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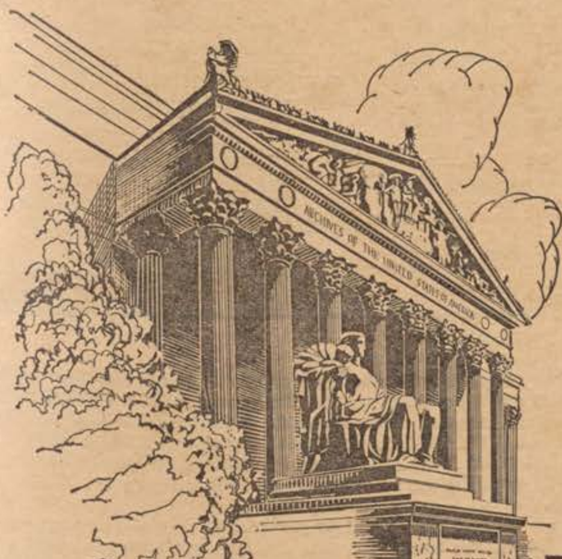

Volume 80

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89th Congress, 2d Session
1966

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Increase in Hourly Rate for Overtime and Holiday Inspection Service and Frivolous Appeal Inspections

Under authority contained in the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), the U.S. Department of Agriculture hereby amends the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81, as amended) as set forth below.

Statement of considerations. The amendments increase the hourly rate from $7 per hour to $7.40 per hour for overtime and holiday inspection service under the Poultry Products Inspection Act, and from $7.20 to $7.40 per hour for appeal inspections which are found to be frivolous.

These changes are necessary due to the general salary increases of Federal employees, effective July 14, 1968, and the increase in other costs related to furnishing such service.

The amendments are as follows:

1. Section 81.98 is hereby amended by deleting the figure "$7.20," and substituting in lieu thereof "$7.40."

2. Sections 81.170, 81.171, and 81.172 are hereby amended by deleting the figure "$7.00" and substituting in lieu thereof "$7.40."

The Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), and the regulations promulgated thereunder require the cost of overtime and holiday inspection service be paid for by the applicant or user of the service, and the cost of an appeal inspection, which is determined as frivolous, be paid for by the appellant. The facts upon which are based the determination as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department. Therefore, public rule making would not result in the Department receiving additional information on this matter. For the sake of uniformity of accounting, these changes in fees and charges should become effective July 14, 1968. Accordingly, under 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Issued at Washington, D.C., this 10th day of July 1968, to become effective on July 14, 1968.

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

[F.R. Doc. 68-8367; Filed, July 12, 1968; 8:48 a.m.]

Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Appendix—Third Apportionment of Special Milk Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1968

Pursuant to section 3 of the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 885-6, milk assistance funds available for the fiscal year ending June 30, 1968, are reapportioned among the States as follows, in order to effect a further apportionment of funds:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$1,651,019	$1,589,877	$61,142
Alaska	30,778	30,778	
Arizona	463,640	348,494	115,146
Arkansas	1,121,986	1,063,512	58,474
California	9,295,789	9,295,789	
Colorado	961,045	871,428	89,617
Connecticut	1,763,084	1,763,084	
Delaware	358,961	303,825	55,136
Delaware State District Agency	20,359	20,359	
District of Columbia	581,188	581,188	
Florida	1,992,084	1,821,749	170,335
Georgia	1,645,242	1,609,285	35,957
Hawaii	200,533	150,076	50,457
Idaho	201,488	162,405	39,083
Illinois	6,743,812	6,743,812	
Indiana	2,966,381	2,966,381	
Iowa	1,883,920	1,661,958	221,962
Kansas	1,167,810	1,167,810	
Kentucky	1,830,751	1,830,751	
Louisiana	698,504	698,504	
Maine	522,127	427,348	94,779
Maryland	2,245,482	1,871,656	373,826
Maryland Budget & Procurement	47,361	47,361	
Massachusetts	3,585,173	3,585,173	
Michigan	5,809,729	4,772,508	1,037,221
Minnesota	2,695,378	2,347,800	347,578
Mississippi	1,364,117	1,364,117	
Missouri	2,314,046	2,262,987	51,059
Montana	205,187	168,128	37,059
Nebraska	647,131	519,110	128,021
Nevada	152,456	129,162	23,294
New Hampshire	517,620	446,191	71,429
New Jersey	3,997,745	3,444,172	553,573
New Mexico	774,738	461,170	313,568
New York	9,345,703	9,345,703	
New York Office General Services	444,050	444,050	
North Carolina	3,464,482	3,464,482	
North Dakota	393,318	345,752	47,566
Ohio	6,530,277	5,640,771	889,506
Ohio Department of Public Welfare	196,717	196,717	
Oklahoma	1,056,809	1,056,809	
Oregon	647,139	628,705	18,434
Pennsylvania	5,266,294	4,568,409	697,885
Rhode Island	433,994	433,994	
South Carolina	642,801	522,991	119,810
South Dakota	392,224	392,224	
Tennessee	1,819,671	1,739,270	80,401
Texas	3,771,296	3,456,488	314,808
Utah	359,364	329,973	29,391
Vermont	252,642	243,585	9,057
Virginia	1,824,624	1,637,774	186,850
Washington	1,507,409	1,266,015	241,394
West Virginia	664,856	627,948	36,908
Wisconsin	3,729,421	2,893,970	835,451
Wyoming	132,245	132,245	
Total	103,332,000	95,895,823	7,436,177

