromise to the district director of internal revenue or to an internal revenue officer for forwarding to the district director. If the offer in compromise is based on inability to pay, the proponent should include in the financial statement on Form 433 (see § 601.203(b)) appropriate amounts to reflect his interest, if any, in jointly owned property, the loan value of life insurance, and future income from trusts and similar sources. Each assistant regional commissioner (alcohol, tobacco, and firearms) has the authority to accept or reject offers in compromise of (1) tax liabilities arising from (i) the illegal production of untaxpaid distilled spirits, wines, or beer, (ii) the failure to file returns of, or to pay, occupational taxes with respect to distilled spirits, wines, beer, or firearms, and (iii) the failure to pay firearms "making" or transfer taxes; (2) criminal liabilities of retail dealers in liquor arising from violations of the internal revenue laws relating to liquor, including the reuse or refilling of liquor bottles; and (3) liabilities arising under chapter 52 of the Code (cigars, cigarettes, and cigarette papers and tubes). The Director, Alcohol, Tobacco, and Firearms Division, has the authority to accept or reject offers in compromise of civil liability (of less than $100,000) and criminal liability arising under chapters 51 and 53 of the Code in cases not subject to compromise by assistant regional commissioners (alcohol, tobacco, and firearms). The Commissioner accepts or rejects all other offers in compromise except those in compromise of liabilities listed in paragraphs (b) and (c) of this section. (For offers in compromise generally, see § 601.203.) Form 656 is used in all cases arising under this paragraph, regardless of whether the amount of the offer is tendered in full at the time the offer is filed or the amount of the offer is to be paid by deferred payment or payments. Offers received by the district director which come within the purview of the assistant regional commissioner (alcohol, tobacco, and firearms) or the Director, Alcohol, Tobacco, and Firearms

Division, are forwarded to such assistant regional commissioner for consideration and appropriate action. When final action has been taken, the district director, the assistant regional commissioner (when applicable), and the proponent are notified of the acceptance or rejection of the offer. If the offer is rejected, the sum submitted with the offer is returned to the proponent, and prosecution or collection proceedings are resumed. If the offer is accepted, the proponent is notified and the case is closed. Acceptance of an offer in compromise of civil liabilities does not remit criminal liabilities, nor does acceptance of an offer in compromise of criminal liabilities remit civil liabilities.

(b) *Violations of Federal Alcohol Administration Act.* The Federal Alcohol Administration Act provides penalties for violations of its provisions. The Director, Alcohol, Tobacco, and Firearms Division, is authorized to compromise such liabilities. Persons desiring to submit offers in compromise may submit such offers on Form 656–D to the assistant regional commissioner (alcohol, tobacco, and firearms) or an internal revenue officer under his jurisdiction. Such offers are considered by such assistant regional commissioner and are forwarded to the Director, Alcohol, Tobacco, and Firearms Division, for final action. When the offer is acted upon, the proponent and the assistant regional commissioner (alcohol, tobacco, and firearms) are notified of the acceptance or rejection of the offer. If the offer is rejected, the sum submitted with the offer in compromise is returned to the proponent. If the offer is accepted, the proponent is notified and the case is closed.

(c) *Forfeiture liabilities.* The assistant regional commissioner (alcohol, tobacco, and firearms) is authorized to compromise liabilities to administrative forfeiture of personal property seized under the laws administered and enforced by the Internal Revenue Service, including liabilities to forfeiture under the internal revenue laws pertaining to wagering. Persons desiring to submit offers in compromise of such liabilities may submit such offers on Form 656–E to the supervisor-in-charge (alcohol, tobacco, and firearms).

Such offers are forwarded to the assistant regional commissioner (alcohol, tobacco, and firearms) for final action. When the offer is acted upon, the proponent is notified of the acceptance or rejection of the offer. If the offer is rejected, the sum submitted with the offer in compromise is returned to the proponent. If the offer is accepted, the proponent is notified and the case is closed. Acceptance of an offer in compromise of civil liabilities does not remit criminal liabilities, nor does acceptance of an offer in compromise of criminal liabilities remit civil liabilities.

PAR. 18. Section 601.328 is amended to read as follows:

§ 601.328 Rulings.

(a) *Requests for rulings.* Any person who is in doubt as to any matter arising in connection with (1) operations or transactions in the alcohol tax area or under the Federal Alcohol Administration Act, (2) operations or transactions in the tobacco tax area, or (3) the taxes relating to machine guns and certain other firearms imposed by chapter 53 of the Code; the registration by importers and manufacturers of, and dealers in, such firearms; the registration of such firearms; and the licensing of manufacturers of, and dealers in, firearms or ammunition under sections 901 through 910 of title 15 of the United States Code, may request a ruling thereon by addressing a letter to the Director, Alcohol, Tobacco, and Firearms Division, Internal Revenue Service, Washington, D.C. 20224, or to the assistant regional commissioner (alcohol, tobacco, and firearms) of the region in which the inquirer's business is located. Since a ruling as defined in paragraph (a)(2) of § 601.201 can issue only from the National Office, any such request made to an assistant regional commissioner will be referred by him to the Director, Alcohol, Tobacco, and Firearms Division, for reply unless the issues involved are clearly covered by currently effective rulings or come within the plain intent of the statutes or regulations. If a request for a ruling is signed by a representative, or if the representative is to appear before the Internal Revenue Service, such representative must present a tax information authorization or a power of attorney, signed by the taxpayer authorizing him to receive or inspect confidential information in the matter (see Subpart E of this part).

(b) *Routine requests for information.* Routine requests for information should be addressed to the assistant regional commissioner (alcohol, tobacco, and firearms) of the region in which the inquirer is located.

PAR. 19. Section 601.402 is amended by revising paragraph (c)(3) to read as follows:

§ 601.402 Sales taxes collected by return.

* * * * *

(e) *Returns, refunds, and credits.* * * *

(3) *Payments to certain ultimate purchasers of gasoline and lubricating oil.* Sections 6420, 6421, and 6424 of the Code provide for certain payments to ultimate purchasers of gasoline used on a farm for farming purposes, used for certain nonhighway purposes, or used by local transit systems, and of lubricating oil used otherwise than in a highway motor vehicle. Payments allowable under sections 6420, 6421, and 6424 of the Code may be claimed by an income taxpayer as a credit under section 39 of the Code against the tax due on his income tax return. Governmental agencies and certain exempt organizations may file claims for allowable payments on Form 843. In the case of gasoline used for certain nonhighway purposes or used by local transit systems, and in the case of lubricating oil used otherwise than in a highway motor vehicle, the ultimate purchaser may file a claim for payment in lieu of such income tax credit, with respect to any of the first three quarters of his taxable year for which he is entitled to a payment of $1,000 or more. Applicable regulations and instructions accompanying the prescribed forms provide detailed procedures.

PAR. 20. Section 601.502 is amended by revising so much of paragraph (c)(1) as precedes subdivision (i) thereof, by revising paragraph (c)(2)(i), and by adding a new paragraph (c)(5), to read as follows:

§ 601.502 Requirements for conference—recognition to practice and, in certain cases, power of attorney or tax information authorization.

* * * * *

(c) *Requirement of a power of attorney or a tax information authorization—*(1) *Requirement of power of attorney.* Except as otherwise provided in subparagraphs (3)(iii), (4), and (5) of this paragraph, a power of attorney in proper form, or a copy thereof (for rules relating to copies, see paragraph (e) of § 601.504), executed by the taxpayer, will be required in a matter by the Revenue Service when the taxpayer's representative desires to perform one or more of the following acts on behalf of the taxpayer:

* * * * *

(2) *Requirement of a tax information authorization.* (i) Except as otherwise provided in subdivision (ii) of this subparagraph and subparagraphs (3), (4), and (5) of this paragraph, in order that a taxpayer's representative may receive or inspect confidential tax information in a matter, a tax information authorization, or a copy thereof (for rules relating to copies, see paragraph (e) of § 601.504), will be required by the Revenue Service. The tax information authorization must be signed by the taxpayer and must specify the matter covered. Examples of the receipt or inspection of confidential information for which a tax information authorization is required are the inspection of the taxpayer's tax returns (see section 6103 and the regulations thereunder), the receipt from Revenue Service officials at a conference of information disclosing the position of the Revenue Service with respect to the taxpayer's liability, the discussion with Revenue Service officials on the substance or merits of a taxpayer's request for a ruling or determination letter, and the receipt of certain notices and other communications, such as a notice of deficiency under section 6212 of the Code or a "30-day letter" and examining officer's report under § 601.105(d), given to a taxpayer with respect to his tax affairs. A tax information authorization will not be required for receipt of notices and other communications which do not involve the disclosure of confidential information. For rules relating to the receipt of notices and other communications, see § 601.506.

* * * * *

(5) *Exception for taxpayers' representatives meeting requirements of § 601.504(b).* A power of attorney or tax information authorization will not be required for purposes of subparagraphs (1)

and (2) of this paragraph where the taxpayer's representative presents appropriate evidence of his authority to execute such a document under § 601.504(b).

PAR. 21. Section 601.505 is amended by revising paragraph (b) to read as follows:

§ 601.505 Requirements for changing representation.

* * * * *

(b) *Cases where taxpayer may be contacted directly.* Where a taxpayer's representative has unreasonably delayed or hindered an examination or investigation by failing to furnish, after repeated request, nonprivileged information necessary to the examination or investigation, the Revenue Service representative conducting the examination or investigation may report the situation to the Chief of Audit, Chief of Collection, or Chief of Intelligence for the District and request permission to contact the taxpayer directly for such information. The Chief of Audit, Chief of Collection, or Chief of Intelligence will carefully consider the situation and make a determination as to whether such permission should be granted. If such permission is granted, the case file will be documented with sufficient facts to show how the examination or investigation was being delayed or hindered, and written notice of such permission, briefly stating the reason why it was granted, will be given to the representative and the taxpayer. Moreover, if he deems it advisable, the district director may refer the matter to the Director of Practice for possible disciplinary proceedings under section 10.23 of Circular No. 230.

* * * * *

PAR. 22. Section 601.521 is amended to read as follows:

§ 601.521 Requirements for conference and representation in conference.

Any person desiring a conference in the office of the assistant regional commissioner (alcohol, tobacco, and firearms) of his region or of the Director, Alcohol, Tobacco, and Firearms Division, in Washington, D.C., relative to any matter arising in connection with his operations, will be accorded such a conference upon request. No formal requirements are prescribed for such conference. Where an industry member or other person is to be represented in conference, the representative must be recognized to practice as provided in paragraph (b) of § 601.502. When a representative presents himself on behalf of an industry member or other person for the initial meeting in the office of an assistant regional commissioner (alcohol, tobacco, and firearms) or of the Director, Alcohol, Tobacco, and Firearms Division, he must submit evidence of recognition; or he should state in his first letter or other written communication with such office whether he is recognized to practice, and should enclose evidence of such recognition. In the case of a qualified attorney or a qualified certified public accountant, the filing of the applicable written declaration described in paragraph (b)(1) (i) and (ii) of § 601.502 shall constitute evidence of recognition. In the case of an enrollee, the filing of a notification, stating that he is enrolled to practice and giving his enrollment number or the expiration date of his enrollment card, shall constitute evidence of recognition.

PAR. 23. Section 601.522 is amended to read as follows:

§ 601.522 Power of attorney.

Except as otherwise provided in this section, a power of attorney, or copy thereof, will be required for a representative of a principal (a) to perform the acts specified in paragraph (c)(1) of § 601.502; or (b) to sign any application, bond, notice, return, report, or other document required by, or provided for in, regulations issued pursuant to chapter 51 (Distilled Spirits, Wines, and Beer), chapter 52 (Cigars, Cigarettes, and Cigarette Papers and Tubes), and chapter 53 (Machine Guns and Certain Other Firearms), Internal Revenue Code, the Federal Alcohol Administration Act, or the Federal Firearms Act, which is filed with or acted on by (1) the office of an assistant regional commissioner (alcohol, tobacco, and firearms), or (2) the Director, Alcohol, Tobacco, and Firearms Division. The power of attorney may be executed on Form 1534, copies of which may be obtained from the assistant regional commissioner (alcohol, tobacco, and firearms). A power of attorney will not be required for a person authorized to sign on behalf of the principal by articles of incorporation, bylaws, or a board of directors, where an acceptable copy of such authorization is on file in the office of the assistant regional commissioner or of the Director. A power of attorney filed under the provisions of this section may cover one or more acts for which a power of attorney is required and will continue in effect with respect to such acts until revoked as provided in § 601.526. The exceptions to the requirements for a power of attorney contained in paragraph (c)(3) and (4) of § 601.502 are applicable to powers of attorney under this section.

PAR. 24. Section 601.523 is amended to read as follows:

§ 601.523 Tax information authorization.

Where any of the acts specified in paragraph (c)(2)(i) of § 601.502 are to be performed by a representative, and a power of attorney for such representative has not been filed, a tax information authorization, or copy thereof, will be required. The authorization may be executed on Form 1534–A, copies of which may be obtained from the assistant regional commissioner (alcohol, tobacco, and firearms). Such authorization may cover one or more of the acts for which a tax information authorization is required and will continue in effect with respect to such acts until revoked as provided in § 601.526. The exceptions to the requirements for a tax information authorization, provided in paragraph (c)(3) and (4) of § 601.502, are applicable to such authorizations under this section.

PAR. 25. Section 601.524 is amended by revising paragraphs (a), (c), and (d) to read as follows:

§ 601.524 Execution and filing powers of attorney and tax information authorizations.

(a) *Time of filing.* A copy of the power of attorney must be filed in each office (that is, office of an assistant regional commissioner and Office of the Director (Alcohol, Tobacco, and Firearms Division), in which a document specified in § 601.522, covered by the power of attorney, is required to be filed, or in which the representative desires to perform one or more of the acts enumerated in paragraph (c)(1) of § 601.502. If a power of attorney covering an act otherwise requiring the filing of a tax information authorization has not been filed, a copy of the tax information authorization must be filed in each office in which the representative inspects or receives confidential information, or, where acts requiring a power of attorney or a tax information authorization are handled by correspondence, the representative should enclose a copy of the power or authorization with the initial correspondence. However, where a power of attorney or tax information authorization is on file with the assistant regional commissioner (alcohol, tobacco, and firearms), an additional copy thereof will not be required in the office of the regional counsel of the same region.

* * * * *

(c) *Attestation and corporate seal.* In the case of a corporation, a power of attorney filed with an officer of the Alcohol, Tobacco, and Firearms Division must be attested by the secretary and the corporate seal must be affixed. If the officer who signs the power of attorney is also the secretary, another officer of the corporation, preferably the president, vice president, or treasurer, must also sign the power of attorney so that two different individuals' signatures appear thereon. If the corporation has no seal, a certified copy of a resolution duly passed on by the board of directors of the corporation authorizing the execution of powers of attorney should be attached.

(d) *Acknowledgement.* A power of attorney filed with an office of the Alcohol, Tobacco, and Firearms Division must be acknowledged, witnessed, or certified as provided in paragraph (d) of § 601.504.

PAR. 26. Section 601.526 is amended to read as follows:

§ 601.526 Revocation of powers of attorney and tax information authorizations.

The revocation of the authority of a representative covered by a power of attorney or tax information authorization filed in an office of the Alcohol, Tobacco, and Firearms Division shall in no case be effective prior to the giving of written notice to the proper official that the authority of such representative has been revoked.

PAR. 27. Section 601.527 is amended to read as follows:

§ 601.527 Other provisions applied to representation in alcohol and tobacco tax activities.

The provisions of paragraph (b) of § 601.505, and of §§ 601.506 through 601.508 of this subpart, as applicable, shall be followed in offices of the Alcohol, Tobacco, and Firearms Division.

PAR. 28. Section 601.602 is amended by revising paragraph (c) to read as follows:

§ 601.602 Forms and instructions.

* * * * *

(c) *Procurement of forms and instructions.* Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from district directors or, where appropriate, from assistant regional commissioners (alcohol, tobacco, and firearms). Descriptions of many of the forms and publications of the Internal Revenue Service for public use are contained in Publication No. 480, *Description of Available Forms Relating to Alcohol, Tobacco, and Firearms Division Activities*, and Publication No. 481, *Description of Principal Federal Tax Returns, Related Forms, and Publications*. Publication No. 480 and Publication No. 481 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

PAR. 29. Paragraph (b)(2) of § 601.701 is amended by deleting subdivision (viii), and redesignating subdivisions (ix), (x), and (xi) as (viii), (ix), and (x), respectively. These provisions read as follows:

§ 601.701 Publicity of information.

* * * * *

(b) *Exemptions.* * * *

(2) *Matters specifically exempted from disclosure by statute.* * * *

(viii) Section 6108, relating to the publication of statistics of income;

(ix) Section 7213, relating to penalties for unauthorized disclosure of information by Federal officers or employees or other persons; and

(x) Section 7237(e), relating to penalties for unlawful disclosure of information on returns or order forms pertaining to narcotic drugs or marihuana.

* * * * *

PAR. 30. Section 601.702 is amended by revising paragraph (b)(1)(i), by deleting paragraph (d)(3), by revising paragraphs (d)(2)(ii) (*a*) and (*b*), and by revising paragraphs (d)(9) through (d)(12), to read as follows:

§ 601.702 Publication and public inspection.

* * * * *

(b) *Public inspection and copying*—(1) *In general.* * * *

(i) Final opinions, including concurring and dissenting opinions, and orders, if such opinions and orders are made in the adjudication of cases, such as opinions and orders by the Alcohol, Tobacco, and Firearms Division pursuant to § 200.116 of this chapter in administrative procedures on applications for, or to suspend, revoke, or annul, permits under the alcohol, alcoholic beverages, and tobacco permit systems;

* * * * *

(d) *Rules for disclosure of certain specified matters.* * * *

(3) [Deleted]

* * * * *

(8) *Accepted offers in compromise.*

(ii) * * *

(*a*) The office of the assistant regional commissioner (alcohol, tobacco, and firearms) who received the offer and in the office of the district director for the internal revenue district in which the offer was submitted, in the case of offers accepted pursuant to the Code or the Federal Firearms Act, or

(*b*) The office of the assistant regional commissioner (alcohol, tobacco, and firearms) who received the offer, in the case of offers accepted pursuant to the Federal Alcohol Administration Act.

* * * * *

(9) *Information regarding liquor permits*—(i) *Applications for permits.* Information with respect to the handling of applications for basic permits under the Federal Alcohol Administration Act (27 U.S.C. 204), operating permits under section 5171, and industrial use permits under section 5271 is maintained for public inspection in the offices of assistant regional commissioners (alcohol, tobacco, and firearms) until the expiration of 1 year following final action on such applications. See 27 CFR 1.59.

(ii) *Card index record of permits.* A current card index record for—

(*a*) All persons to whom industrial use permits have been issued pursuant to section 5271,

(*b*) All proprietors of distilled spirits plants to whom operating permits have been issued pursuant to section 5171 to cover distilling for industrial use, bonded warehousing of spirits for industrial use, or denaturing of spirits, and

(*c*) All applicants for such industrial use and operating permits,

is available for public inspection in the offices of assistant regional commissioners (alcohol, tobacco, and firearms).

(10) *List of plants and permittees.* Upon request, the assitant regional commissioner (alcohol, tobacco, and firearms) will furnish a list of any type of qualified proprietor or permittee located in his region.

(11) *Information relating to certificates of label approval for distilled spirits, wine, and malt beverages.* Upon written request, the Director, Alcohol, Tobacco, and Firearms Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, will furnish information as to the issuance, pursuant to section 5(e) of the Federal Alcohol Administration Act (27 U.S.C. 205(e)) and 27 CFR Part 4, 5, or 7, of certificates of label approval, or of exemption from label approval, for distilled spirits, wine, or malt beverages. The request must identify the class and type and brand name of the product and the name and address of the bottler or importer thereof or of the person to whom the certificate was issued. The person making the request may obtain reproductions or certified copies of such certificates upon payment of the established fees prescribed by paragraph (c)(5) of this section. Information will not be disclosed, however, concerning any trade secrets, processes, operations, style of work, or apparatus, or confidential data or any other matter within the prohibition of 18 U.S.C. 1905.

(12) *State liquor, tobacco, and firearms cases.* Assistant regional commissioners (alcohol, tobacco, and firearms) may, in the interest of Federal and State law enforcement, upon receipt of demands or requests of State authorities, and at the expense of the State, authorize investigators and other employees under their supervision to attend trials and administrative hearings in liquor, tobacco, or firearms cases in which the State is a party, produce records, and testify as to facts coming to their knowledge in their official capacities: *Provided*, That such production or testimony will not divulge information contrary to section 7213, nor divulge information subject to the restrictions in section 5848. See also § 301.9000–(1)(f) of this chapter.

* * * * *

(5 U.S.C. 301, 552(a)(1))

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

[F.R. Doc. 69-4318; Filed, Apr. 11, 1969; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 537—CLAIMS ON BEHALF OF THE UNITED STATES

Claims for Reasonable Value of Medical Care Furnished by Army

Sections 537.21, 537.22, 537.23, and 537.24 are revised to read as follows:

§ 537.21 General.

(a) *Authority.* The regulations in §§ 537.21–537.24 are in implementation of the Act of September 25, 1962 (76 Stat. 593, 42 U.S.C. 2651–3), Executive Order Number 11060 (27 F.R. 10925), and Attorney General's Order Number 289–62, as amended (28 CFR 43), providing for the recovery of the reasonable value of medical care furnished or to be furnished by the United States to a person on account of injury or disease incurred after December 31, 1962, under circumstances creating a tort liability upon some third person.

(b) *Applicability and scope.* (1) Sections 537.21–537.24 apply to all claims for the reasonable value of medical services furnished by or at the expense of the Army which result from incidents occurring on or after March 1, 1969. Cases

which arise from incidents occurring prior to that date:

(i) And which are the responsibility of a staff judge advocate/judge advocate (SJA/JA) who is designated a recovery judge advocate (RJA) will be processed under §§ 537.21–537.24;

(ii) And which are the responsibility of an SJA/JA not so designated will be processed under the predecessor regulation until either completed or transferred.

(2) The procedures prescribed herein are to be employed within the Department of the Army for the investigation, determination, assertion, and collection, including compromise and waiver, in whole or in part, of claims in favor of the United States for the reasonable value of medical services furnished by or at the expense of the Army. The Judge Advocate General provides general supervision and control of the investigation and assertion of claims arising under the Federal Medical Care Recovery Act.

(3) In Continental U.S. Army staff judge advocates and recovery judge advocates will be assigned responsibility under §§ 537.21–537.24 on a geographical area basis.

(4) The commander of any major oversea command specified in paragraph (c)(5) of this section is authorized to modify the procedures prescribed herein to accommodate any special circumstances which may exist in the command.

(5) Claims for medical care furnished by the Department of the Army on a reimbursable basis (see table 1, AR 40–3) ordinarily will be forwarded for processing directly to the Federal department or agency responsible for reimbursement.

(c) *Definitions.* For the purpose of §§ 537.21–537.24 only, the following terms have the meaning indicated.

(1) *Claim.* The Government's right to recover from a prospective defendant the reasonable value of medical care furnished to each injured party.

(2) *Medical care.* Includes hospitalization, out-patient treatment, dental care, nursing service, drugs, and other adjuncts such as prostheses and medical appliances furnished by or at the expense of the United States.

(3) *Injured party.* The person who received an injury or contracted a disease which resulted in the medical care. Such person may be an active duty or retired member, a dependent, or any other person who is eligible for medical care at Army expense. See section III, AR 40–3, and §§ 577.60–577.71 of this chapter.

(4) *Prospective defendant.* A person other than the injured party. An individual, partnership, association, corporation, governmental body, or other legal entity, foreign or domestic, against whom the United States has a claim.

(5) *Major oversea command staff judge advocate.* The staff judge advocate of U.S. Army Forces Southern Command; the U.S. Army, Europe; the U.S. Army, Pacific, and any command outside the continental limits of the contiguous states specially designated by The Judge Advocate General under the provisions of § 536.4b of this part.

(6) *Army staff judge advocate.* The staff judge advocate of each of the numbered armies in the continental United States; the Military District of Washington, U.S. Army; and U.S. Army, Alaska.

(7) *Recovery judge advocate.* Any staff judge advocate or judge advocate (SJA/JA) who has been assigned responsibility for processing claims under §§ 537.21–537.24 for a specific geographic area is a "recovery judge advocate" (RJA).

§ 537.22 Basic considerations.

(a) *The right of recovery*—(1) *Applicable law.* The right of the United States to recover the reasonable value of medical care furnished or to be furnished an injured party is based on the Federal Medical Care Recovery Act. It accrues simultaneously with the accrual of the injured party's right to recover damages from the prospective defendant but is independent of any claim which the injured person may have against the prospective defendant. Recovery is allowed only if the injury or disease resulted from circumstances creating a tort liability under the law of the place where the injury occurred.

(2) *Time limitation.* The Act of 18 July 1966 (28 U.S.C. 2415 et seq.) establishes a 3-year statute of limitation upon actions in favor of the Unted States for money damages founded upon a tort. The RJA will take appropriate steps within the limitation period to assure that necessary legal action is not barred by the statute.

(3) *Amount.* The Government's right of recovery is limited to amounts expended or to be expended by the United States for medical care from other than Federal sources, and to amounts determined by the rates established by the Director of the Bureau of the Budget for medical care from Federal sources, less any amounts reimbursed by the injured party.

(b) *Certain prospective defendants*—(1) *U.S. Government agencies.* No claim will be asserted against any department, agency, or instrumentality of the United States.

(2) *U.S. personnel.* Claims against a member of the uniformed services; or an employee of the United States, its agencies or instrumentalities; or a dependent of a service member or an employee will not be asserted unless the prospective defendant has the benefit of liability insurance coverage or was guilty of gross negligence or willful misconduct. If simple negligence occurring in the scope of a member's or employee's employment is the basis of the claim, no claim will be asserted if such claim is excluded from the coverage of the liability insurance policy involved.

(3) *Government contractors.* Claims, the cost or expense of which may be reimbursable by the United States under the terms of a contract, will not be asserted against a contractor without the prior approval of The Judge Advocate General. Such claims will be investigated and the report thereof, which will include citation to the specific contract clauses involved and recommendations regarding assertion, will be forwarded through command channels to The Judge Advocate General, Attention: Chief, Litigation Division, Department of the Army, Washington, D.C. 20310.

(4) *Foreign persons.* Claims within the scope of §§ 537.21–537.24 against foreign prospective defendants will be investigated, processed, and asserted without regard to the nationality of the prospective defendant. Claims against an international organization, or foreign government, will be investigated and reports thereof, together with recommendations regarding assertion and enforcement, will be forwarded through command channels to The Judge Advocate General, Attention: Chief, Litigation Division, Department of the Army, Washington, D.C. 20310.

(c) *Concurrent claims under other regulations.* (1) Section 537.1. Claims for medical care and claims for damage to Army property arising from the same incident will be consolidated and processed by the RJA under § 537.1 as a single claim. Nevertheless, the provisions of §§ 537.23(a) and 537.24 (a)(1), (c), and (d) will apply to the medical care portion of the claim. If an RJA lacks settlement authority sufficient to settle a concurrent claim under § 537.1, he may request additional authority under that section from the appropriate Army or major oversea command staff judge advocate, who may delegate such additional authority in an amount not exceeding his own settlement authority. Where time is of the essence, telephonic delegations of authority are encouraged, provided they are confirmed in a writing which will be made a part of the case file.

(2) *Counterclaims.* Claims for medical care and claims against the United States which arise from the same incident will be consolidated and processed by the RJA under §§ 537.21–537.24 and other appropriate regulations. If an RJA lacks authority sufficient to settle the claim against the Government, he will coordinate his action with that claims echelon which has the necessary authority to settle the particular claim against the United States.

(d) *Claims for less than $100.* Such claims need not be asserted or otherwise processed, unless the facts and circumstances surrounding the incident indicate that collection will be economically feasible (e.g., a clear case of liability covered by insurance) or desirable in the best interests of the United States.

§ 537.23 Predemand procedures.

(a) *Relations with the injured party*—(1) *Advice.* The injured party, or, in appropriate cases, his guardian, next-of-kin, personal representative, or the executor or administrator of his estate, will be advised of the following:

(i) That under the Act of September 25, 1962 (76 Stat. 593, 42 U.S.C. 2651–3), the United States may be entitled to recover the reasonable value of

medical care furnished or to be furnished him in the future from the person or persons who injured him, or who were otherwise responsible for his injury or disease; and

(ii) That if he is otherwise entitled to legal assistance under AR 608–50, he should seek guidance from a legal assistance officer regarding any claim he may have for personal injury; and

(iii) That he is required to cooperate in the prosecution of all actions of the United States against the person or persons who injured him; and

(iv) That he is required to furnish a complete statement regarding the facts and circumstances surrounding the incident which resulted in the injury or disease; and

(v) That he is required to furnish information concerning any legal action brought or to be brought by or against the prospective defendant, or to furnish the name and address of the attorney representing him; and

(vi) That he should not execute a release or settle any claim which may have as a result of his injury without first notifying the RJA.

(2) *Statement.* A written statement will be obtained from the injured party, or his representative, in which he acknowledges receipt of the advice in subparagraph (1) of this paragraph, and provides the information required by subparagraphs (1) (iv) and (v) of this paragraph. If the injured party or representative fails or refuses to furnish necessary information or cooperation, the originator of the notification of potential claims may be requested to withhold records as to medical history, diagnoses, findings, and treatment, from the injured party or anyone acting on his behalf pending compliance with the requirements in subparagraph (1) of this paragraph. Mere refusal by the injured party or his representative to include the Government's claim in his claim is not sufficient basis, by itself, for this action.

(b) *Determination and assertion*—(1) *Liability.* The RJA will review all the evidence including any claims officer's report of investigation and, after assuring completeness of the file, will make a written determination as to the liability of the prospective defendant and note his reasons for such determination.

(2) *Value.* If the RJA determines that the prospective defendant is liable, he will also ascertain the reasonable value of medical care furnished or to be furnished to the injured party, in accordance with § 537.22(a)(3) and rates established by the Bureau of the Budget. When a military member has been retained in a military hospital for administrative reasons, or where the patient was absent from the hospital or was in a purely convalescent status, the amount of the claim will be recomputed to apply the outpatient rate, if under circumstances warranting only outpatient treatment in a civilian hospital or eliminate such periods altogether if the injured party received no treatment during those periods. In making these determinations the RJA will coordinate with the registrar or other responsible official of the hospital or medical unit in his area of responsibility.

(3) *Amount.* In the event of doubt concerning the extent of medical care furnished or to be furnished an injured party, the RJA will assert the claim in an indefinite amount. Demand will be made in a definite amount at the earliest possible date, based on an estimate of a reasonable value of medical care to be furnished, if appropriate. The RJA will assure that the file contains complete statements of the value of medical care furnished, including all charges by civilian physicians, medical technicians and civilian hospitals.

§ 536.24 **Post demand procedures.**

(a) *Coordination with the injured party's claim.* (1) Every effort will be made to coordinate action to collect the claim of the United States with the injured party's action to collect his own claim for damages, in order that the injured party's recovery for his damages, other than the reasonable value of medical care furnished or to be furnished by the United States, is not prejudiced by the Government's claim.

(2) Attorneys representing an injured party may be authorized to assert the Government's claim as an item of special damages in their client's claim or suit. Any agreement to this effect will be in writing, and the agreement should expressly recognize the fact that counsel fees may be neither paid by the Government (5 U.S.C. 3106) nor computed on the basis of the Government's portion of the recovery. Attorneys may withdraw from such agreements on reasonable notice.

(3) If the injured party, or his attorney or legal representative, fails or refuses to cooperate in the prosecution of the claim of the United States, independent collection action will be vigorously pursued.

(b) *Independent collection action.* Unless suit between the injured party and the prospective defendant is pending, all available administrative collection procedures will be followed prior to reference of the claim to the Department of Justice under paragraph (e) of this section. Direct contact with the prospective defendant's insurer, if known, is desirable. If the prospective defendant is an uninsured motorist, timely and appropriate action will be taken to collect the claim, or to request suspension of driving and registration privileges under the applicable uninsured motorist fund statute, or to seek compensation from the victim's insurer, or otherwise under financial responsibility laws.

(c) *Delegation of authority.* Subject to the provisions of paragraphs (d) and (e) (1) (i) of this section, authority to compromise or waive, in whole or in part, claims of the United States not in excess of $20,000 is delegated as follows:

(1) A recovery judge advocate is authorized to:

(i) Compromise claims, provided the compromise does not reduce the claim by more than $3,500; and

(ii) Waive claims for the convenience of the Government (but not on account of undue hardship upon the injured party), provided the uncollected amount of the claim does not exceed $1,000.

(2) An Army staff judge advocate is authorized to:

(i) Compromise claims, provided the compromise does not reduce the claim by more than $5,000; and

(ii) Waive claims for the convenience of the Government (but not on account of undue hardship upon the injured party), provided the uncollected amount of the claim does not exceed $5,000.

(3) The staff judge advocate of a major oversea command is authorized to:

(i) Compromise claims, provided the compromise does not reduce the claim by more than $10,000 ; and

(ii) Waive claims for the convenience of the Government (but not on account of undue hardship upon the injured party) provided the uncollected amount of the claim does not exceed $10,000.

(4) For claims not in excess of $20,000 The Judge Advocate General or his designee is authorized:

(i) To compromise without limitation; and

(ii) To waive, in whole or in part—

(*a*) For the convenience of the Government, or

(*b*) If he determines that collection thereof would result in undue hardship upon the injured party.

(d) *Compromise and waiver of claims*—(1) *General.* A debtor's liability to the United States arising from a particular incident will be considered as a single claim in determining whether the claim is not more than $20,000, for the purpose of compromise or waiver. Claims not settled by payment in full, compromise payment, waiver for the convenience of the Government, or reference to the Department of Justice, will be forwarded to The Judge Advocate General, Attention: Chief, Litigation Division, Department of the Army, Washington, D.C. 20310. A claim file forwarded to higher authority will contain a memorandum of opinion supported by necessary exhibits.

(2) *Compromise.* (i) The authority delegated in paragraph (c) of this section to compromise claims will be exercised in accordance with standards set forth in Part 103, Appendix A, AR 27–41. When available funds are insufficient to satisfy both the claim of the United States and that of the injured party, the claim of the United States will be compromised to the extent required to achieve an equitable apportionment of the available funds.

(ii) If appropriate, a request by the injured party or his attorney for waiver on the ground of undue hardship may be treated initially as a suggestion for compromise with the tort-feasor, and the compromised amount of the claim of the United States will be determined. In such cases, RJA's may make offers of compromise within their delegated authority. RJA's may also make counteroffers within their delegated authority to offers of

compromise beyond their delegated authority. If settlement within the limits of delegated authority is not achieved, the claim will be referred to higher authority.

(iii) When time is a factor, Army or major oversea command staff judge advocates may make telephonic delegation within their compromise authority on a case by case basis. When such verbal delegations are made, they will be confirmed in writing and the writing included in the case file.

(3) *Waiver.* (i) The authority delegated in paragraph (c) of this section to waive claims for the convenience of the Government will be exercised in accordance with standards set forth in section 104.3, appendix A, AR 27-41.

(ii) If the injured party or his attorney requests waiver of the full or any compromised amount of the claim on the ground of undue hardship, and the request may not be appropriately treated under subparagraph (2) (ii) of this paragraph, the file will be forwarded to The Judge Advocate General, Attention: Chief, Litigation Division, Department of the Army, Washington, D.C. 20310. For the purpose of evaluation of the request for waiver, the file will include detailed information concerning the reasonable value of the injured party's claim for permanent injury, pain and suffering, decreasing earning power, and other items of special damages, pension rights, and other Government benefits accruing to the injured party; and the present and prospective assets, income, and obligations of the injured party, and those dependent on him.