(Secs. 2, 3, 6, 8-16, 80 Stat. 885-890; 42 U.S.C. 1771, 1772, 1775, 1777-1785)

Dated: July 10, 1968.

RODNEY E. LEONARD,
Administrator.

[F.R. Doc. 68-8336; Filed, July 12, 1968; 8:48 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

Section 354.1 of Part 354, Title 7, Code of Federal Regulations, is further amended to read as follows:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody, or control of plants, plant products, or other commodities or articles subject to inspection, certification, or quarantine under this chapter, who requires the services of an employee of the Plant Quarantine Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, quarantine, or certification service during such overtime or holiday period, and shall pay the Government therefor at the rate of $7.92 per man-hour per employee. A minimum charge of 2 hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Plant Quarantine Division for the areas in which the holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters is located, one-half of the commuted travel period applicable to the point at which the services are performed shall be charged when duties involve overtime that begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty. It will be administratively determined from time to time which days constitute holidays.

(b) The Division inspector in charge in honoring a request to furnish inspection, quarantine, or certification service, shall assign employees to such holiday or overtime duty with due regard to the work program and availability of employees for duty.

(64 Stat. 561; 7 U.S.C. 2260)

The foregoing amendment shall become effective July 14, 1968, when it shall supersede 7 CFR 354.1, effective December 24, 1967.

The purpose of this amendment is to increase the hourly rate for overtime or holiday services from $7.52 to $7.92 commensurate with salary increases provided in the Postal Revenue and Federal Salary Act of 1967 (Public Law 90–206). Determination of the hourly rate for overtime services and of the commuted travel time allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of July 1968.

[SEAL] R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 68-8335; Filed, July 12, 1968; 8:48 a.m.]

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

[Lemon Reg. 329]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.629 Lemon Regulation 329.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 9, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 14, 1968, through July 20, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 334,800 cartons;
(iii) District 3: Unlimited movement.

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

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

Dated: July 11, 1968.

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

[F.R. Doc. 68-8369; Filed, July 12, 1968; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 5]

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM-4)

DAIRY BREEDING CATTLE

Correction

In F.R. Doc. 68-7805 appearing at page 9594 in the issue of Tuesday, July 2, 1968, the following changes should be made in Supplement II:

1. The third line of A. should read "sales price for dairy breeding cattle to be".
2. The last line of A. should read: "included as a part of the port value."
3. The fourth line of E. should read: "GSM-4, as amended, the exporter has the".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night, and Holiday Inspection and Quarantine Activities at Border, Coastal, and Air Ports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 97.1 of Part 97, Title 9, Code of Federal Regulations, is further amended to read as follows:

§ 97.1 Overtime work at laboratories, border ports, ocean ports and airports.[1]

Any person, firm, or corporation having ownership, custody, or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of the Animal Health Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, laboratory testing, certification, or quarantine service during such overtime or holiday period and shall pay the Administrator of the Agricultural Research Service at the rate of $7.92 per man hour per employee as follows: A minimum charge of 2 hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of Animal Health Division for the ports, stations, and areas in which the employees are located and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, laboratory testing, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters are located, one-half of the commuted travel time period applicable to the point at which the services are performed shall be charged when duties involve overtime that either begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty: *Provided, however*, That periods of unscheduled overtime or holiday service performed by laboratory personnel shall be limited to Saturdays, Sundays, and holidays, and shall further be limited to hours which would normally constitute a regular work day. It shall be administratively determined from time to time which days constitute holidays.