(iii) In the event an affirmative determination is made by The Judge Advocate General that, as a result of the collection of the Government's claim the injured party has suffered an undue hardship, the RJA will be authorized to direct issuance of the amount waived to the injured party.

(4) A file forwarded to higher authority for waiver or compromise consideration will contain a memorandum by the RJA giving his assessment of the case and his recommendation with regard to the approval or denial of the requested compromise or waiver.

[AR 27-38, Jan. 15, 1969]

(Sec. 3012, 70A Stat. 157, secs. 1-4, 76 Stat. 593, 594; 10 U.S.C. 3012, 42 U.S.C. 2651-2653)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69-4267; Filed, Apr. 11, 1969; 8:45 a.m.]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER G—PREVENTION, CONTROL AND ABATEMENT OF AIR POLLUTION

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

Metropolitan Boston Intrastate Air Quality Control Region

On December 24, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 19198) to amend Part 81 by designating the Metropolitan Boston Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to Section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on January 17, 1969. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, the Metropolitan Boston Intrastate Air Quality Control Region is hereby designated and Part 81, as set forth below, is hereby amended effective on publication.

§ 81.19 **Metropolitan Boston Intrastate Air Quality Control Region.**

The Metropolitan Boston Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following cities and towns:

CITIES

Beverly.	Medford.
Boston.	Melrose.
Brockton.	Newton.
Cambridge.	Peabody.
Chelsea.	Quincy.
Everett.	Revere.
Gloucester.	Salem.
Lynn.	Somerville.
Malden.	Waltham.
Marlborough.	Woburn.

TOWNS

Abington.	Easton.
Acton.	Essex.
Arlington.	Foxborough.
Ashland.	Framingham.
Avon.	Hamilton.
Bedford.	Hanover.
Belmont.	Hansen.
Braintree.	Hingham.
Bridgewater.	Holbrook.
Brookline.	Hudson.
Burlington.	Hull.
Canton.	Ipswich.
Cohasset.	Lexington.
Concord.	Lincoln.
Danvers.	Lynnfield.
Dedham.	Manchester.
Dover.	Marblehead.
Duxbury.	Marshfield.
East Bridgewater.	Maynard.

TOWNS—Continued

Medfield.	Southborough.
Middleton.	Stoneham.
Millis.	Stoughton.
Milton.	Sudbury.
Nahant.	Swampscott.
Natick.	Topsfield.
Needham.	Wakefield.
Norfolk.	Walpole.
North Reading.	Watertown.
Norwell.	Wayland.
Norwood.	Wellesley.
Pembroke.	Wenham.
Randolph.	West Bridgewater.
Reading.	Weston.
Rockland.	Westwood.
Rockport.	Weymouth.
Saugus.	Whitman.
Scituate.	Wilmington.
Sharon.	Winchester.
Sherborn.	Winthrop.

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

Dated: April 7, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-4245; Filed, Apr. 11, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Federal Highway Administration, Department of Transportation

[Docket No. 69-9; Amdt. 7D-1]

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Appendix D—Federal Highway Administration

This amendment to Appendix D to Part 7 of title 49, C.F.R., reflects the fact that the Federal Highway Administration is now making available for public inspection and copying informal interpretations and opinion, not of general applicability, concerning provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381-1425) and regulations and motor vehicle safety standards issued thereunder which officials of the Administration have given to members of the public.

Since this amendment relates to internal organization, procedures, and practices of the Federal Highway Administration, notice and public procedure thereon are not necessary and it is effective upon the date of issuance set forth below.

In consideration of the foregoing, Appendix D to Part 7 of title 49, CFR is amended as set forth below.

(5 U.S.C. 552; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; 49 CFR 7.1(c))

Issued on April 8, 1969.

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

Appendix D to Part 7 of 49 CFR is amended as follows:

1. By adding the following new document inspection facility at the Washington Headquarters in paragraph 2:

Washington Headquarters:

* * * * *

Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591 (material covered by paragraph 3(c) only).

* * * * *

2. By adding the following new subparagraph (c) to paragraph 3:

(c) Informal interpretations and opinions concerning provisions of the National Traffic and Motor Vehicle Safety Act of 1966 and regulations and standards issued thereunder which have been given to members of the public by Federal Highway Administration officials are available at the FHWA Docket Section.

[F.R. Doc. 69-4299; Filed, Apr. 11, 1969; 8:48 a.m.]

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-12; Amdt. 173-1]

PART 173—SHIPPERS

Shipment of Anhydrous Hydrazine

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize the shipment of anhydrous hydrazine in specification drums not previously authorized for this product.

On January 13, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-12; Notice No. 68-9 (34 F.R. 1175), which proposed to amend the Hazardous Materials Regulations to permit the use of Specification 42D drums for the carriage of anhydrous hydrazine and hydrazine solution. The notice also requested public comment on a procedure proposed by the Board for future handling of what the Board categorized as "general interest" special permit requests.

Over 20 comments were received as a result of this notice. Most were addressed to the general procedure proposed by the Board, but several comments spoke to the substance of the proposed amendment concerning the use of Specification 42D aluminum drums. This amendment disposes of the portion of the notice relating to the use of this specification drum.

The proposed procedure for the handling of "general interest" type special permit requests will be discussed in another rule-making procedure to be issued in the near future.

Several of the comments raised questions concerning the corrosive effects of various hydrazine solutions on certain aluminum alloys. The Board has concluded that there could be many solutions of hydrazine that would in fact present a potential corrosion problem. Therefore, the use of Specification 42D aluminum drums as authorized by this amendment is limited to anhydrous hydrazine.

In addition, commenters pointed out that if the use of a Specification 42D drum for anhydrous hydrazine is justified by safety considerations, the same considerations would also justify authorizing the use of Specifications 42B and 42C aluminum drums. The Board concurs with these comments. Therefore, this amendment also authorizes the use of Specifications 42B and 42C aluminum drums for anhydrous hydrazine.

Interested persons were afforded an opportunity to participate in this rule making and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, 49 CFR Part 173 is amended, effective upon date of publication in the FEDERAL REGISTER, by adding a new subparagraph (a)(8) in section 173.276 to read as follows:

§ 173.276 Anhydrous hydrazine and hydrazine solution.

(a) * * *

(8) Spec. 42B, 42C, or 42D (§§ 178.107, 178.108, 178.109 of this chapter) aluminum drums. Authorized for anhydrous hydrazine only.

This amendment is made under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1647), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)).

Issued in Washington, D.C., on April 9, 1969.

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

F. C. TURNER,
Administrator,
Federal Highway Administration.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

SAM SCHNEIDER,
Board Member,
Federal Aviation Administration.

[F.R. Doc. 69-4306; Filed, Apr. 11, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

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

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

Subpart—U.S. Standards for Grades of Frozen Asparagus

CHANGE IN EFFECTIVE DATE

A revision of the U.S. Standards for Grades of Frozen Asparagus was published in the FEDERAL REGISTER of March 13, 1969 (34 F.R. 5151), to become effective 30 days after such publication—on April 14, 1969. It is now determined that good cause exists for delaying the effective date of these standards and the supersedure of the U.S. Standards for Grades of Frozen Asparagus (7 CFR 52.381-52.393), as provided in the aforementioned publication, until the current frozen asparagus pack and principal marketing season have been finished. It is also found that notice and public procedure are impracticable.

Statement of consideration leading to this action. The National Association of Frozen Food Packers, on behalf of several major freezers of asparagus, has requested a delay of the effective date (Apr. 14, 1969) of the revised standards until after the 1969 packing season. These freezers state that they face problems in adjustment of their packs to certain defect classes which may have an impact on marketing relationships. The revised grade standards use statistical procedures and criteria which are new in concept as compared with the standards which have been in effect.

In consideration of the aforementioned request, the effective date of the revised U.S. Standards for Grades of Frozen Asparagus is stayed until, and shall become effective on, December 31, 1969.

The current U.S. Standards for Grades of Frozen Asparagus, in effect since April 18, 1952, and as last amended, effective March 15, 1968, shall remain in effect until December 31, 1969.

Dated: April 10, 1969.

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

[F.R. Doc. 69-4393; Filed, Apr. 11, 1969; 8:50 a.m.]

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

[Lemon Reg. 369]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.669 Lemon Regulation 369.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified, and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 8, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period April 13, 1969, through April 19, 1969, are hereby fixed as follows:

(i) District 1: 7,440 cartons;

(ii) District 2: 206,460 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: April 10, 1969.

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

[F.R. Doc. 69-4394; Filed, Apr. 11, 1969; 8:50 a.m.]

[Lime Reg. 27]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, 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 of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, 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 regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 14, 1969. Florida lime shipments are presently subject to regulation through April 30, 1969, by grades and sizes, and this regulation relieves restrictions on Persian lime shipments for the period April 14 through April 30, 1969. Determinations as to the need for, and extent of continued regulation of Florida lime shipments must await the development of the crop and the availability of information with respect thereto and on the demand for such fruit. The recommendations and supporting information for regulation of lime shipments in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on April 9, 1969, held to consider recommendations for regulation; the provisions of this regulation are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective as hereinafter set forth so as to provide for the continued regulation of the handling of limes after April 30, 1969, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 911.329 **Lime Regulation 27.**

(a) *Order.* (1) Lime Regulation 25 (33 F.R. 6095, 6461, 17845) is hereby terminated April 14, 1969.

(2) During the period April 14, 1969, through April 30, 1970, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color; or

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter: *Provided*, That any lot of such limes (*a*) which contains limes of a size smaller than 1⅞ inches in diameter but not smaller than 1⅝ inches in diameter may be handled if such lot of limes has an average juice content of at least 45 percent, by volume, and (*b*) which contains limes of a size smaller than 1⅞ inches in diameter but not smaller than 1⅝ inches in diameter may be handled if such lot of limes has an average juice content of at least 50 percent, by volume: *Provided further*, That (*i*) with respect to the limes in containers other than individual bags such limes are in any of the containers specified in subdivision (i), (ii), (iii), or (iv) of paragraph (a)(3) of § 911.328 (33 F.R. 17308), and (*ii*) with respect to the limes in individual bags such bags are in any of the master containers specified in paragraph (a)(5) of § 911.328, and the limes in each such container weigh the applicable net weight prescribed in subparagraphs (3) and (5) of said paragraph (a).

(3) Notwithstanding the provisions of subdivision (iii) of subparagraph (2), not to exceed 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags, may fail to meet the applicable minimum size requirement: *Provided*, That no individual container of limes having a net weight of more than 4 pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirement.

(b) Terms used herein shall have the same meaning as is given to the respective terms in the amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective terms in the U.S. Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016).

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

Dated, April 10, 1969, to become effective April 14, 1969.

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

[F.R. Doc. 69-4419; Filed, Apr. 11, 1969; 11:22 a.m.]

[Grapefruit Reg. 60]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.360 Grapefruit Regulation 60.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, 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 Indian River Grapefruit 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 grapefruit, 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 section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 10, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period April 14, 1969, through April 20, 1969, is hereby fixed at 175,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: April 11, 1969.

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

[F.R. Doc. 69-4418; Filed, Apr. 11, 1969; 11:21 a.m.]

[Grapefruit Reg. 29]

PART 913—GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.329 Grapefruit Regulation 29.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, 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 Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, 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 section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 10, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period April 14, 1969, through April 20, 1969, is hereby fixed at 187,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

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

Dated: April 10, 1969.

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

[F.R. Doc. 69-4417; Filed, Apr. 11, 1969; 11:21 a.m.]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Miscellaneous Amendments

§ 959.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order, and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the finding and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Edinburg, Tex., on December 18, 1968, upon a proposed amendment of Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959) regulating the handling of onions grown in the South Texas production area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order as hereby amended and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a

gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

(2) The said order as hereby amended regulates the handling of onions grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing order upon which hearings have been held;

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

(4) The said order as hereby amended prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions as defined in this part is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found that good cause exists for not postponing the effective date of this amendment beyond the date hereinafter specified and for making it effective on such date (5 U.S.C. 553): (1) Shipments of production area onions are expected to be moving in volume before mid-April and the amendment should be made effective as far as possible in advance of such date so that producers may avail themselves of any benefits that may be derivable from the amendment during the greatest possible portion of the current marketing season; (2) the provisions of the amendment are well known to handlers and other interested persons by reason of the public hearing, the recommended decision, and the final decision thereon; (3) the producer referendum was held during the period March 27–April 2, 1969, when copies of the amendment were mailed to all known producers; (4) the changes effected by this amendment will not require advance preparation by handlers which cannot be completed prior to the effective date hereof; and (5) no useful purpose will be served by postponing the effective date beyond that hereinafter set forth.

(c) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping onions covered by this order) who during the representative period (Aug. 1, 1967, through July 31, 1968), handled more than 50 percent of the volume of onions covered by the said order, have signed the marketing agreement, as amended, regulating the handling of onions grown in the production area, and

(2) The issuance of this order, amending the order, is approved or favored (i) by at least two-thirds of the producers of onions who participated in a referendum held during the period March 27–April 2, 1969, and who, during the determined representative period (Aug. 1, 1967, through July 31, 1968) were engaged within the production area in the production of onions for market, and (ii) by producers who participated in the aforesaid referendum and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of such onions produced for market within the production area.

It is therefore ordered, That, on and after the effective date hereof, all handling of onions grown in the South Texas production area shall be in conformity to and in compliance with, the terms and conditions of the said order as hereby amended, as follows:

1. Section 959.27 *Nomination,* is revised by adding to the end of each of paragraphs (a) and (c) thereof, the following: "or by such other date as may be specified by the Secretary."

2. Section 959.43 *Accounting,* is revised by changing the first sentence in subparagraph (2), of paragraph (a) to read as follows:

(2) The committee, with the approval of the Secretary, may carry over excess funds into subsequent fiscal periods as reserves: *Provided,* That funds already in reserves do not equal approximately two fiscal periods' expenses. * * *

3. Section 959.52 *Issuance of regulations,* is revised as follows:

a. As to paragraph (b): By deleting "or" appearing at the end of subparagraph (3); by changing the period to a semicolon at the end of subparagraph (4); and by revising subparagraph (5) and adding subparagraph (6) to read as follows:

(5) Establish holidays by prohibiting throughout the entire production area, the packaging or loading, or both, of onions on Sundays;

(6) Prohibit the packaging or loading, or both, of onions except during specified consecutive hours of any calendar day or days: *Provided,* That, any handler may, upon such notice to the committee as it may prescribe with approval of the Secretary, package or load onions during a different period in such day consisting of the same number of consecutive hours: *Provided further,* That any handler who, due to conditions specified in regulations established by the committee with the approval of the Secretary as being beyond a handler's reasonable control, is prevented for more than one of such consecutive hours from so packaging or loading onions may, in accordance with such regulations, obtain permission from the committee to package or load onions, or both, during a comparable number of additional hours in the same day or a later day as specified by the committee.

b. New paragraph (d) is added as follows:

(d) No handler may handle onions that were packaged or loaded or both during any period when such packaging or loading or both was prohibited by any regulation issued pursuant to subparagraph (5) or (6) of paragraph (b) of this section, except such onions as were exempted thereunder.

4. Section 959.7 *Handle,* is revised by adding the word "load" between the words "package" and "sell."

* * * * *

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

Effective date: Issued at Washington, D.C., April 8, 1969, to become effective April 8, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-4400; Filed, Apr. 11, 1969; 9:22 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

CERTAIN CRABMEATS

Proposed Revision of Policy Statement Regarding Labeling

In the FEDERAL REGISTER of April 8, 1954 (19 F.R. 2013), the Commissioner of Food and Drugs promulgated a statement of policy (§ 3.34) concerning the common or usual name for imported canned crabmeat prepared from various specified species of crab. Since that time, domestic production has developed of crabmeat from certain of such species and Canadian production has developed of crabmeat from the species *Chionoecetes opilio* from the North Atlantic. Methods of preservation such as freezing and canning have been used.

Most if not all of the crabmeat from *Chionoecetes opilio* has been imported in the past from the Orient. Recently, production has developed of crabmeat from crabs of this species taken in the North Atlantic by Canadian fishermen, and domestic production has developed from crabs taken in the Alaska area. Three *Chionoecetes* species, *C. tanneri*, *C. bairdii*, and *C. angulatus*, closely resemble the species *C. opilio*, and are sometimes taken and processed with it. Crabmeat from the four *Chionoecetes* species is for practical purposes indistinguishable, and such differences as may exist between crabmeat from these species are not of significance to consumers.

Crabmeat from *C. opilio* has been distributed since at least 1955 as "Snow crabmeat"; however, a substantial proportion of the Canadian pack of *C. opilio* and some of the domestic pack has been labeled as "Queen crabmeat." There has been a limited distribution of crabmeat from *C. tanneri* as "Tanner crab," but not sufficient to establish "Tanner crab" as the common or usual name among consumers generally. Crabmeat from *C. bairdii* and *C. angulatus* does not appear to have an established common or usual name.

It will be in the interest of consumers generally to apply the common or usual name principles set forth in § 3.34 to crabmeat from the species in question preserved by freezing or other methods, as well as that preserved by canning, and to crabmeat from these species when produced domestically as well as that imported.

It also will be in the interest of consumers to have a recognized common or usual name for the four *Chionoecetes* species in question. "Snow crabmeat" has been established by many years usage as the common or usual name for crabmeat from the species *C. opilio*. The coined name "Queen crabmeat" has been used for the product of the recently developed Canadian *C. opilio* fishery and, to a lesser extent, has been applied to crabmeat from *C. opilio* from other areas. It has not become generally recognized by consumers of this crabmeat in the United States as the common or usual name. Use of the coined name "Queen crabmeat" in place of the established, common, or usual name "Snow crabmeat" is misleading and confusing. Further, the name "Queen crabmeat" may cause confusion with the different article, King crabmeat. "Snow crabmeat," and not "Queen crabmeat," should be recognized as the common or usual name for crabmeat from *C. opilio*. "Snow crabmeat" is also an appropriate common or usual name for the similar crabmeat from the species *C. tanneri*, *C. bairdii*, and *C. angulatus*.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403(i)(1), 701(a), 52 Stat. 1048, 1055; 21 U.S.C. 343(i)(1), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 3.34 be revised to read as follows:

§ 3.34 Labeling of crabmeat.

(a) For many years canned crabmeat has been imported into the United States from Japan. Such imports have consisted primarily of a product designated as "King crabmeat." There have been limited importations of articles designated as "Korean crabmeat" and "Snow crabmeat." Two closely allied species of crab have been packed in Japan for export to the United States under the designation "King crabmeat." These species are *Paralithodes camtschatica* (tarabagani) and *Paralithodes platypus* (aburagani). A third species of crab, *Paralithodes brevipes*, has been labeled either as "King crabmeat" or "Hanasaki crabmeat" when intended for export to the United States. The Food and Drug Administration considers the term "King crabmeat" as an acceptable common name for the product prepared from any one of the three species *P. camtschatica*, *P. platypus*, and *P. brevipes*. The Food and Drug Administration also considers the name "Hanasaki crabmeat" as an alternative common name for the product prepared from *P. brevipes*.

(b) Prior to World War II, there was a limited pack of crabmeat from the species *Erimacrus isenbeckii* at canneries located on the coast of Korea, but only a small quantity of this product was imported into the United States. To distinguish the product from the various species of *Paralithodes* and to connote its geographic origin, the article was designated by the name "Korean crab." In the past, there has been a certain amount of the species *Erimacrus isenbeckii* packed in Japan or on Japanese factory ships operating in the Bering Sea. This species of crab is generally known in Japan as "Kegani." This product, packed in Japan, when offered for entry into the United States has been designated by a variety of names including "Korean crabmeat," "Snow crabmeat," "Eliza crabmeat," "Kegani crabmeat," and "Zuwai crabmeat," with resulting confusion to importers and consumers. The term "Korean crab" is no longer applicable to the product as an indication of its geographic origin. The long absence of the product from the domestic market, until its subsequent reintroduction under a variety of names, has largely eliminated consumer recognition of the identity of the product under the name "Korean crabmeat." The Food and Drug Administration therefore considers the designation "Korean variety crabmeat" or, alternatively, "Kegani crabmeat" as suitable common names for the product packed from the species *Erimacrus isenbeckii*.

(c) There has also been a limited pack of *Chionoecetes opilio* (zuwai-gani) offered for entry into the United States from the Orient and from Canada, and a limited pack of this species produced in the United States. This product has for many years been designated by the name "Snow crabmeat." Three other *Chionoecetes* species, *C. tanneri*, *C. bairdii*, and *C. angulatus*, produce crabmeat similar to that of *C. opilio*, and the four *Chionoecetes* species at times may be taken and processed into crabmeat together. The Food and Drug Administration regards the designation "Snow crabmeat" as the common or usual name for crabmeat from any of these four species when distributed in the United States.

(d) Section 403(i)(1) of the Federal Food, Drug, and Cosmetic Act requires that the label of a food for which there is no definition and standard of identity shall bear the common or usual name of the food, if any there be. No definition and standard of identity has been established for crabmeat under the act. The Food and Drug Administration regards the label designations for crabmeat prepared from the various species of crab as stated in paragraphs (a), (b), and (c) of this section, whether canned, frozen, or otherwise, and whether imported into or produced in this country, as satisfactory compliance with section 403(i)(1) of the act. For convenient reference, the scientific name of the crabs in question and the acceptable common name of the crabmeat produced from each are listed below.

Scientific name of crab	*Common name of crabmeat*
Paralithodes camtschatica and *Paralithodes platypus.*	King crabmeat.
Paralithodes brevipes.	King crabmeat or Hanasaki crabmeat.
Erimacrus isenbeckii.	Korean variety crabmeat or Kegani crabmeat.
Chionoecetes opilio, Chionoecetes tanneri, Chionoecetes bairdii, and *Chionoecetes angulatus.*	Snow crabmeat.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4283; Filed, Apr. 11, 1969; 8:46 a.m.]

[21 CFR Part 120]

FOLPET

Proposed Reduction of Tolerances for Residues in or on Raw Agricultural Commodities

By an order promulgating § 120.191 in the FEDERAL REGISTER of January 27, 1962 (27 F.R. 824), tolerances were established for residues of the fungicide folpet (*N*-(trichloromethylthio) phthalimide) in or on certain raw agricultural commodities at 50 parts per million.

It is the policy of the Food and Drug Administration to review its pesticide tolerances in consideration of new scientific data and information and in response to recommendations by recognized scientific advisory bodies. Also, the report "Use of Pesticides" of the President's Science Advisory Committee (May 15, 1963) recommended that, to augment the safety of present practices, the Food and Drug Administration should review its current tolerances and the experimental studies on which they are based.

Accordingly, a review of the folpet tolerances has been made and the following conclusions drawn:

1. The established tolerance level of 50 parts per million is higher than necessary to cover the residues that occur in or on many commodities from application in accordance with good agricultural practice.

2. Insufficient information is available on the possible transfer of residues of folpet to meat and milk from the feeding to cattle of dried citrus pulp when citrus fruits have been treated with folpet.

Therefore, all interested parties are invited to obtain and furnish to the Food and Drug Administration prior to January 1, 1970, residue data reflecting transfer to meat and milk when folpet is fed to cattle. In the absence of such data from interested parties, the Commissioner of Food and Drugs will proceed on the basis of available data.

Based on consideration given to the above information and other relevant material, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated to the Commissioner (21 CFR 2.120), the Commissioner proposes that § 120.191 be revised to read as follows:

§ 120.191 Folpet; tolerances for residues.

Tolerances for residues of the fungicide folpet (*N*-(trichloromethylthio) phthalimide) in or on raw agricultural commodities are established as follows:

50 parts per million in or on celery, cherries, leeks, lettuce, onions (green), shallots.

25 parts per million in or on apples, avocados, blackberries, blueberries, boysenberries, crabapples, cranberries, currants, dewberries, gooseberries, grapes, huckleberries, loganberries, raspberries, strawberries, tomatoes.

15 parts per million in or on cucumbers, garlic, melons, onions (dry bulb), pumpkins, summer squash, winter squash.

15 parts per million in or on citrus fruits; this tolerance is on an iterim basis pending evaluation of new data to be presented to the Food and Drug Administration before January 1, 1970, on transmission of such residues to milk and meat from feeding cattle with dried citrus pulp of such treated citrus fruits.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the pesticide chemical folpet may request, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, that the proposal herein be referred to an advisory committee in accordance with section 408(e) of the act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4284; Filed, Apr. 11, 1969; 8:46 a.m.]

[21 CFR Parts 120, 121]

CAPTAN

Proposed Reduction of Tolerances for Residues

By an order promulgating § 120.103 in the FEDERAL REGISTER of March 18, 1958 (23 F.R. 1808), tolerances were established for residues of the fungicide captan (*N*-trichloromethylmercapto-4-cyclohexene-1,2-dicarboximide) in or on certain raw agricultural commodities at 100 parts per million. Another order promulgating § 121.1061 in the FEDERAL REGISTER of September 9, 1961 (26 F.R. 8489), established a tolerance of 100 parts per million for residues of captan in or on washed raisins.

It is the policy of the Food and Drug Administration to review its tolerances in consideration of new scientific data and information and in response to recommendations by recognized scientific advisory bodies. In 1965 the FAO Working Party and the WHO Expert Committee on Pesticide Residues in a joint meeting established an acceptable daily intake of captan for man at a level of 0.1 milligram per kilogram of body weight ("Evaluation of Some Pesticide Residues in Food," Food and Agriculture Organization of the United Nations, World Health Organization).

The report "Use of Pesticides" of the President's Science Advisory Committee (May 15, 1963) recommended that, to augment the safety of present practices, the Food and Drug Administration should review its current tolerances and the experimental studies on which they are based.

Accordingly, a review of the captan tolerances has been made and the following conclusions drawn:

1. The established tolerance level of 100 parts per million is higher than necessary to cover the residues that occur in or on many commodities from application in accordance with good agricultural practice.

2. Tolerances are unnecessary for those commodities for which there is no registered use of captan.

3. Insufficient information is available on the possible transfer of residues of captan to meat, milk, and eggs from the feeding to cattle or poultry of raw agricultural commodities or their by-products when such commodities have been treated with captan.

Therefore, all interested parties are invited to obtain and furnish to the Food and Drug Administration prior to January 1, 1970, residue data reflecting transfer to meat, milk, and eggs when feed containing captan is fed to cattle or poultry. In the absence of such data from interested parties, the Commissioner of Food and Drugs will proceed on the basis of available data.

The U.S. Department of Agriculture has advised that there are no registered uses for captan on beets (sugar), boysenberries, Chinese cabbage, citrus citron, dandelion, endive (escarole), fennel, horseradish (roots), kohlrabi, kumquats, loganberries, parsley, parsnips (roots),

popcorn (grain form), radishes (roots), romaine, salsify (roots), salsify (tops), Swiss chard, and watercress.

Based on consideration given to the above information, and other relevant material, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 408(e), 409(d), 68 Stat. 514, 72 Stat. 1787; 21 U.S.C. 436a(e), 348(d)) and delegated to the Commissioner (21 CFR 2.120), the Commissioner proposes that § 120.103 and § 121.1061 be revised to read as follows:

§ 120.103 Captan; tolerances for residues.

Tolerances for residues of the fungicide captan (*N*-trichloromethylmercapto-4-cyclohexene-1,2-dicarboximide) in or on raw agricultural commodities from preharvest or postharvest uses or combinations of such uses are established as follows:

100 parts per million in or on beet greens, cherries, lettuce, spinach.

50 parts per million in or on apricots, celery, grapes, leeks, mangoes, nectarines, onions (green), peaches, plums (fresh prunes), shallotts.

25 parts per million in or on apples, avocados, blackberries, blueberries (huckleberries), cantaloups, crabapples, cranberries, cucumbers, dewberries, eggplants, garlic, honeydew melons, muskmelons, onions (dry bulb), pears, peppers, pimentos, pumpkins, quinces, raspberries, rhubarb, strawberries, summer squash, tomatoes, watermelons, winter squash.

2 parts per million in or on beets (roots), broccoli, brussels sprouts, cabbage, carrots, cauliflower, collards, cottonseed, kale, mustard greens, peas (dry and succulent), rutabagas (roots), soybeans (dry and succulent), sweet corn (kernels plus cob with husk removed), turnip greens, turnips (roots).

Also, the following tolerances for residues of captan are established on an interim basis pending evaluation of new data to be presented to the Food and Drug Administration before January 1, 1970, on the transmission of such residues to meat, milk, and eggs from feeding cattle or poultry with raw agricultural commodities or their byproducts when such commodities have been treated with captan:

100 parts per million in or on almond hulls.

25 parts per million in or on beans (dry and succulent), grapefruit, lemons, limes, oranges, pineapples, potatoes, tangelos, tangerines.

2 parts per million in or on almonds.

§ 121.1061 Captan.

A tolerance of 50 parts per million is established for residues of captan (*N*-trichloromethylmercapto-4-cyclohexene-1,2-dicarboximide) in or on washed raisins when present as a result of fungicidal treatment by preharvest application to grapes and postharvest application during the drying process.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the pesticide chemical captan may request, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, that the proposal herein regarding § 120.103 be referred to an advisory committee in accordance with section 408(e) of the act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4285; Filed, Apr. 11, 1969; 8:46 a.m.]

[21 CFR Part 130]

NEW DRUGS

Extension of Time for Filing Comments on Proposal Regarding Abbreviated Applications

The notice published in the FEDERAL REGISTER of February 27, 1969 (34 F.R. 2673), proposing that § 130.4 *Applications* be amended to permit submission under certain conditions of abbreviated new-drug applications, provided for the filing of comments within 30 days thereafter.

The Commissioner of Food and Drugs has received a request for extension of such time and, good reason therefor appearing, the time for filing comments on said proposal is extended to April 28, 1969.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052-53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4286; Filed, Apr. 11, 1969; 8:46 a.m.]

[21 CFR Parts 141, 141e]

ZINC BACITRACIN

Sample Preparation

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that the antibiotic drug regulations be amended as follows to provide for an improved method of sample preparation for a certification assay; namely, changing from the use of 3*N* to 0.01*N* hydrochloric acid for the dissolution of zinc bacitracin.

Accordingly, it is proposed that Parts 141 and 141e be amended:

1. By adding a new subparagraph to § 141.102(a), as follows:

§ 141.102 Solutions.

(a) * * *

(16) *Solution 16.*

0.01*N* Hydrochloric acid: 10.0 ml.
Solution 1 (1 percent potassium phosphate buffer, pH 6.0), q.s.: 1,000 ml.

2. By revising § 141e.418(a) to read as follows:

§ 141e.418 Zinc bacitracin (bacitracin zinc salt).

(a) *Potency.* Proceed as directed for bacitracin in § 141.110 of this chapter, except prepare the standard response line concentrations using solution 16 and prepare the sample for assay as follows: Dissolve an accurately weighed sample (usually 25 to 35 milligrams) in sufficient 0.01*N* hydrochloric acid to give a bacitracin concentration of 100 units per milliliter (estimated). Further dilute with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

* * * * *

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4287; Filed, Apr. 11, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 25, 121, 123]

[Docket No. 9344; Notice No. 69-2A]

PROTECTIVE SMOKE HOODS FOR EMERGENCY USE BY PASSENGERS AND CREWMEMBERS

Notice of Extension of Comment Period

The Federal Aviation Administration proposed in Notice No. 69-2, published in the FEDERAL REGISTER on January 11, 1969 (34 F.R. 465), to amend Parts 25,

121, and 123 of the Federal Aviation Regulations in order to require protective smoke hoods to be carried on all airplanes operated under Part 121, and to require the use of these hoods during emergency evacuation demonstrations. The notice stated that consideration would be given to all comments received on or before April 11, 1969.

By letter dated April 8, 1969, the Air Transport Association petitioned for a 10 day extension of the time for submission of comments. The request is based on the need to review thoroughly the existing data relating to the use and safety of smoke hoods. This request is not unreasonable.

Under the circumstances, I find that the petitioner has shown a substantive interest in the proposed rule, that good cause exists for the extension, and that the extension is consistent with the public interest.

Therefore, pursuant to the authority contained in sections 313(a), 601, 604, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1424, and 1427) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), delegated to me by the Administrator in 14 CFR 11.53, the time within which comments on Notice No. 69-2 will be received is hereby extended to April 22, 1969. In view of the fact that the original comment period expires on April 11, 1969, and the extension is of only 10 days, no further distribution of this notice will be made.

Issued in Washington, D.C., on April 10, 1969.

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

[F.R. Doc. 69-4386; Filed, Apr. 11, 1969; 8:50 a.m.]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-20; Notice 69-8]

HYDROFLUORIC ACID

Shipment

The Hazardous Materials Regulations Board proposes to amend section 173.264 of the Hazardous Materials Regulations to authorize the use of 37M steel overpacks with inside polyethylene packagings, Specifications 2S and 2SL for the shipping of hydrofluoric acid.

Interested persons are invited to give their views on the following proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before May 20, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is based on a petition for rule making submitted by the Bureau of Explosives and would eliminate several outstanding special permits. As pointed out in the petitions, there is an inconsistency in paragraph (a)(18) of § 173.264 wherein reference is made to containers having capacities in excess of 15 gallons when the only authorized inside container, Specification 2T, may not be constructed with a capacity in excess of 13 gallons. In consideration of the foregoing, it is proposed to cancel paragraph (a)(18) and combine the authorization to use Specifications 6D and 37M drums as follows:

§ 173.264 Hydrofluoric acid.

(a) * * *

(17) Spec. 6D or 37M (nonreusable container) (§§ 178.102, 178.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S, 2SL, or 2T (§§ 178.35, 178.35a, 178.21 of this chapter) polyethylene container. Spec. 37M overpack of over 15-gallon capacity must be constructed of at least 20-gauge steel. Authorized only for acid of not over 70 percent strength.

(18) Canceled.

* * * * *

This proposal is made under the authority of sections 831-835 of title 18 United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)).

Issued in Washington, D.C., on April 9, 1969.

C. P. MURPHY,
Rear Admiral, U.S.C.G., by direction of Commandant, U.S. Coast Guard.

F. C. TURNER,
Administrator,
Federal Highway Administration.

JAMES H. MACANANNY,
Administrator,
Federal Railroad Administration.

SAM SCHNEIDER,
Board Member,
Federal Aviation Administration.

[F.R. Doc. 69-4304; Filed, Apr. 11, 1969; 8:48 a.m.]

[49 CFR Part 173]

[Docket No. HM-21; Notice 69-9]

ELECTRIC STORAGE BATTERIES

Shipping by Highway

The Hazardous Materials Regulations Board is considering an amendment to § 173.260(e) of the Hazardous Materials Regulations that would expand an exemption concerned with the shipping of electric storage batteries by highway. Materials other than hazardous materials which are not permitted under the existing exemption would be permitted to be carried in the same motor vehicle with batteries under certain conditions.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before May 20, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

The basis for this proposal is a petition for a special permit recently received by the Hazardous Materials Regulations Board in which the petitioner pointed out that the need for a permit would be obviated by an appropriate change in the regulations. The petitioner proposed limiting the exemption to situations where storage batteries constitute the only commodity being transported in the vehicle or the only other commodity being transported consists of battery-related accessory items which are packed in fiberboard 200-pound test cartons so as to prevent contact with the batteries in a manner that could cause short circuits. After evaluating the proposed rule change, the Board has concluded that it is not necessary to limit the other items that could be transported in the same vehicle to battery-related items provided that no other hazardous materials are transported in the same vehicle and provided that the other items carried are loaded in a manner that they can be blocked, braced, or otherwise secured so as to prevent any contact with or damage to the batteries. However, the Board believes that the exception should cover only those shipments where a motor vehicle is carrying only one shipper's goods. This limitation will thus achieve substantially the same type of control that is available in a private carriage shipment while not so limiting the types of carriage that may be used.