The foregoing amendment shall become effective July 14, 1968, when it shall supersede 9 CFR 97.1, effective December 24, 1967.

The purpose of this amendment is to increase the hourly rate for overtime services from $7.52 to $7.92 commensurate with salary increases provided in the Federal Employees Salary Act of 1967 (Public Law 90-206); Executive Order 11413. It is to the benefit of those who require such overtime services, as well as the public generally that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

Done at Washington, D.C., this 10th day of July 1968.

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 68-8334; Filed, July 12, 1968; 8:48 a.m.]

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the statutory authorities cited below the fees relating to inspection are hereby amended due to increased cost resulting from the Postal Revenue and Federal Salary Act of 1967 (Public Law 90-206).

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 307—FACILITIES FOR INSPECTION

Section 307.4 is amended to read as follows:

§ 307.4 Overtime work of meat inspection employees.

The management of an official establishment, an importer, or an exporter desiring to work under conditions which will require the services of an employee of the Division on any Saturday, Sunday, or holiday, or for more than 8 hours on any other day, shall, sufficiently in advance of the period of overtime, request the inspector in charge or his assistant to furnish inspection service during such overtime period, and shall pay the Administrator therefor $7.40 per hour to reimburse the Service for the cost of the inspection services so furnished. It will be administratively determined from time to time which days constitute holidays.

(34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U.S.C. 1306, 21 U.S.C. 89)

PART 340—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCT

Section 340.7(c) is amended to read as follows:

§ 340.7 Fees and charges.

* * * * *

The fees to be charged and collected for service under the regulations in this part shall be at the rate of $6.80 per hour for base time, $7.40 per hour for overtime including Saturdays, Sundays, and holidays, and $8.20 per hour for laboratory service, to cover the costs of the service and shall be charged for the time required to render such service, including but not limited to the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

* * * * *

SUBCHAPTER B—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

PART 355—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

Section 355.12 is amended to read as follows:

§ 355.12 Charge for service.

The fees to be charged and collected by the Administrator shall be $6.80 per hour for base time, $7.40 per hour for overtime including Saturdays, Sundays, and holidays, and $8.20 per hour for laboratory service to reimburse the Service for the cost of the inspection services so furnished.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

It has been determined that in order to cover these increased costs of the service, the hourly fee charges in connection with the performance of the services must be increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under 5 U.S.C. 553, it is found that notices and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective July 14, 1968, with respect to all Federal meat inspection services rendered on and after that date.

Done at Washington, D.C., this 10th day of July 1968.

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

[F.R. Doc. 68-8368; Filed, July 12, 1968; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 614—UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEN

Schedule of Remuneration

The issuance of Executive Order 11414, 33 F.R. 8645, providing increased pay and allowances for members of the uniformed services pursuant to section 8 of Public Law 90-207, 81 Stat. 654, makes it necessary to amend 20 CFR 614.19, which contains the schedule of remuneration for each pay grade of ex-servicemen used in the administration of the program of unemployment compensation for ex-servicemen established by Subchapter II of Chapter 85 of Title 5 of the United States Code (5 U.S.C. 8521-8525).

The provisions of 5 U.S.C. 553 which require notice of proposed rule making, public participation in their adoption, and delay in effective date are not applicable because these rules relate to public benefits. I do not believe such procedures or delay will serve a useful purpose here. Accordingly the following amendment shall become effective immediately.

1. Paragraph (c) of 20 CFR 614.19 is redesignated as paragraph (d) thereof, and a new paragraph (c) is added thereto, so that as amended paragraphs (c) and (d) of 20 CFR 614.19 shall read as follows:

§ 614.19 Schedule of remuneration.