In consideration of the foregoing, the Hazardous Materials Regulations Board proposes to amend § 173.260(e) to read as follows:

§ 173.260 Electric storage batteries, wet.

* * * * *

(e) Electric storage batteries containing electrolyte or battery fluid are exempt from Parts 170-189 of this chapter, and Part 397 of Chapter III of this Title, for carriage by highway or rail if—

(1) For shipments by rail, the batteries (either wet or dry) constitute the only commodity being transported and are loaded or braced to prevent damage in transit or short circuits.

(2) For shipments by highway,

(i) No other hazardous materials are transported in the same vehicle, and

(ii) the batteries are loaded or braced so as to prevent damage or short circuits in transit,

(iii) any other material loaded in the same vehicle is blocked, braced, or otherwise secured to prevent contact with or damage to the batteries, and

(iv) the transport vehicle is carrying no materials being shipped by any persons other than the shipper of the batteries.

* * * * *

This proposal is made under the authority of sections 831–835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on April 9, 1969.

JOHN R. JAMIESON,
Administrator,
Federal Highway Administration.

[F.R. Doc. 69-4305; Filed, Apr. 11, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 17]

ASSISTANT ADMINISTRATORS

Delegation of Authority Relating to Contracting Functions

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, dated November 3, 1961 (26 F.R. 10608), I hereby amend Delegation of Authority No. 17 in its entirety, to read as follows:

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State, dated November 3, 1961 (26 F.R. 10608), and in accordance with the authority contained in section 635(b) of the Foreign Assistance Act of 1961, as amended, and Executive Order 11223, as amended, I hereby delegate the following authority, with power to redelegate to such officers and employees as they may designate:

1. To the Assistant Administrator for Near East and South Asia, the Assistant Administrator for Latin America and U.S. Coordinator for the Alliance for Progress, the Assistant Administrator for Africa, the Assistant Administrator for East Asia, and the Assistant Administrator for Vietnam, for the countries or areas within their responsibility; and to the Assistant Administrator for Administration, the authority to sign or approve the following:

a. Contracts and amendments to Contracts, financed in whole or in part by A.I.D., other than contracts exclusively for the supply of commodities, and grants, other than to a foreign government, or agencies of a foreign government;

b. Letters of Commitment and Notices of Approval for Financing of Cooperating Country Contracts for contracts described in paragraph 1(a) above;

c. Project Implementation Orders—Technical Services (PIO/T);

d. Amendment or modification (pursuant to Executive Order 11223) of A.I.D.-financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States: *Provided*, That all such amendments or modifications are requested prior to final payment under the contract: *And provided further*, That the approval of all such amendments or modifications involving $25,000 or more shall not be redelegated.

2. The authority herein delegated to designated officers may be exercised by persons who are performing the functions of such officers in an "Acting" capacity. This authority is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D.

3. This Delegation of Authority supersedes paragraph 3 of Delegation of Authority of the Director of ICA dated September 28, 1960, entitled "To Sign and Issue Various Programs Authorizations, Budget and Fiscal Documents, and Contracts, Etc." which was continued in effect by me in Delegation of Authority No. 3 dated November 4, 1961 (26 F.R. 221).

4. Any subdelegations issued and official actions taken prior to the effective date hereof by officers duly authorized pursuant to the superseded delegations are hereby continued in effect according to their terms until modified, revoked, or superseded by action of the officers to whom I have delegated relevant authority in this delegation.

5. Actions within the scope of this delegation heretofore taken by the officials designated herein are hereby ratified and confirmed.

6. This delegation of authority shall be effective immediately.

Dated: March 13, 1969.

RUTHERFORD POATS,
Acting Administrator.

[F.R. Doc. 69-4293; Filed, April 11, 1969; 8:47 a.m.]

DIRECTOR, OFFICE OF PROCUREMENT ET AL.

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by Delegation of Authority No. 17, as amended, from the Administrator of the Agency for International Development, I hereby redelegate to the Director, and Deputy Director of the Office of Procurement, and to the Chief, Contract Services Division, Chief, Contract Operations Branch, and to the Senior Contract Specialists, Contract Operations Branch, authority to sign or approve:

1. (a) Contracts and amendments to contracts financed in whole or in part by A.I.D., other than contracts exclusively for the supply of commodities; and grants, other than to foreign governments, or agencies of foreign governments;

(b) Letters of Commitment, and Notices of Approval for Financing of Cooperating Country contracts, for contracts described in (a) above;

(c) Project Implementation Orders—Technical Services (PIO/T);

(d) Amendments or Modifications (pursuant to Executive Order 11223) of A.I.D.-financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States: *Provided*, That all such amendments or modifications are requested prior to final payment under the contract: *And provided further*, That all such amendments or modifications involving $25,000 or more have my specific approval.

2. The authority herein delegated to the officers named above may not be further redelegated by such officers, but may be exercised by duly authorized persons who are performing the functions of such officers in an acting capacity.

3. The authorities delegated herein are to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within the Agency for International Development.

4. The redelegations of authority with respect to contracting functions, from the Assistant Administrator for Material Resources to the Chief, Assistant Chief and Assistant Chief for Operations for the Contract Services Division, contained in the redelegation of authority dated November 10, 1965, are revoked hereby.

5. Actions within the scope of this redelegation heretofore taken by the officials designated herein are hereby ratified and confirmed.

6. The Chief, Contract Services Division, shall be deemed to be the successor of the following officers: (1) Director, Office of Contract Relations, and (2) Chief, Contract Services Division of the Office of Program Support.

7. This redelegation of authority shall be effective immediately.

8. The redelegation of authority, dated April 29, 1968 (33 F.R. 9305), relating to contracting functions in the Office of Procurement, is hereby superseded.

Dated: April 2, 1969.

EDWARD F. TENNANT,
Acting Assistant Administrator for Administration.

[F.R. Doc. 69-4294; Filed, Apr. 11, 1969; 8:47 a.m.]

HOUSING GUARANTIES

Prescription of Rate

Pursuant to section 222(h) of the Foreign Assistant Act of 1961, as amended, and effective immediately, contracts of guaranty for loan investments in housing under section 221(b)(2) and 224 of that Act will be subject to the following restriction:

The interest allowed to an eligible U.S. investor at the time the relevant project is authorized may not exceed a rate of eight per centum (8%) per annum. Prior to the execution of the contract of guaranty, the Administrator may amend such rate at his discretion, consistent

with the provisions of section 222(h) of the Act.

Dated: April 4, 1969.

RUTHERFORD POATS,
Acting Administrator.

[F.R. Doc. 69-4295; Filed, April 11, 1969; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

AMINOACETIC ACID (GLYCINE); WEST GERMANY

Determination of Sales at Not Less Than Fair Value

APRIL 4, 1969.

On February 14, 1969, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that Aminoacetic Acid (Glycine) from West Germany, is not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until March 17, 1969, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received. I hereby determine that Aminoacetic Acid (Glycine) from West Germany, is not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and section 53.33(c), Customs Regulations (19 CFR 53.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-4309; Filed, Apr. 11, 1969; 8:49 a.m.]

BETA-OXY-NAPHTHOIC ACID FROM JAPAN

Determination of Sales at Not Less Than Fair Value

APRIL 4, 1969.

On January 14, 1969, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that Beta-oxy-Naphthoic acid from Japan is not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until February 13, 1969, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that Beta-oxy-Naphthoic acid from Japan is not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and section 53.33(c), Customs Regulations (19 CFR 53.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-4310; Filed, Apr. 11, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

CHIEF, PITTSBURGH OFFICE OF MINERAL RESOURCES ET AL.

Redelegation of Authority Regarding Mineral Resource Evaluation

The following redelegation is a portion of the Bureau of Mines Manual and the numbering system is that of the Manual.

PART 205—BUREAU OF MINES GENERAL DELEGATIONS

SEC. 205.11.2 *Negotiated Purchases and Contracts for Property and Services.* The following officials are authorized to enter into negotiated contracts under section 302(c)(3) of the Federal Property and Administrative Services Act of 1949, as amended, in amounts not to exceed $2,500 for any one contract under the provisions of 205 BM 11.2:

Chief, Pittsburgh Office of Mineral Resources.
Chief, Knoxville Office of Mineral Resources.
Chief, Twin Cities Office of Mineral Resources.
Chief, Bartlesville Office of Mineral Resources.
Chief, Dallas Office of Mineral Resources.
Chief, Denver Office of Mineral Resources.
Chief, San Francisco Office of Mineral Resources.
Chief, Albany Office of Mineral Resources.
Chief, Spokane Office of Mineral Resources.
Chief, Alaska Office of Mineral Resources.

The authority delegated herein shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration, the Department of the Interior, and the Bureau of Mines.

As a service in accomplishing procurement actions, the Chiefs, Eastern and Western Administrative Offices, may exercise their separately delegated contracting authorities of this paragraph in fulfilling Mineral Resource Evaluation offices' requirements when requested by a Field Office Chief.

FRANK D. LAMB,
Acting Assistant Director, Mineral Resource Evaluation.

[F.R. Doc. 69-4291; Filed, Apr. 11, 1969; 8:47 a.m.]

Fish and Wildlife Service

YELLOWFIN TUNA FISHING IN EASTERN PACIFIC OCEAN

Closure of Season

Notice is hereby given pursuant to § 280.5, Title 50, Code of Federal Regulations, as follows:

On April 9, 1969, the Director of Investigations of the Inter-American Tropical Tuna Commission recommended to the representatives of all nations having vessels operating in the regulatory area defined in 50 CFR 280.1(g) that the yellowfin tuna fishing season be closed at 0001 hours, local time, on April 16, 1969, to assure that the established catch limit of 120,000 short tons for 1969 will not be exceeded. (See announcement of the catch limit established for yellowfin tuna from the regulatory area published in the FEDERAL REGISTER of Mar. 29, 1969, 34 F.R. 5950.)

I hereby announce that the 1969 season for the taking of yellowfin tuna without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate at 0001 hours, local time in the area affected, April 16, 1969.

Issued at Washington, D.C., and dated April 10, 1969.

H. E. CROWTHER,
Director, Bureau of Commercial Fisheries.

[F.R. Doc. 69-4320; Filed, Apr. 11, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADRENOCORTICAL STEROIDS

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated the reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following adrenocortical steroid type preparations:

1. Dexamethasone: Azium (sterile solution), 1 mg. or 2 mg./cc. solution; Azium (aqueous suspension), 2 mg./cc.; Azium (oral solution), 1 mg. or 2 mg./cc.; Azium (tablets), 0.25 mg. per tablet; by Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003.

2. 9-Fluoroprednisolone acetate: Predef 2X (liquid-sterile aqueous suspension), 2 mg./cc.; Predef 2X, 20-mg. bolus; Predef 2X (oral liquid suspension), 2 mg./cc.; by The Upjohn Co., Kalamazoo, Mich. 49001.

3. Methyl prednisolone: Medrol (tablets), 1 mg. per tablet; by The Upjohn Co., Kalamazoo, Mich. 49001.

4. Methylprednisolone acetate: Depo Medrol (sterile aqueous suspension), 20 and 40 mg./cc.; by The Upjohn Co., Kalamazoo, Mich. 49001.

5. Prednisolone:
a. Sterane (solution), 10 mg./cc.; by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.
b. Delta Cortef (sterile aqueous suspension), 10 mg./cc.; by The Upjohn Co., Kalamazoo, Mich. 49001.
c. Prednisolone Aqueous Suspension Veterinary, 10 and 25 mg./cc.; by Maurry Biological Co., Inc., 6109 South Western Avenue, Los Angeles, Calif. 90047.
6. Prednisolone acetate: Meticortelone acetate (sterile suspension), 25 mg./cc.; by Schering Corp., Bloomfield, N.J. 07901.
7. Prednisolone tertiary butylacetate: Hydeltrone T.B.A. (suspension), 20 mg./cc.; by Merck & Co., Rahway, N.J. 07065.
8. Prednisolone trimethylacetate: Ultracortenol (suspension), 10 and 25 mg./cc.; by CIBA Pharmaceutical Co., 556 Morris Avenue, Summit, N.J. 07901.
9. Prednisolone sodium succinate: Solu Delta Cortef (powder and sterile aqueous diluent), 10 mg./cc.; by The Upjohn Co., Kalamazoo, Mich. 49001.
10. Prednisone:
a. Meticorten (sterile suspension), 10 and 40 mg./cc.; by Schering Corp., Bloomfield, N.J. 07003.
b. Predsem (suspension), 10 and 40 mg./cc.; by S. E. Massengill Co., Bristol, Tenn. 37620.
11. Triamcinolone: Aristovet (tablet), 0.5 mg./tablet; Aristovet (liquid), 2.5 and 10 mg./cc.; by American Cyanamid Co., Princeton, N.J. 08540.
12. Triamcinolone acetonide: Vetalog (tablets), 0.5-mg. and 1.5-mg. tablets; by E. R. Squibb & Sons, Georges Road, New Brunswick, N.J. 10088.

The Food and Drug Administration concurs with the conclusions of the Academy that these drugs are effective as anti-inflammatory agents for the specie indicated and for primary bovine ketosis when used in cattle. The products may also be used as a supportive therapy under other indications for use.

Supplemental new-drug applications are invited to revise the labeling provided for in the new-drug applications for the above preparations to limit the claims and present the conditions of use substantially as follows:

ACTIONS

These drugs are synthetic corticosteroids and possess glucocorticoid activity. They are not specie specific and differ only in their anti-inflammatory potency and ability to manifest mineralocorticoid properties.

INDICATIONS

Indicated for treatment of primary bovine ketosis and as an anti-inflammatory agent.

DOSAGE AND ADMINISTRATION

Dosage and administration are as recommended for individual products.

1. Dexamethasone:
a. Sterile solution—
Horse: i.v. or i.m. 2.5 to 5 mg.
Cow: i.v. or i.m. 5 to 20 mg.

In cases where cattle or horses require additional steroid therapy, an oral form may be administered.

Dog: i.v. or i.m. 0.25 to 1 mg.
Cat: i.v. or i.m. 0.125 to 0.5 mg.

The dose may be repeated in cats or dogs. If a condition being treated is of a chronic nature, tablets may be administered orally at the recommended level.

b. Aqueous suspension—
Horse and cow: i.m. 5 to 20 mg.; may be repeated.
Dog: i.m. .025 to 1.0 mg.
Cat: i.m. .012 to 0.5 mg.

The dose may be repeated in dogs and cats for 3–5 days; if a chronic nature, oral preparations are recommended.

c. Oral solution—
Horse and cow: 5 to 20 mg./day.
Dog: 0.25 to 1.25 mg./day.
Cat: 0.125 to 0.5 mg./day.
d. Tablets—
Dog: 0.25 to 1.25 mg./day up to 7 days.
Cat: 0.125 to 0.5 mg./day up to 7 days.
2. 9-Fluoroprednisolone acetate:
a. Liquid-sterile aqueous suspension—
Horse: i.m. 5 to 20 mg.; intrasynovial 5 to 20 mg.
Cow: i.m. 10 to 20 mg.
Swine: i.m. 5 mg./300 lb.
b. Bolus, 20 mg.—
Horse: 1 to 2 boluses once or twice daily.
Cow: 1 to 4 boluses initially followed by 1 bolus once or twice daily for 3 to 5 days.
c. Oral liquid suspension—
Horse: 30 to 60 mg. once or twice daily.
Cow: 30 to 90 mg. initially followed by 30 to 60 mg. once or twice daily for 3 to 5 days.
3. Methylprednisolone: Tablets—
Dog and cat: 2 mg./5 to 15 pounds body weight; 2 to 4 mg./15 to 40 pounds body weight; 4 to 8 mg./40 to 80 pounds body weight. Give in divided doses 6 to 10 hours apart for 7 days; discontinue for a few days and repeat if necessary.
4. Methylprednisolone acetate: Sterile aqueous suspension—
May be repeated when necessary.
Horse: i.m. 200 mg.; intrasynovial 40 to 240 mg. with an extreme of 400 mg. for intratendinous injection.
Dog: i.m. 2 to 40 mg., 120 mg. in extreme case; intrasynovial up to 20 mg.
Cat: i.m. 10 to 20 mg.
5. Prednisolone: Solution, sterile aqueous suspension, or aqueous suspension—
May be repeated when necessary.
Horse and cow: i.m. 50 to 200 mg.
Horse: Intra-articular 40 to 80 mg.
Dog: i.m. 10 to 30 mg.; intra-articular 10 to 20 mg.
Cat: i.m. 5 to 10 mg.; intra-articular 10 to 20 mg.
6. Prednisolone acetate: Sterile suspension—
May be repeated when necessary.
Horse and cow: Intra-articular 50 to 100 mg.
Dog and cat: i.m. 10 to 50 mg.; intra-articular 5 to 25 mg.
7. Prednisolone tertiary butylacetate: Suspension—
May be repeated when necessary.
Horse and cow: i.m. 100 to 300 mg.; intrasynovial 50 to 100 mg.
Small animals: i.m. 1 mg./5 pounds body weights; intrasynovial 10 to 20 mg.
8. Prednisolone trimethylacetate: Suspension—
May be repeated when necessary.
Cow: i.m. 100 to 200 mg.
Dog: i.m. 5 mg./10 pounds body weight, not to exceed 20 mg. per dose.
9. Prednisolone sodium succinate: Powder and sterile aqueous diluent—
May be repeated when necessary.
Horse and cow: i.v. or i.m. 50 to 100 mg.
Dog and cat: i.v. or i.m. 1 to 5 mg.
10. Prednisone: Suspension—
May be repeated when neecssary.
Horse and cow: i.m. 100 to 500 mg.
Dog and cat: i.m. 0.25 to 1.0 mg./lb.
11. Triamcinolone:
a. Tablet—
May be repeated when necessary.
Dog: 0.25 to 2.0 mg./day for 7 days.
Cat: 0.25 to 0.5 mg./day for 7 days.
b. Liquid—
May be repeated when necessary.
Dog and cat: i.m. or subq. 0.625 mg./10 pounds body weight.
Dog: Intra-articular 2.5 to 5.0 mg.
Cat: Intra-articular 1.25 to 2.5 mg.
12. Triamcinolone acetonide: Tablets—
Dog and cat: Initial dosage 0.05 to 0.1 mg./lb. body weight; maintenance (every 1 or 2 days) .0125 to .025 mg./lb. body weight.

CONTRAINDICATIONS

Do not use in viral infections. Except for emergency therapy, do not use in animals with tuberculosis, chronic nephritis, cushingoid syndrome, and peptic ulcers. Existence of congestive heart failure, diabetes, and osteoporosis are relative contraindications.

PRECAUTIONS

Because of the anti-inflammatory action of corticosteroids, signs of infection may be hidden and it may be necessary to stop treatment until diagnosis is made. Overdosage of some glucocorticoids may result in sodium retention, fluid retention, potassium loss, and weight gains.

SIDE EFFECTS

The intra-articular injection in leg injuries of the horse may produce osseous metaplasia. Side reactions such as weight loss, anorexia, diarrhea, polydipsia, and polyuria have been frequent.

CAUTION: Federal law restricts this drug to sale by or on the order of a licensed veterinarian.

This evaluation of these drugs is concerned only with their effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of these drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

The holders of the new-drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holders of the new-drug applications for the subject drugs have been mailed copies of the NAS-NRC reports. Any manufacturer, packer, or distributor of drugs of similar composition and labeling or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug,

and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 7, 1969.

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

[F.R. Doc. 69-4288; Filed, Apr. 11, 1969; 8:47 a.m.]

SODIUM SULFAMETHAZINE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Sulmet Emulsion; contains 5 percent sodium sulfamethazine; by Agricultural Division, American Cyanamid Co., Princeton, N.J. 08540.

The Academy concluded that (1) this product is probably not effective for use in pink eye, conjunctivitis, and keratitis in cattle as claimed in its labeling; (2) no documentation was submitted of the effectiveness of this product; (3) instructions for use are inadequate; and (4) more information is needed. The Food and Drug Administration concurs with the conclusions of the Academy.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and comply wtih all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the subject drug has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 7, 1969.

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

[F.R. Doc. 69-4289; Filed, Apr. 11, 1969; 8:47 a.m.]

TOLDEX TABLETS

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Toldex Tablets; contain 0.5 milligram of dexamethasone and 88.0 milligrams of phenyltoloxamine dihydrogen citrate per tablet; marketed by Pitman-Moore, Division of The Dow Chemical Co., Zionsville, Ind. 46077.

The Academy concludes that (1) based on available evidence this drug is not effective as an anti-inflammatory, antihistaminic, and calmative agent for use in dogs; (2) data are inadequate; and (3) no clinical trial data were cited for this gluco-corticoid antihistaminic-sedative combination. The anti-inflammatory properties of dexamethasone were not questioned. The Food and Drug Administration concurs with the Academy's conclusions.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new-drug applications for this drug.

Prior to initiating such action, however, the Commissioner invites the holders of the new-drug applications for this drug, and any interested person who may be adversely affected by its removal from the market, to submit any pertinent data bearing on the proposal within 30 days after publication of this announcement in the FEDERAL REGISTER. Such data should be addressed to the Bureau of Veterinary Medicine, Special Assistant for Drug Efficacy Study Implementation, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the subject drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 7, 1969.

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

[F.R. Doc. 69-4290; Filed, Apr. 11, 1969; 8:47 a.m.]

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 5 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, Oct. 30, 1968), is hereby amended with regard to section 5-C, Delegations of Authority, as follows:

After the subparagraph numbered (1) of the paragraph entitled *Specific Delegations*, add a new subparagraph reading:

(2) The coordination and direction (as designated Executive Agent for the Department of Health, Education, and Welfare) of the preparation of national emergency health plans and the development of health preparedness programs included under the definitions of emergency health services, emergency health manpower, and emergency health resources as contained in section 2 of Executive Order 11001 and as included in the Medical Stockpile functions covered in section 101 of Executive Order 10958 insofar as such coordination and direction was delegated by the Secretary on September 12, 1968.

Dated: April 7, 1969.

JAMES FARMER,
Assistant Secretary for Administration.

[F.R. Doc. 69-4316; Filed, Apr. 11, 1969; 8:49 a.m.]

Public Health Service

BIOLOGICAL PRODUCTS

Correction

In F.R. Doc. 69-3599 appearing at page 5858 of the issue for Friday, March 28, 1969, make the following change: In column 2 on page 5860, the license heading following "License No. 21 * * *" should read "License No. 30—Sherman Laboratories, Detroit, Mich.".

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-28]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted as described in this document during the period from January 8, 1969, to January 21, 1969 (List No. 2-69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 in title 46, United States Code, section 1333 in title 43, United States Code, section 198 in title 50, United States Code, while the implementing regulations requiring such equipment are in 46 CFR Chapter I or 33 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in section 632 of title 14, United States Code, and the delegation in 49 CFR 1.4(a)(2).

3. In this document are listed the approvals which shall be in effect for a period of 5 years from the date issued unless sooner canceled or suspended by proper authority.

SIGNALS, DISTRESS, HAND RED FLARE, FOR MERCHANT VESSELS

Approval No. 160.021/6/2, international's hand red flare distress signal, 500 candlepower, 2-minute burning time, assembly dwg. No. FXC–740, Rev. 1, dated October 26, 1961, manufactured by Kilgore Corp., Toone, Tenn. 38381, formerly Harvell-Kilgore Corp., effective January 8, 1969. (It is an extension of Approval No. 160.021/6/2 dated Jan. 8, 1964, and change of name of manufacturer.)

SIGNALS, DISTRESS, FLOATING ORANGE SMOKE, FOR MERCHANT VESSELS

Approval No. 160.022/5/0, Kilgore Model K–5 floating orange smoke distress signal, assembly dwg. No. GXC–323, Rev. 2, dated December 18, 1953, manufactured by Kilgore Corp., Toone, Tenn. 38381, formerly Harvell-Kilgore Corp., effective January 8, 1969. (It is an extension of Approval No. 160.022/5/0 dated Jan. 8, 1964, and change of name of manufacturer.)

Approval No. 160.022/8/0, Model K–5A floating orange smoke distress signal, assembly dwg. No. GXC–413, Rev. 4, dated October 5, 1961, manufactured by Kilgore Corp., Toone, Tenn. 38381, formerly Harvell-Kilgore Corp., effective January 8, 1969. (It is an extension of Approval No. 160.022/8/0 dated Jan. 8, 1964, and change of name of manufacturer.)

SIGNALS, DISTRESS, COMBINATION FLARE AND SMOKE, HAND, FOR MERCHANT VESSELS

Approval No. 160.023/2/0, hand combination flare and smoke distress signal, bill of materials No. 337 D dated September 3, 1959, manufactured by Kilgore Corp., Toone, Tenn. 38381, formerly Harvell-Kilgore Corp., effective January 8, 1969. (It is an extension of Approval No. 160.023/2/0 dated Jan. 8, 1964, and change of name of manufacturer.)

SIGNALS, DISTRESS, HAND-HELD ROCKET-PROPELLED PARACHUTE RED FLARE, FOR MERCHANT VESSELS

Approval No. 160.036/2/0, Model K–500 hand-held rocket-propelled parachute red flare distress signal, general arrangement dwg. No. GK–500, Rev. 2, dated January 14, 1958, parts list dwg. No. B/M 173 dated March 26, 1953, manufactured by Kilgore Corp., Toone, Tenn. 38381, formerly Harvell-Kilgore Corp., effective January 8, 1969. (It is an extension of Approval No. 160.036/2/0 dated Jan. 8, 1964, and change of name of manufacturer.)

SIGNALS, DISTRESS, HAND, ORANGE SMOKE, FOR MERCHANT VESSELS

Approval No. 160.037/2/2, international's hand orange smoke distress signal, dwg. Nos. CXC–117, Rev. 4, dated June 17, 1957, and CXC–118, Rev. 5, dated October 5, 1961, manufactured by Kilgore Corp., Toone, Tenn. 38381, formerly Harvell-Kilgore Corp., effective January 8, 1969. (It is an extension of Approval No. 160.037/2/2 dated Jan. 8, 1964, and change of name of manufacturer.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/183/1, Type 1531–P1, consolidated drum pilot actuator pop safety valve, made of ASTM A–217 Grade WC–6, having ASA 1,500-pound inlet flanges, 1,200 p.s.i., maximum temperature 1,000° F., dwg. No. 3VN953 dated August 13, 1952, approved for 1½" and 2" sizes, bore diameter 1½", manufactured by Dresser Industrial Valve & Instrument Division, Post Office Box 1430, Alexandria, La. 71302, effective January 21, 1969. (It supersedes Approval No. 162.001/183/0 dated Nov. 1, 1967.)

Approval No. 162.001/185/1, Type 1531–U1, consolidated superheater unloader safety valve, made of ASTM A–217 Grade WC–6, having ASA 1,500-pound inlet flanges, maximum pressure 1,200 p.s.i., maximum temperature 1,000° F., dwg. No. 3VM953 dated September 4, 1952, approved for 2" and 2½" sizes, bore diameter 1½", manufactured by Dresser Industrial Valve & Instrument Division, Post Office Box 1430, Alexandria, La. 71302, effective January 21, 1969. (It supersedes Approval No. 162.001/185/0 dated Nov. 1, 1967.)

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval No. 162.025/102/0, Truscale C boiler water level indicator, remote reading, dwg. 3–1, dated June 9, 1967, dwg. 3–14, dated June 12, 1967, for ranges up to 60 inches and 1,500 p.s.i.g. maximum pressure, manufactured by Jerguson Gage & Valve Co., 15 Adams Street, Burlington, Mass. 01803, effective January 14, 1969.

CARBON DIOXIDE TYPE FIRE EXTINGUISHING SYSTEMS

Approval No. 162.038/1/0, Kidde carbon dioxide type fire extinguishing systems, typical installation dwg. Nos. R–98686, Rev. C dated February 27, 1963; R–98687, Rev. C dated February 27, 1963; and L–98688, Rev. C dated February 27, 1963; and parts list revised December 31, 1963, for parts used exclusively for the Type RB audible and visual, supervised smoke detecting systems, see Certificate of Approval No. 161.002/6/0, manufactured by Walter Kidde & Co., Inc., Industrial and Marine Division, Belleville, N.J. 07109, effective January 13, 1969. (It reinstates and supersedes Approval No. 162.038/1/0 which expired Jan. 7, 1969.)

Dated: April 8, 1969.

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

[F.R. Doc. 69–4314; Filed, Apr. 11, 1969; 8:49 a.m.]

[CGFR 69–32]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting and miscellaneous equipment, installations, and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document during the period from February 26, 1969, to February 28, 1969 (List No. 7–69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 in title 46, United States Code, section 1333 in title 43, United States Code, section 198 in title 50, United States Code, while the implementing regulations requiring such equipment are in 46 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in section 632 of title 14, United States Code, and the delegation in 49 CFR 1.4(a)(2).

3. In this document are listed the approvals which shall be in effect for a period of 5 years from the date issued unless sooner canceled or suspended by proper authority.

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

Approval No. 160.033/4/5, Rottmer type, size C mechanical disengaging apparatus, approved for maximum working load of 18,300 pounds per set (9,150 pounds per hook) identified by general arrangement dwg. No. 1498–5 dated January 8, 1951, and revised October 1968,

manufactured by C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective February 28, 1969. (It supersedes Approval No. 160.033/4/4 dated Nov. 14, 1966, to show change in construction.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/271/1, Crosby style HNB–MS–57 nozzle type pilot actuated safety relief valve, dwg. B–49676 revised February 12, 1969; approved for a maximum pressure of 1,200 p.s.i.g. at 900° F., inlet sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective February 26, 1969. (It supersedes Approval No. 162.001/271/0 dated May 23, 1966, to show change in construction.)

Approval No. 162.001/272/1, Crosby style HNB–MS–58 nozzle type pilot actuated safety relief valve, Crosby dwg. B–49676 revised February 12, 1969; approved for a maximum pressure of 995 p.s.i.g. at 1,050° F., inlet sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective February 26, 1969. (It supersedes Approval No. 162.001/272/0 dated May 23, 1966, to show change in construction.)

Approval No. 162.001/273/1, Crosby style HNB–MS–67 nozzle type pilot actuated safety relief valve, Crosby dwg. B–49676 revised February 12, 1969; approved for a maximum pressure of 1,500 p.s.i.g. at 900° F., inlet sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective February 26, 1969. (It supersedes Approval No. 162.001/273/0 dated May 23, 1966, to show change in construction.)

Approval No. 162.001/274/1, Crosby style HNB–MS–68 nozzle type pilot actuated safety relief valve, dwg. B–49676 revised February 12, 1969; approved for a maximum pressure of 995 p.s.i.g. at 1,050° F., inlet sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective February 26, 1969. (It supersedes Approval No. 162.001/274/0 dated May 23, 1966, to show change in construction.)

Approval No. 162.001/275/1, Crosby style HNB–MS–67–25 nozzle type pilot actuated safety relief valve, dwg. B–49676 revised February 12, 1969; approved for a maximum pressure of 1,500 p.s.i.g. at 900° F., inlet sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective February 26, 1969. (It supersedes Approval No. 162.001/275/0 dated May 23, 1966, to show change in construction.)

Approval No. 162.001/276/1, Crosby style HNB–MS–68–25 nozzle type pilot actuated safety relief valve, dwg. B–49676 revised February 12, 1969; approved for a maximum pressure of 1,500 p.s.i.g. at 1,050° F., inlet sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective February 26, 1969. (It supersedes Approval No. 162.001/276/0 dated May 23, 1966, to show changes in construction.)

Approval No. 162.001/277/1, Crosby style HNB–MS–57–9 nozzle type pilot actuated safety relief valve, dwg. B–49676 revised February 12, 1969; approved for a maximum pressure of 1,050 p.s.i.g. at 900° F., inlet sizes 3" and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective February 26, 1969. (It supersedes Approval No. 162.001/277/0 dated May 23, 1966, to show change in construction.)

Approval No. 162.001/278/1, Crosby style HNB–MS–58–9 nozzle type pilot actuated safety relief valve, dwg. B–49676 revised February 12, 1969; approved for a maximum pressure of 595 p.s.i.g. at 1,050° F., inlet sizes 3" and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective February 26, 1969. (It supersedes Approval No. 162.001/278/0 dated May 23, 1966, to show change in construction.)

Dated: April 8, 1969.

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

[F.R. Doc. 69–4315; Filed, Apr. 11, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–320]

JERSEY CENTRAL POWER & LIGHT CO. AND METROPOLITAN EDISON CO.

Notice of Receipt of Application for Construction Permit and Facility License

In an application dated April 22, 1968, Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, filed an application for authorization to construct and operate a pressurized water nuclear reactor, designated as the Oyster Creek Nuclear Station Unit 2, on the applicant's site in Lacey Township, Ocean County, N.J. A notice of receipt of the application was published in the FEDERAL REGISTER on June 19, 1969, 33 F.R. 9038.

In license application Amendment No. 6, dated March 10, 1969, filed jointly by Jersey Central Power & Light Co. and Metropolitan Edison Co., Post Office Box 542, Reading, Pa. 19603, the applicants have requested authorization, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, to construct and operate the previously designated Oyster Creek Nuclear Station Unit 2 at the Three Mile Island Nuclear Station in Londonderry Township, Dauphin County, Pa. The proposed reactor has been redesignated as the Three Mile Island Nuclear Station Unit 2, and will be located adjacent to and just north of the Three Mile Island Nuclear Station Unit 1 now being constructed by Metropolitan Edison Co.

The applicants will share equally in ownership of the Three Mile Island Nuclear Generating Station Unit 2, and Metropolitan Edison Co. will have complete responsibility for operation of the facility. Unit 2 is designed for initial operation at approximately 2452 thermal megawatts with a net electrical output of approximately 810 megawatts.

Copies of the application with Amendments 1 through 5, as originally filed, and Amendment No. 6, covering the relocation and joint ownership of the proposed reactor, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 8th day of April 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69–4311; Filed, Apr. 11, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–2793 etc.]

ATLANTIC RICHFIELD CO.

Notice of Petition To Amend

APRIL 7, 1969.

Take notice that on March 17, 1969, Atlantic Richfield Co. (Petitioner) (successor to Sinclair Oil Corp.), filed in Docket No. G–2793 et al., a petition to amend the orders issuing certificates of public convenience and necessity to Sinclair Oil Corp. (Sinclair) pursuant to section 7(c) of the Natural Gas Act by substituting Petitioner in lieu of Sinclair as certificate holder, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The petition states that Petitioner merged with Sinclair effective March 4, 1969, and proposes to continue the sales of natural gas heretofore authorized by the Commission to be made by Sinclair. Petitioner has filed a notice of succession to the FPC gas rate schedules of Sinclair.

Petitions to intervene or protests to the granting of the petition to amend may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–4268; Filed, Apr. 11, 1969; 8:45 a.m.]

[Docket No. CP69–253]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

APRIL 7, 1969.

Take notice that on April 1, 1969, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP69–253 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of

public convenience and necessity authorizing the construction and operation of certain facilities for the transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate a 3,400 hp. engine and related equipment at its existing Finnefrock compressor station in Clinton County, Pa., and approximately 44.8 miles of 30-inch Line No. 50, looping existing Line No. 280, extending in a southwesterly direction from the Driftwood Gate in Cameron County to the Big Run Gate in Jefferson County, Pa.