* * * * *

(c) The schedule provided in this paragraph is applicable to first claims for compensation under the UCX program filed on or after September 1, 1968.

Pay grades	*Monthly rate*
1. Commissioned officer:	
O-10	$2,566
O-9	2,296
O-8	2,104
O-7	1,869
O-6	1,594
O-5	1,354
O-4	1,124
O-3	943
O-2	749
O-1	588
2. Warrant officer:	
W-4	1,080
W-3	912
W-2	781
W-1	711
3. Enlisted personnel:	
E-9	902
E-8	796
E-7	705
E-6	620
E-5	526
E-4	425
E-3	326
E-2	286
E-1	274

(d) The omission from this section of schedules of remuneration applicable to periods of time prior to October 1, 1966, and heretofore published in the FEDERAL REGISTER shall not be deemed a revocation of such omitted schedules of remuneration.

(5 U.S.C. 8508, 8521(a)(2))

Signed at Washington, D.C., this 8th day of July 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-8290; Filed, July 12, 1968; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-4910 and 34-8336]

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

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Acceleration of Registration Statements and Clearance of Proxy Material; Residual Securities; Pooling of Interests

The Securities and Exchange Commission today called attention to two positions taken recently in matters of interest to issuers and others who file, or participate in the filing of, registration statements, proxy material, and reports with the Commission. The first relates to questions raised on a request for acceleration of the effective date of a registration statement under the Securities Act of 1933 as a result of certain disclosures made by the issuer in its annual report to stockholders and in advertisements in news media. The second relates to questions raised on a request for clearance of proxy material under the Securities Exchange Act of 1934 as a result of circumstances under which convertible preferred shares may be considered residual securities in determining earnings per share applicable to common stock.

1. *Questions raised on published financial information in connection with request for acceleration.* Issuers and underwriters generally request acceleration of the effective date of a registration statement to a specified date as soon as practicable after the filing of an appropriate correcting or completing amendment.[1] The acceleration procedure enables issuers and underwriters to set the terms of the offering on the anticipated

[1] Section 8(a) of the Securities Act of 1933, as amended, provides that a registration statement shall become effective on the 20th day after it is filed (or on the 20th day after the filing of any amendment thereto) or such earlier date as the Commission may determine "having due regard to the adequacy of the information respecting the issuer theretofore available to the public, to the facility with which the nature of the securities to be registered, their relationship to the capital structure of the issuer and the rights of holders thereof can be understood, and to the public interest and the protection of investors."

effective date in view of conditions then existing in the securities market and the granting of acceleration by the Commission on that date permits the sale in that same market of the securities subject to registration.

It has been the long standing policy of the Commission to cooperate with registrants requesting acceleration, giving due consideration to the standards set forth in section 8(a). However, each acceleration request is considered on the basis of the facts and circumstances relevant to it and in certain situations the Commission may deny acceleration. Several of such situations are set forth in the note to rule 460 (17 CFR 230.460) of the general rules and regulations under the Securities Act. Other instances occur from time to time which cause the Commission to deny acceleration requests.[2] There are set out below the circumstances relating to a recent case in which the Commission indicated it would not consider favorably a request for acceleration.

a. Comparison of "pooled" and "unpooled" figures:

A company with a registration statement on file at the Commission issued its Annual Report to Shareholders for fiscal year 1967. Page 1 of that report included a comparative summary purporting to indicate the amounts of sales, net income, and earnings per share for the years 1966 and 1967, together with figures showing substantial "percentage increases" in 1967 based on the amounts shown. References to these percentage increases were also made elsewhere in the report to shareholders.

Paid advertisements in magazines and newspapers also showed similar percentage increases in sales and net income of the company for the year 1967 when compared to 1966.

The figures used in the table (and in the advertisements) as a basis for determining the percentage increases were taken from the company's 1967 consolidated income statement which included the accounts of a significant company acquired in that year in a "pooling of interests" transaction and from the company's 1966 consolidated income statement "as previously reported" without giving effect to retroactive inclusion of the related amounts of the acquired company.[3]

The substantial percentage increases in sales, net income, and earnings per share obtained by such comparisons are misleading as a measure of the growth of the company in 1967. If the comparisons had been made with 1966 figures restated to include the accounts of the acquired company, there would have been reported for 1967 percentage declines in net income and earnings per share and only a nominal percentage increase in sales.