Applicant states that the proposed facilities are required to meet the normal growth in its northern markets and to render an increased level of storage service for Transcontinental Gas Pipe Line Corp., proposed by it at Docket No. CP69–207, beginning in the 1969–70 winter, and that the pipeline facilities are also required to meet the growth of its normal markets and storage replacement requirements beginning in the summer of 1970.

Applicant estimate the cost of the proposed facilities at $10,631,273, which it proposes to finance in part from funds on hand and in part by borrowing from the Applicant's parent corporation, Consolidated Natural Gas Co.

Protests or petitions to intervene may be filed with the Federal Power Comission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 5, 1969.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–4269; Filed, Apr. 11, 1969; 8:45 a.m.]

[Docket No. CP68–190]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

APRIL 7, 1969.

Take notice that on March 21, 1969, Michigan Wisconsin Pipe Line Co. (Petitioner), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP68–190 a petition to amend, as modified March 27, 1969, requesting that the order heretofore issued in said docket on April 15, 1968, be amended by decreasing the quantity of gas to be delivered to North Central Public Service Co. for resale, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order of April 15, 1968, Petitioner was authorized to sell and deliver a maximum daily quantity of 16,500 Mcf of natural gas to North Central for resale to Chevron Chemical Co. The sale was to be rendered pursuant to Petitioner's Rate Schedule LVS–1.

The petition states that because of economic conditions Chevron has been unable to proceed with its plant expansion which necessitated the increased MDQ of 16,500 effective September 1, 1968. North Central has advised that it will be required to pay for gas not taken under the minimum bill provision of the LVS–1 rate schedule unless an effective date of no later than February 1, 1969, is assigned to the new service agreement. Petitioner states that it has consented to the change, and requests that the aforementioned order of April 15, 1968, be amended to provide for a reduction of the MDQ from 16,500 to 14,000 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 5, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–4270; Filed, Apr. 11, 1969; 8:45 a.m.]

[Docket No. CP69–252]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

APRIL 7, 1969.

Take notice that on March 28, 1969, Mississippi River Transmission Corp. (Applicant), 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. CP69–252, a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing June 1, 1969, and the operation of certain natural gas facilities to enable Applicant to take into its pipeline system natural gas which it may purchase from producers and other similar sellers in the general area of its existing pipeline system, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this application is to augment its ability to act with dispatch in connecting to its system new supplies of natural gas, and in constructing additional facilities for continued purchase of gas supplies already connected. The total cost of the facilities covered by this application will not exceed $400,000, with no single project to exceed $100,000, which costs are proposed to be financed from funds on hand generated by Applicant's operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 2, 1969.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–4271; Filed, Apr. 11, 1969; 8:45 a.m.]

[Docket No. CP69–254]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

APRIL 7, 1969.

Take notice that on April 1, 1969, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69–254, an abbreviated application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a purchase meter station located in the Caledonia field, Rusk County, Tex., all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that the facilities proposed to be abandoned were installed at a cost of $10,412, to enable Applicant to take into its system gas produced from reserves dedicated to it in the Caledonia field. The application further states that the Caledonia reserves dedicated to Applicant have been depleted and that Applicant and Mobil Oil Corp., operator in the field, have terminated the gas purchase contract between them regarding that field.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the

regulations under the Natural Gas Act (§ 157.10) on or before May 2, 1969.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4272; Filed, Apr. 11, 1969; 8:45 a.m.]

[Docket No. RI69-670 etc.]

CONTINENTAL OIL CO. ET AL.

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

APRIL 4, 1969.

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

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

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

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 21, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-670	Continental Oil Co. (Operator), Post Office Box 2197, Houston, Tex. 77001, Attention: Paul L. Cato, Esq.	108	6	El Paso Natural Gas Co. (Geraldine Ford Area, Ramsey Plant, Reeves and Culbertson Counties, Tex.) (R.R. District No. 8) (Permian Basin Area).	$44,634	[3] 3-6-69	[4] 4-6-69	9-6-69	15.05	[5] [11] 18.243	
RI69-671	McCulloch Oil Corp. of California, 12th Floor, McCulloch Bldg., 6151 West Century Blvd., Los Angeles, Calif. 90045, Attention: W. James Saul, Vice President.	15	2	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo.).	1,900	[3] 3-5-69	[4] 4-5-69	9-5-69	13.0	[5] [11] 14.0	
	do	14	3	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	103	[3] 3-5-69	[4] 4-5-69	9-5-69	13.0	[5] [11] [12] 15.0619	
RI69-672	McCulloch Oil Corp. of California (Operator) et al.	6	11	do	3,484	[3] 3-5-69	[4] 4-5-69	9-5-69	[12] 14.0578	[5] [11] [12] 15.0619	RI64-475.
	do	4	8	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo.).	(13) 2,082	[3] 3-5-69	[4] 4-5-69	9-5-69	[12] 13.0 14.0075	[5] [11] 15.0081 [5] [11] 15.0081	RI64-475.
	do	5	2	Southern Union Gathering Co. (Ignacio Blanco-Mesa Verde Field, La Plata County, Colo.).	3,810	[3] 3-5-69	[4] 4-5-69	9-5-69	14.0016	[5] [11] 15.0017	RI64-475.
	do	8	9	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo.).	2,572	[3] 3-5-69	[4] 4-5-69	9-5-69	14.0075	[5] [11] 15.0081	RI64-475.
	do	9	3	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo.).	290	[3] 3-5-69	[4] 4-5-69	9-5-69	14.0075	[5] [11] 15.0081	RI64-475.
	do	12	4	Southern Union Gathering Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	3,173	[3] 3-5-69	[4] 4-5-69	9-5-69	14.0578	[5] [11] 15.0619	RI64-475.
	do	13	3	do	241	[3] 3-5-69	[4] 4-5-69	9-5-69	14.0578	[5] [11] 15.0619	RI64-475.
	do	10	9	El Paso Natural Gas Co. (Basin-Dakota and Largo-Gallup Fields, Rio Arriba County, N. Mex.) (San Juan Basin Area).	10,611	[3] 3-5-69	[4] 4-5-69	9-5-69	[12] 14.0578	[5] [11] [12] 15.0619	RI64-475.
	do	11	8	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	613	[3] 3-5-69	[4] 4-5-69	9-5-69	[12] 14.0578	[5] [11] [12] 15.0619	RI64-475.

[2] Additional material submitted on Mar. 19, 1969.
[3] The stated effective date is the effective date requested by Respondent.
[4] Increase from applicable area ceiling rate to contract rate.
[5] Pressure base is 14.65 p.s.i.a.
[6] Additional material submitted Mar. 21, 1969.
[7] The stated effective date is the first day after expiration of the statutory notice.
[8] Periodic rate increase.
[9] Pressure base is 15.025 p.s.i.a.
[10] Includes 1-cent minimum guarantee for liquids.
[11] Estimated sales volume not given.
[12] Pertains to acreage added by Supplements Nos. 6 and 7.

McCulloch Oil Corporation of California and McCulloch Oil Corporation of California (Operator) et al. (both referred to herein as McCulloch), request a retroactive effective date of January 1, 1969, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for McCulloch's rate filings and such requests are denied.

McCulloch's proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56), and the proposed rate increase filed by Continental Oil Co. (Operator) in the Permian Basin Area exceeds the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69–4228; Filed, Apr. 11, 1969; 8:45 a.m.]

[Docket No. CI61–926 etc.]

CLEARY PETROLEUM CORP.

Order Amending Orders

APRIL 7, 1969.

Cleary Petroleum Corp. (Operator) et al. (successor to Cleary Petroleum, Inc. (Operator) et al.), Docket No. CI61–926 et al.; Cleary Petroleum Corp. et al. (formerly Douglas Resources Corp. et al.), Docket No. CI68–900 et al.

Order amending orders issuing certificates, dismissing in part petition to amend, accepting notices of succession and notices of change in name for filing, redesignating FPC gas rate schedules, substituting respondents, redesignating proceedings, making rate change effective, and accepting agreement and undertaking for filing.

On December 26, 1968, Cleary Petroleum Corp. (Petitioner) filed in Docket No. CI61–926 et al., a petition to amend the orders issuing certificates of public convenience and necessity to Cleary Petroleum, Inc., pursuant to section 7(c) of the Natural Gas Act by substituting Petitioner in lieu of Cleary Petroleum, Inc., as certificate holder and to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to Douglas Resources Corp. to reflect a change of corporate name to that of Petitioner, all as more fully set forth in the petition to amend and in the appendix hereto.

On June 26, 1968, Cleary Petroleum, Inc., a wholly owned subsidiary of Douglas Resources Corp., changed its name to Cleary Production, Inc.; and concurrently therewith Douglas Resources Corp. changed its name to Cleary Petroleum Corp. On November 25, 1968, Petitioner merged Cleary Production, Inc., effective November 29, 1968. Petitioner proposes to continue without change the sales of natural gas heretofore authorized to be made in interstate commerce by Cleary Production, Inc., under the name of Cleary Petroleum, Inc., and by itself under the name of Douglas Resources Corp. Petitioner has made appropriate rate schedule filings to reflect the succession in interest and change in name.

Among the sales proposed to be continued by Petitioner are those heretofore authorized in Dockets Nos. CI66–809 and CI67–1646 to be made pursuant to Cleary Petroleum, Inc., FPC Gas Rate Schedule No. 16 and Cleary Petroleum, Inc. (Operator), et al., FPC Gas Rate Schedule No. 23, respectively. By order issued January 22, 1969, in Docket No. G–3973 et al., the Commission granted permission and approval in Dockets Nos. CI69–284 and CI69–285, respectively, to abandon these sales. Therefore, the petition to amend will be dismissed with respect to Dockets Nos. CI66–809 and CI67–1646.

Some of the sales heretofore authorized to be made by Cleary Petroleum, Inc., are made at rates in effect subject to refund. Petitioner has submitted an agreement and undertaking in these proceedings to assure the refund of any amounts collected in excess of the amounts determined to be just and reasonable in said proceedings. Some of the sales heretofore authorized to be made by Petitioner under the name Douglas Resources Corp. and proposed to be continued by Petitioner under its new name are made at rates in effect subject to refund. The aforementioned agreement and undertaking also includes these dockets.

On July 18, 1968, Petitioner, under the name of Douglas Resources Corp., filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 6. By order issued August 7, 1968, in Docket No. RI69–41 et al., the Commission suspended the proposed change in Docket No. RI69–42 until January 18, 1969, and thereafter until made effective. The change was designated Supplement No. 4 to the subject rate schedule. On January 8, 1969, Petitioner filed a motion to make the change in rate effective subject to refund and an agreement and undertaking to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in Docket No. RI69–42. Docket No. RI69–42 is also included in the agreement and undertaking filed in the other of Petitioner's and Cleary Petroleum, Inc.'s rate proceedings. Therefore, Petitioner will be substituted in lieu of Cleary Petroleum, Inc., as respondent in the latter's rate proceedings; those proceedings and the proceedings of Petitioner under its former name will be redesignated accordingly; the change in rate proposed in Docket No. RI69–42 will be made effective subject to refund; and the agreement and undertaking submitted in all of said proceedings will be accepted for filing.

The Commission's staff has reviewed the petition to amend and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petitions to intervene, notices of intervention, or protests to the granting of the petition to amend have been received.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity to Cleary Petroleum, Inc., and Douglas Resources Corp. should be amended as hereinafter ordered and that the related FPC gas rate schedules should be redesignated accordingly.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Petitioner should be substituted in lieu of Cleary Petroleum, Inc., as respondent in each of the latter's rate proceedings; that those proceedings and the rate proceedings of Petitioner under its former name should be redesignated accordingly; that the change in rate in Docket No. RI69–42 should be made effective subject to refund; and that the agreement and undertaking submitted by Petitioner should be accepted for filing.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Cleary Petroleum, Inc., in the dockets set forth in the appendix hereto are amended by substituting Petitioner as certificate holder, and in all other respects said orders shall remain in full force and effect.

(B) The orders issuing certificates of public convenience and necessity to Petitioner under its former name, Douglas Resources Corp., in the dockets set forth in the appendix hereto are amended to reflect Petitioner's new name, and in all other respects said orders shall remain in full force and effect.

(C) Petitioner is substituted in lieu of Cleary Petroleum, Inc., as joint applicant in the proceeding pending in Docket No. CI68–142, and the proceeding is redesignated accordingly.

(D) The petition to amend filed December 26, 1968, is dismissed with respect to Dockets Nos. CI66–809 and CI67–1646.

(E) The notices of change in name under the FPC gas rate schedules of Douglas Resources Corp. are accepted for filing, and the rate schedules are redesignated accordingly as set forth in the appendix hereto.

(F) The notices of succession filed by Petitioner to the FPC gas rate schedules of Cleary Petroleum, Inc., are accepted for filing effective as of November 29, 1968, and the rate schedules are redesignated accordingly as set forth in the appendix hereto.

(G) Petitioner is substituted in lieu of Cleary Petroleum, Inc., as respondent in each of the latter's rate proceedings set forth in the appendix hereto; said proceedings are redesignated accordingly; and the agreement and undertaking submitted by Petitioner in said proceedings is accepted for filing.

(H) Petitioner's rate proceedings set forth in the appendix hereto are redesignated to reflect Petitioner's change in name from Douglas Resources Corp.,

and the agreement and undertaking submitted by Petitioner in said proceedings is accepted for filing. The aforementioned agreement and undertaking is accepted for filing in Docket No. RI69–42 in lieu of that submitted by Petitioner under its former name, Douglas Resources Corp., on January 8, 1969.

(I) The rates, charges, and classifications set forth in Supplement No. 4 to Petitioner's FPC Gas Rate Schedule No. 6, as redesignated herein, shall be effective subject to refund as of January 18, 1969. Said effective rates shall be charged and collected as of the effective date subject to any future orders of the Commission in Docket No. RI69–42.

(J) Petitioner shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Petitioner in the rate proceedings set forth in the appendix hereto shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX

Proposed rate schedule designation	Former rate schedule designation	Certificate docket	Rate suspension docket
Cleary Petroleum Corp.:	Douglas Resources Corp.:		
1 [1]	1 [1]	CI68-900	
2 [1]	2 [1]	CI68-1011	RI67-257.
3 [1]	3 [1]	CI68-1019	
4 [1]	4 [1]	CI68-1012	
5 [1]	5 [1]	CI68-1110	
6	6	CI68-1158	RI68-148, RI69-42.
7 [2]	7 [2]	CI68-908	
8	8	CI68-1157	
9 [2]	Cleary Petroleum, Inc.: 1 [2]	CI61-926	RI65-612.
10 [2]	3 [2]	CI62-1555	RI67-371.
11 [2]	6 [2]	CI63-1461	RI65-443, RI66-183, RI67-371.
12 [1]	7 [2]	CI64-183	
13 [2]	8 [2]	CI64-309	RI65-612.
14 [2]	9 [2]	CI64-1090	
15 [2]	10 [2]	CI64-1091	
16 [2]	11 [2]	CI64-1426	RI66-222.
17	12	CI64-1545	
18	13	CI65-1163	
19 [1]	17 [2]	CI66-857	RI66-416.
20 [1]	18 [2]	CI66-1005	
21 [1]	19 [2]	CI66-1157	
22 [1]	20 [2]	CI67-108	
23 [1]	21 [2]	CI67-115	
24 [1]	22 [2]	CI67-1465	RI68-50.
25	24	CI67-1615	
26	25	CI67-1647	RI68-148.
27 [1]	26 [1]	CI68-142 [4]	
28 [1]	27 [2]	CI68-534	
29	28	CI68-535	
30 [1]	29 [2]	CI69-318	

[1] et al.
[2] Agent et al.
[3] (Operator) et al.
[4] Temporary Certificate-Joint Applicants.

[F.R. Doc. 69–4273; Filed, Apr. 11, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

OMEGA EQUITIES CORP.

Order Suspending Trading

APRIL 8, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Omega Equities Corp., New York, N.Y., 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 April 9, 1969, through April 18, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69–4296; Filed, April 11, 1969; 8:47 a.m.]

[812–2478]

WHITEHALL FUND, INC.

Notice of Filing of Application for Exemption

APRIL 8, 1969.

Notice is hereby given that Whitehall Fund, Inc. ("applicant"), 65 Broadway, New York, N.Y. 10004, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus, in exchange for substantially all of the assets of the Miller-Thompsen Construction Co., Inc., and the Albert Thompsen Construction & Equipment Co. (the "Thompsen Companies").

All interested persons are referred to the application on file with the Commission for a statement of applicant's representations which are summarized below.

The Thompsen Companies, both Michigan corporations, are investment companies, all of whose outstanding stock is owned of record and beneficially by 3 persons, and both are exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof.

Pursuant to agreements between applicant and the Thompsen Companies substantially all of the cash and securities owned by the Thompsen Companies with a combined value of approximately $500,000 as of February 7, 1969, will be transferred to applicant in exchange for shares of its capital stock. The shares of applicant are to be sold at net asset value. The number of shares of applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of the Thompsen Companies to be transferred to applicant by the net asset value per share of applicant, both to be determined as of a valuation time as defined in the agreements. If the valuation under the agreements had taken place on February 7, 1969, the Thompsen Companies would have received 30,193 shares of applicant's stock.

When received by the Thompsen Companies, the shares of the applicant, which are registered under the Securities Act of 1933, are to be distributed to the stockholders of the Thompsen Companies on the liquidation of the Thompsen Companies. Applicant has been advised by the management of the Thompsen Companies that the stockholders of the Thompsen Companies have no present intention of redeeming or otherwise transferring any of applicant's shares following the proposed transaction.

No affiliation exists between the Thompsen Companies or their officers, directors, or stockholders and applicant, its officers or directors, and the agreements were negotiated at arm's length by the parties. Applicant's Board of Directors approved the agreements as being in the best interests of its shareholders, taking all relevant considerations into account, including, among other things, the fact that securities will be obtained without the payment of brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus.

The current public offering price of the shares (redeemable) of applicant as described in applicant's prospectus is the net asset value plus a sales charge. Thus, section 22(d) prohibits the proposed sale of applicant's shares at net asset value without a sales charge.

Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d), and submits that the granting of the application would be in accordance with the established practice of the Commission, is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 23, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4297; Filed, Apr. 11, 1969; 8:47 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

EIGHT ARMY ORDNANCE INTEGRATION COMMITTEES

Notice of Dissolution

The eight Army Ordnance Integration Committees listed below, which were formed pursuant to section 708 of the Defense Production Act of 1950, have served the purposes for which they were formed and the need for their continued existence has ended. Accordingly, those Committees are hereby dissolved. In addition, the requests to designated companies, published in the FEDERAL REGISTER, to participate in the activities of one or more of those Committees in accordance with the respective voluntary plans of those Committees are hereby withdrawn. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to those companies with respect to participation in the activities of those Committees is also withdrawn, except as to those acts performed or omitted by reason of requests which occurred prior to the publication of this notice.

The names of the Committees and the FEDERAL REGISTER citations to requests to companies designated to participate in the activities of those Committees are as follows:

Army Ordnance Integration Committee on:	*Federal Register citation*
(1) Artillery Mechanical Time Fuzes.	23 FR. 250; 1/25/58.
(2) Cartridge Cases	23 F.R. 6695; 8/28/58.
(3) Military Pyrotechnics.	24 F.R. 4760; 6/11/59.
(4) Burster Casings	23 F.R. 8878; 11/14/58.
(5) Fin Stabilized Artillery Ammunition and the M31 (T37) Rifle Grenade.	Not published.
(6) Conventional Artillery and Mortar Shell.	25 F.R. 5165; 6/9/60.
(7) Heavy Tactical Trucks.	25 F.R. 8848; 9/14/60.
(8) Light and Medium Tactical Trucks.	26 F.R. 2882; 4/6/61.

(Sec. 708, 64 Stat. 818, as amended, 50 U.S.C. App. 2158; Executive Order 10480; Aug. 14, 1953, 18 F.R. 4939)

Dated: April 8, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-4292; Filed, Apr. 11, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 812]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 9, 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 730 (Sub-No. 305 TA), filed April 3, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, 94612, Post Office Box 958, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs, 1417 Clay Street, Oakland, Calif. 94604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, (1) from Selby, Calif., to Chicago, Ill.; Bridgeport and Fairfield, Conn.; Buffalo and New York City, N.Y.; and Newark and Perth Amboy, N.J.; and (2) from Kellogg, Idaho, to Bridgeport, Conn.; Newark and Perth Amboy, N.J.; Rochester and New York City, N.Y.; and Providence, R.I. for 180 days. Supporting shippers: American Smelting & Refining Co., 120 Broadway, New York, N.Y. 10005; and The Bunker Hill Co., Post Office Box 29, Kellogg, Idaho 83837. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 1222 (Sub-No. 33 TA), filed April 4, 1969. Applicant: THE REINHARDT TRANSFER COMPANY, 1410 10th Street, Portsmouth, Ohio 45662. Applicant's representative: William J. Reinhardt (same address as above),

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, fiberboard, and chipboard*, from Eaton, Ind., to Portsmouth, Ohio; *waste or scrap paper*, from Portsmouth, Ohio, to Eaton, Ind., for 180 days. Supporting shipper: Cleveland Partition Corp., 1640 West Silver Spring Drive, Milwaukee, Wis. 53209. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 52861 (Sub-No. 18 TA), filed April 7, 1969. Applicant: HAROLD W. STEWART, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: James W. Muldoon, Suite 1650, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, from Robinson, Ill., to Ecorse, Mich., for 180 days. Supporting shipper: Union Carbide Corp., Carbon Products Division, 270 Park Avenue, New York, N.Y. 10017. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 103993 (Sub-No. 383 TA) (Correction), filed March 10, 1969, published FEDERAL REGISTER, issue of March 20, 1969, and corrected this issue. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houseboats*, mounted on wheeled undercarriages, equipped with hitch ball or pintle hook connectors, from the plantsite and storage facilities of Stardust Cruiser Manufacturing Co. at Chattanooga, Tenn., to points in California, Florida, Louisiana, New Hampshire, Wisconsin, and the District of Columbia, for 180 days. NOTE: The purpose of this republication is to add that the houseboats proposed to be transported will also move equipped with hitch ball or pintle hook connectors. Supporting shipper: Stardust Cruiser Manufacturing Co., Hamilton County, Tenn. 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 107496 (Sub-No. 720 TA), filed April 7, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil foots*, in bulk, from West Des Moines, Iowa, to points in Nebraska, Kansas, Arkansas, Missouri, Minnesota, Wisconsin, North Dakota, South Dakota, and Colorado, for 150 days. Supporting shipper: Adams Laboratories, Inc., Post Office Box 506, Waukee, Iowa 50263. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 118475 (Sub-No. 4 TA), filed March 26, 1969. Applicant: EVERETT W. HEPP AND FRANK X. CHAPADOS, doing business as H & S WAREHOUSE ASSOCIATION, Post Office Box 227, 510 Second Avenue, Room 230, Chena Building, Fairbanks, Alaska 99701. Applicant's representative: Lloyd I. Hoppner, Suite A, Teamsters Building, Post Office Box 516, Fairbanks, Alaska 99701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Alaska, on the one hand, and between points in the Seattle-King County-Puget Sound Area, on the other, by all highways, using all existing gateways between Canada and the State of Washington, or by a combination of highways and marine transportation, including the vessels of the Alaska Ferry System, using all available ports of entry in the Puget Sound Area, for 180 days. Supporting shippers: Glenn Rydeen, Resident Sales Manager, Union Oil Co. of California, Illinois Street, Fairbanks, Alaska 99701; Robert L. Huffman, General Manager, Golden Valley Electric Association, 758 Illinois Street, Fairbanks, Alaska 99701; Ralph Brumbaugh, Vice President of Operations, Wien Consolidated Airlines, Box 3009, General Office: International Airport, Fairbanks, Alaska 99701. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 123819 (Sub-No. 25 TA), filed April 3, 1969. Applicant: ACE FREIGHT LINE, INC., Post Office Box 2103, 261 East Webster Street, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Memphis, Tenn., to points in Mississippi on and north of U.S. Highway 82 and to points in Arkansas, for 180 days. Supporting shipper: Cargill, Inc., Cargill Building, Minneapolis, Minn. (Harold L. Karr, General Truck Coordinator). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, Memphis, Tenn. 38103.

No. MC 125785 (Sub-No. 7 TA), filed April 7, 1969. Applicant: SATURN EXPRESS, INC., Milford, Nebr. 68405. Applicant's representative: Max Harding, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal grain silos*, from Buckner, Ky., to points in Nebraska, for 150 days. Supporting shipper: Schweitzer Sealed Storage & Equipment Co., Box 293, Seward, Nebr. 68434. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 128944 (Sub-No. 5 TA), filed April 7, 1969. Applicant: RELIABLE TRUCK LINES, INC., 402 Maplewood Avenue, Nashville, Tenn. 37210. Applicant's representative: Clarence Evans, 18th Floor, Third National Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, Tenn., and Florence, Ala., over U.S. Highway 72 serving Tuscumbia, Pride, and Sheffield, Ala., as intermediate points, and Wilson Dam, Listerhill, Russellville, and Muscle Shoals, Ala., as off-route points, restricted against transportation of traffic moving between Memphis, Tenn., and Nashville, Tenn., and also as an alternate route only, between Florence, Ala., and Memphis, Tenn., over the following route: From Florence over Alabama Highway 20 to the Tennessee State line, thence over Tennessee Highway 69 to Savannah, Tenn., thence over U.S. Highway 64 to Interstate Highway 40, thence over Interstate Highway 40 to Memphis, Tenn., and its commercial zone, and return over the same route, for 180 days. NOTE: Applicant does propose to interchange with other carriers at all service points. *Supporting shippers*: There are approximately 67 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 133492 TA (Correction), filed February 20, 1969, published in FEDERAL REGISTER, issues of March 11, and March 28, 1969, and republished as corrected this issue. Applicant: CECIL CLAXTON, East Elm Street, Wrightsville, Ga. 31906. Applicant's representative: William Addams, 1776 Peachtree Street NW., Room 527, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Malt beverages*, from Miami, Fla., to Macon, Dublin, and Waycross, Ga., and Phoenix City, Ala.; from Newark, N.J., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; from Peoria, Ill., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; from Milwaukee, Wis., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; from Baltimore, Md., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; from Norfolk, Va., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; and from Evansville, Ind., to Macon, Ga.; (b) *wines*, from Atlanta, Ga., to Phoenix City, Ala. *Empty containers*, on return,

in connection with (a) and (b) above. Supporting shippers: Coastal Beverage Co., 731 Wheaton Street, Savannah, Ga., and M & N Distributing Co., 1820 Seventh Street, Macon, Ga. NOTE: The purpose of this republication is to correctly set forth the origin and destination territory sought. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 133492 TA (Correction), filed February 20, 1969, published in FEDERAL REGISTER, issues of March 11, and March 28, 1969, and republished as corrected this issue. Applicant: CECIL CLAXTON, East Elm Street, Wrightsville, Ga. 31906. Applicant's representative, William Addams, 1776 Peachtree Street NW., Room 527, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Malt beverages*, from Miami, Fla., to Macon, Dublin, and Waycross, Ga., and Phoenix City, Ala.; from Newark, N.J., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; from Peoria, Ill., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; from Milwaukee, Wis., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; from Baltimore, Md., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; from Norfolk, Va., to Savannah, Dublin, Waycross, and Macon, Ga., and Phoenix City, Ala.; and from Evansville, Ind., to Macon, Ga.; (b) *wines*, from Atlanta, Ga., to Phoenix City, Ala. *Empty containers*, on return, in connection with (a) and (b) above. Supporting shippers: Coastal Beverage Co., 731 Wheaton Street, Savannah, Ga. and M & N Distributing Co., 1820 Seventh Street, Macon, Ga. NOTE: The purpose of this republication is to correctly set forth the origin and destination territory sought. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 133592 (Sub-No. 1 TA), filed April 7, 1969. Applicant: JAMES F. BARNER AND ASHLEY BARNER, doing business as BARNER & SONS, Route 1, Box 262, Fordyce, Ark. 71742. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Log cores*, from Dodson and Ruston, La., to Crossett, Ark, for 150 days. Supporting shipper: Georgia-Pacific Corp., Post Office Box 352, Crossett, Ark. 71635. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 133593 TA, filed March 28, 1969. Applicant: HAWAII AUTO-TRANSPORTERS, LTD., Post Office Box 3859, Honolulu, Hawaii 96812. Applicant's representative: W. B. Stoddard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used trucks*, in single driveaway service, in initial or secondary movement, from (1) place of manufacture or assembly at, Bridgeport, Conn.; Oneonta, Garden City, Troy, Wyandanch, and Buffalo, N.Y.; Boyertown, Fairless Hills, and Philadelphia, Pa.; Hillside, N.J.; Fort Valley, Ga.; Lima, Norwalk, Mansfield, Delaware, Orville, and Springfield, Ohio; High Point, N.C.; Wayne, Sturgis, Lansing, Hazelpark, Detroit, and Troy, Mich.; Richmond, Fort Wayne, Union City, and South Bend, Ind.; Quincy, Jerseyville, Paris, De Kalb, and Chicago, Ill.; Evergreen and Troy, Ala.; Kosciusko, Miss.; Kansas City and St. Louis, Mo.; Chattanooga, Tenn.; Fort Smith, Ark.; Texarkana, Tex.-Ark.; San Antonio, Tex.; Seattle, Wash.; Oakland, San Leandro, Redwood City, San Carlos, South San Francisco, and Greater Los Angeles, Calif.; Milwaukee, Clintonville, Wis.; Portland, Oreg., to the Port of Oakland, San Francisco, Wilmington, Calif.; Portland, Oreg.; and Seattle, Wash. for subsequent movement by water to Hawaii; and (2) between points within Hawaii, for 180 days. Supporting shippers: Aloha Motors, Post Office Box 2281, Honolulu, Hawaii 96804; Hawaiian Motors, Ltd., 1075 South Berethania Street, Honolulu, Hawaii 96814; Machinery, Electrical & Appliance Department, Post Office Box 229, Honolulu, Hawaii 96810; Castner Ford Sales Corp., Post Office Box 560, Wahiawa, Hawaii 96786; Honolulu Ford Auto Center, Inc., 711 Al Moana Boulevard, Honolulu, Hawaii 96813; Service Motor Co., Ltd., 91 South King Street near Fort Street, Honolulu, Hawaii 96813; Hawaiian Equipment Co., Post Office Box 3677, Honolulu, Hawaii 96811. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 133598 TA, filed March 28, 1969. Applicant: RICHARD M. GODFREY TRUCKING, INC., 1358 East 6400 South Street, Salt Lake City, Utah 84121. Applicant's representative: William S. Richards, Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats, campers, and folding trailers*, between points in Idaho and Utah, on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, New Mexico, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, Texas, Nebraska, Kansas, Oklahoma, North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Indiana, Illinois, Missouri, Ohio, and Alaska, for 180 days. Supporting shippers: Vista Liner, Inc., 2200 South 3270 West Street, Salt Lake City, Utah 84119; Seaflite Corp., 3363 South Sixth West Street, Salt Lake City, Utah 84119. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 133603 TA, filed April 3, 1969. Applicant: AMERICAN MOVING & STORAGE CO., 721 East 12th Street, Tucson, Ariz. 85719. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, 3550 North Central, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission in Ex Parte MC 19 for the account of unregulated freight forwarders (King Pak, Inc., investigation of operations MC-C4455), between points in Arizona, for 180 days. Supporting shippers: Four Winds Forwarding, Inc., Post Office Box 9056, 4600 Wheeler Avenue, Alexandria, Va. 22304; Northwest Consolidators, Inc., 427 Third Avenue West, Seattle, Wash. 98119. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

By the Commission.

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

[F.R. Doc. 69-4312; Filed, Apr. 11, 1969; 8:48 a.m.]

[Notice 324]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 9, 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-71030. By order of March 26, 1969, the Motor Carrier Board approved the transfer to W. R. Rivers, Inc., Hattiesburg, Miss.; of certificate in No. MC-127561, issued May 12, 1966, to W. R. Rivers, Hattiesburg, Miss.; authorizing the transportation of: General commodities, with the usual exceptions, between Leakesville, Miss., and Mobile, Ala.; and, between Mobile, Ala., and Lucedale, Miss. Dudley W. Conner, Conner Building, Hattiesburg, Miss. 39401, attorney for applicants.

No. MC-FC-71200. By order of March 26, 1969, the Motor Carrier Board approved the transfer to Martineau's Garage, Inc., doing business as Martineau's Towing Service, Methuen, Mass., of the certificates in Nos. MC-106724 and MC-106724 (Sub-No. 2) issued July 12, 1962, and July 11, 1962, respectively, to Paul Martineau, Leo Paul Martineau,

and Lucien Martineau, a partnership, doing business as Martineau's Towing Service, Methuen, Mass., authorizing the transportation of disabled motor vehicles, between a described area in Massachusetts, on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, New Jersey, New York, Rhode Island, and Vermont; and between Lawrence, Mass., on the one hand, and, on the other, points in Vermont, New Hampshire, and Maine.

No. MC–71201. By order of March 26, 1969, the Motor Carrier Board approved the transfer to Wayne L. Overhuls, Columbus, Mont., of the operating rights in certificate No. MC–102913 (Sub-No. 2) issued August 5, 1954, to E. A. Blenkner, doing business as Bill's Transfer, Columbus, Mont., authorizing the transportation of: General commodities, with exceptions, between Columbus, Mont., and points within 50 miles thereof. Wm. A. Blenkner, Columbus, Mont. 59019, attorney at law.

No. MC–FC–71212. By order of March 28, 1969, the Motor Carrier Board approved the transfer to Empire Trucking, Inc., Riverton, Wyo., of the permit in No. MC–125878 (Sub-No. 2), issued August 2, 1968, to Empire Timber Treating Co., a Wyoming corporation, Riverton, Wyo., authorizing the transportation of wood chips, from Dubois, Wyo., to points within 5 miles of Riverton, Wyo., restricted to traffic having a subsequent movement by rail. David E. Driggers, 420 Denver Club Building, Denver, Colo. 80202, attorney for applicants.

No. MC–FC–71232. By order of March 26, 1969, the Motor Carrier Board approved the transfer to Hankel & Olson, Inc., Verona, Wis., of certificate No. MC–124449 issued April 13, 1964, to Slaney Transfer, Inc., Route No. 1, Dodgeville, Wis. 53533, authorizing the transportation of: Fertilizer, from Fulton, Ill., to specified counties in Wisconsin. Robert J. Kay, 433 West Washington Street, Madison, Wis. 53703, attorney for transferee.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–4313; Filed, Apr. 11, 1969; 8:48 a.m.]

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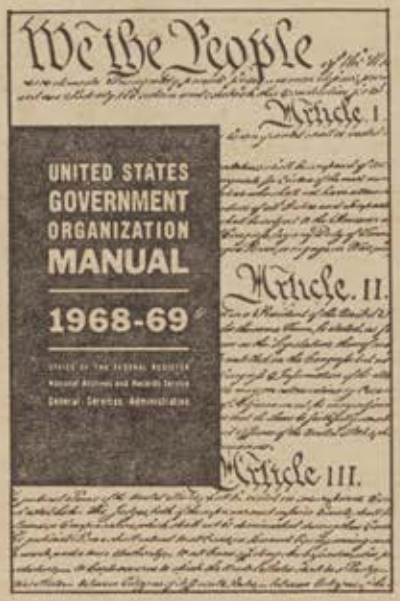

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