In the opinion of the Commission, it is misleading to make comparisons such as were made in this instance or to invite or draw conclusions as to improvement in a company's operations by comparing pooled figures for a particular year with unpooled figures for the prior year. Comparisons in such case should be made with financial data for the prior period restated on a combined (pooled) basis.[4]

b. Earnings per share determination:

The company had outstanding a class of convertible preferred shares, all held by the company's parent. These shares of stock were convertible into a substantially larger number of shares of common stock. This preferred stock is a "residual security" since it derived the major portion of its value from its conversion rights.[5]

In the present case, the earnings per share figures for 1966 and 1967 in the table on page 1 of the annual report to shareholders for fiscal year 1967 were presented both on the basis of average common shares outstanding, including residual securities, i.e., including common shares issuable upon conversion of the preferred stock (as in the registration statement and in the financial statement section of the shareholders' report), and also on the basis of average common shares "actually outstanding," without giving effect to inclusion of residual securities. The latter determination resulted in higher per share figures and it was only these higher figures which were commented on later in the annual report to shareholders.

In the opinion of the Commission, companies having only common stock and other residual securities outstanding should present earnings per share figures solely on the basis of equivalent outstanding common shares, including residual securities.[6] In such circumstances the presentation of a second earnings per share figure based on outstanding common shares, excluding residual securities, is misleading. Where there are also outstanding options, warrants, or convertible senior securities which may result in material dilution of earnings per share in the future, earnings per share figures should be presented on the basis of outstanding common shares including residual securities, and on a supplementary basis assuming exercise of the options or warrants and conversion of the senior securities.[7]

2. *Convertible preferred stock as a residual security upon issuance in acquisitions in the determination of pro forma earnings per share.* A preliminary proxy statement filed with the Commission relating to a proposed merger indicated that the surviving company was to issue shares of both common and convertible preferred stock in exchange for shares of common stock of the company to be merged into it. The preferred shares were to be convertible into common stock of the merged company on such terms that, assuming conversion of the preferred shares, they had the effect of materially reducing pro forma earnings per share of the company on a merged basis for the most recently completed fiscal year.

It was the opinion of the Commission that the preferred shares in this case should be treated as a residual security in the determination of earnings per share in the financial statements in the proxy statement. In general, if at the time of issuance of a convertible security in an acquisition, the terms are such as to result in immediate material dilution to pro forma earnings per share, assuming conversion, then that security should be considered a residual security whether or not a majority of its value may be derived from its conversion rights.

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

JUNE 18, 1968.

[F.R. Doc. 68-8292; Filed, July 12, 1968; 8:45 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 27—CANNED FRUITS AND FRUIT JUICES

Canned Applesauce, Standards of Identity and Fill of Container; Confirmation of Effective Date

In the matter of establishing a definition and standard of identity and a standard of fill of container for canned applesauce:

In response to the order in the above-identified matter published in the FEDERAL REGISTER of March 15, 1968 (33 F.R.

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[2] For example, see Securities Act Release No. 3844 (Oct. 8, 1957), (22 F.R. 8359).

[3] A note to the table indicates that 1966 figures are "As reported before restatement for 'pooling of interests' in 1967."

[4] See paragraph 5 of Opinion No. 10 issued by the Accounting Principles Board of the American Institute of Certified Public Accountants. The Commission also recognizes, as indicated in that opinion, that where a "pooling of interests" has occurred, companies may wish to reconcile "restated" sales and net income figures with those previously reported. This may be done by presenting, in addition to restated income statements, separate statements of income for the same periods on a historical basis, i.e., "as previously stated," or by breaking down the sales and net income figures in the restated income statement for each period to show the amounts attributable in that period to the pooled companies. The financial statement section of the company's annual report to shareholders in this instance presented consolidated statements of income for 1966 on both a "restated" (pooled) basis and an "As Previously Reported" (unpooled) basis.

[5] Residual securities include common stock and any other security which "* * * clearly derives a major portion of its value from its conversion rights or its common stock charcteristics * * *." Paragraph 33 of Opinion No. 9 of the Accounting Principles Board.

[6] Paragraph 33 of Opinion No. 9 states: "When used without qualification, earnings per share refers to the amount of earnings applicable to each share of common stock or other residual security outstanding * * *"

[7] See paragraph 43 of Opinion No. 9 of the Accounting Principles Board.

4574), objections were received as follows:

1. An objection contended that the order should also have included standards for artificially sweetened applesauce. This objection is rejected because standards for artificially sweetened applesauce were not proposed. Persons interested in the establishment of such standards can so propose by submitting petitions pursuant to § 10.2 (21 CFR 10.2) of the regulations and sections 401 and 701(e) of the Federal Food, Drug, and Cosmetic Act.

2. An objection asserted:

a. That failure of the identity standard to require that apples be peeled and cored before cooking and screening may result in production of substandard quality applesauce. This concerns a standard of quality rather than the standard of identity and a standard of quality was neither proposed nor ordered.

b. That the identity standard should prescribe labeling requirements to show whether the food is "strained" or "chunky" style and whether it was made by "cooking peeled fruit followed by screening through a $^{3}/_{32}$-inch minimum screen." The identity standard does not preclude label declarations that accurately inform consumers of the particle size of the product. The conclusion is that the objection does not establish that the objector will be adversely affected.

c. That the identity standard should not require the added acids to be named on the labels. For many years nonstandardized applesauce has been subject to the requirement of the Federal Food, Drug, and Cosmetic Act that its ingredients (including those added) be named on labels. The objection does not show how omitting the names of added acids from applesauce labels would promote honesty and fair dealing in the interest of consumers.

The Commissioner of Food and Drugs concludes that the objections filed in response to the order fail to show reasonable grounds for a public hearing; therefore, the provisions objected to are not stayed and no hearing is scheduled.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner (21 CFR 2.120), notice is given that the order in the above-identified matter became effective May 14, 1968.

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

Dated: July 3, 1968.

J. K. Kirk,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8308; Filed, July 12, 1968; 8:47 a.m.]

PART 27—CANNED FRUITS AND FRUIT JUICES

Cranberry Juice Cocktail—a Juice Drink; Artificially Sweetened Cranberry Juice Cocktail—a Juice Drink; Order Staying Effective Date of Identity Standards

In the matter of establishing definitions and standards of identity for cranberry juice cocktail—a juice drink (§ 27.127) and artificially sweetened cranberry juice cocktail—a juice drink (§ 27.128):

In response to the order in the above-identified matter published in the Federal Register of April 11, 1968 (33 F.R. 5617), objections were filed and requests made for a public hearing concerning (1) the labeling of the beverages, (2) the lack of provision for adding color, and (3) the minimum percentage of equivalent single strength juice required.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered,* That the effective date of § 27.127 and § 27.128, the subject standards, be stayed pending resolution of the issues raised by the objections at a public hearing. At a later date the Commissioner will publish an announcement scheduling the hearing and specifying the issues therefor.

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

Dated: July 3, 1968.

J. K. Kirk,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8309; Filed, July 12, 1968; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 7—EMPLOYEE INVENTIONS

The Treasury Department finds it necessary, in order to carry out its obligations under Executive Order 10096, 15 F.R. 389, as amended, and the regulations of the Patent Office concerning Government inventions, 37 CFR Part 300, to establish internal procedures for the consideration and processing of employee inventions. The Department further finds that notice and public procedure are not necessary in the formulation of these regulations under the provisions of 5 U.S.C. 553, since these regulations relate to matters of agency management, procedure and personnel.

Accordingly, Subtitle A of Part 31 of the Code of Federal Regulations is amended by adding a new Part 7 to read as follows:

Authority: The provisions of this Part 7 issued under 80 Stat. 379; 5 U.S.C. 301; sec. 6, E.O. 10096, 15 F.R. 389, as amended by E.O. 10930, 26 F.R. 2583.

§ 7.1 Purpose.

Provisions defining the right, title, and interest of the Government in and to an invention made by a Government employee under various circumstances and the duties of Government agencies with respect thereto are set forth in Executive Order No. 10096, 15 F.R. 389, as amended (35 U.S.C. 266 note). Further definition of the circumstances under which the Government will acquire the right to a patent in such an invention or a nonexclusive, irrevocable, royalty-free license in the invention, and the procedures for the determination of these interests, are set forth in the regulations issued under that Executive order by the Patent Office, 37 CFR Part 300. The purpose of this Part 7 is to implement for the Treasury Department the foregoing Executive order and regulations of the Patent Office by (a) bringing to the attention of Treasury employees the law and procedure governing their rights to, and interest in, inventions made by them, (b) defining responsibility within the Department for making the necessary determinations, and, (c) establishing internal procedures for action in conformity with the Executive order and the Patent Office regulations.

§ 7.2 Responsibilities of the Department.

The responsibilities of the Treasury Department are to determine initially (a) the occurrence of an invention by an employee, (b) his rights in the invention and the rights of the Government therein, and (c) whether patent protection will be sought in the United States by the Department, and to furnish the required reports to the Patent Office.

§ 7.3 Responsibilities of heads of offices.

(a) Heads of bureaus or offices in the Department shall be responsible for determining initially whether the results of research, development, or other activity of an employee within that bureau or office constitute an invention which falls within the purview of Executive Order 10096, as amended, and is to be handled in accordance with the regulations in this part.

(b) Heads of bureaus or offices are responsible for obtaining from the employee the necessary information and, if the determination under paragraph (a) of this section is affirmative, preparing on behalf of the bureau or office a description of the invention and its relationship to the employee's duties and work assignments.

(c) Heads of bureaus or offices, after such examination and investigation as may be necessary, shall refer to the General Counsel all information obtained concerning the invention and such determination as the head of the bureau or office has made with respect to the character of the activity as an invention. These reports shall include any determination as to the giving of a cash award to the employee for his performance relating to that invention.

§ 7.4 Responsibilities of the General Counsel.

(a) The General Counsel shall be responsible for determining, subject to review by the Commissioner of Patents, the respective rights of the Government and of the inventor in and to any invention made by an employee of the Department.

(b) On the basis of the foregoing determination, the General Counsel shall determine whether patent protection will be sought by the Department for such an invention.

(c) The General Counsel will prepare and furnish to the Patent Office the reports required by the regulations of that Office and will serve as the liaison officer between the Department and the Commissioner of Patents.

§ 7.5 Responsibilities of employees.

All employees are required to report to the heads of their bureaus or offices any result of research, development, or other activity on their part which may constitute an invention and the circumstances under which this possible invention came into being.

§ 7.6 Effect of awards.

The acceptance by an employee of a cash award for performance which constitutes an invention shall, in accordance with 5 U.S.C. 4502(c), constitute an agreement that the use by the Government of the idea, method, or device for which the award is made does not form the basis of any further claim against the Government by the employee, his heirs or assigns.

§ 7.7 Appeals.

(a) Any employee who is aggrieved by a determination made by the head of his bureau or office under this part may obtain a review of the determination by filing an appeal with the General Counsel within 30 days after receiving the notice of the determination complained of.

(b) Any employee who is aggrieved by a determination made by the General Counsel under this part may obtain a review of the determination by filing a written appeal with the Commissioner of Patents within 30 days after receiving notice of the determination complained of, or within such longer period as the Commissioner may provide. The appeal to the Commissioner shall be processed in accordance with the provisions in the regulations of the Patent Office for an appeal from an agency determination.

§ 7.8 Delegation.

The heads of bureaus or offices and the General Counsel may delegate, as appropriate, the performance of the responsibilities assigned to them under this part.

Effective date. These regulations shall become effective upon publication in the FEDERAL REGISTER.

Dated: July 9, 1968.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 68-8319; Filed, July 12, 1968; 8:48 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 23, Amdt. 1]

PART 524—EXEMPTION OF NONEXCLUSIVE TRANSSHIPMENT AGREEMENTS FROM THE APPROVAL REQUIREMENTS OF SECTION 15, SHIPPING ACT, 1916

Connecting Carrier Agreements

Section 35 of the Shipping Act, 1916, as amended, and Commission General Order 23 published in the FEDERAL REGISTER of May 14, 1968 (33 F.R. 7116), provide for exemption of nonexclusive transshipment agreements from the approval requirements of section 15 of the Act. One of the conditions to obtain such exemption under the regulations is the filing with the Commission of a connecting carrier agreement in the form specified in § 524.4 of the order.

Questions have been raised by some ocean carriers and their legal representatives as to interpretation of certain language in paragraphs 3, 4, and 8 of the connecting carrier agreement set forth in § 524.4 of General Order 23 particularly with respect to transshipment agreements which may provide for a combination of local rates rather than a percentage apportionment of one through rate between carriers.

An ambiguity has also arisen with respect to the language in paragraph 8 of the connecting carrier agreement which seems to indicate that all new transshipment agreements and/or modifications will supersede approved Federal Maritime Commission agreements and that an agreement number of these superseded agreements must be inserted at the end of paragraph 8 of the new agreement. The intent of the regulations was to provide this information only where a new agreement between the parties actually superseded a prior Commission approved agreement.

In order to clarify the language of paragraphs 3, 4, and 8 of the connecting carrier agreement (§ 524.4), the Federal Maritime Commission hereby adopts regulations which will appropriately modify footnote 1 to paragraphs 3 and 4 and modify language in paragraph 8 to remove any ambiguities which may be present.

Therefore, pursuant to the provisions of section 4, Administrative Procedure Act (5 U.S.C. 553), and sections 15, 35, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 833a, 841a), § 524.4 *Form of connecting carrier agreement* of Title 46 CFR is amended as follows:

Footnote 1 to paragraphs 3 and 4 shall read:

[1] Variable—paragraphs 3 and 4 may be modified or expanded to show more detail or minimum revenue to one party and, in the case of a combination of local rates, paragraph 3 shall identify the tariffs of each party by tariff name.

Paragraph 8 shall read:

8. This agreement and/or any modification thereof shall not be effective prior to the effective date of the applicable tariff(s).

Footnote 2 to paragraph 8 shall read:

[2] Whenever an agreement supersedes a previously approved agreement, the following sentence shall be added at the end of paragraph 8:

This agreement supersedes approved Federal Maritime Commission Agreement No. -------.

Notice and public procedure are not necessary prerequisites for the promulgation of this amendment since it merely clarifies the requirements otherwise imposed by the rules of Part 524.

Effective date. Since these rules clarify current regulations in effect under General Order 23 and do not impose new requirements, they shall be effective upon publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8298; Filed, July 12, 1968; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

Treaties and Other International Agreements Relating to Radio

Order. 1. The Commission has before it the desirability of making certain editorial changes in Part 2 of its rules and regulations.

2. Authority for the amendments is contained in sections 4(i), (5)(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules. Because the amendments are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. *It is ordered,* Effective July 16, 1968, that Part 2 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: July 1, 1968.

Released: July 8, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 2.601 is amended to read as follows:

§ 2.601 General.

This subpart is corrected to July 1, 1968. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.

2. In § 2.603 paragraphs (a) and (b) are amended to read as follows:

§ 2.603 Treaties and other international agreements relating to radio.

(a) The applicable treaties and other international agreements in force relating to radio and to which the United States of America is a party (other than reciprocal operating agreements for radio amateurs) are listed below:

Date	Citations	Subject
1925	IV Trenwith 4248, 4250 and 4251. TS 724-A.	US-UK (also for Canada and Newfoundland) Bilateral Arrangements providing for the Prevention of Interference by Ships off the Coasts of these Countries with Radio Broadcasting. Effected by exchange of notes Sept. and Oct., 1925. Entered into force Oct. 1, 1925.
1928 and 1929	102 LNTS 143. TS 767-A.	US-Canada Arrangement governing Radio Communications between Private Experimental Stations. Effected by exchange of notes at Washington Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. Continued by the arrangement contained in EAS 62.
1929	IV Trenwith 4787. TS 777-A.	US-Canada (including Newfoundland) Arrangement relating to Assignment of High Frequencies on the North American Continent. Effected by exchange of notes at Ottawa Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Originally, Cuba was also a party to this arrangement, but by virtue of notice to the Canadian Government, it ceased to be a party effective Oct. 5, 1933.)
1934	48 Stat. 1876. EAS 62.	US-Canada Arrangement relative to Radio Communications between Private Experimental Stations and between Amateur Stations. Continues the arrangement contained in TS 767-A. Effected by exchange of notes at Ottawa Apr. 23, and May 2 and 4, 1934. Entered into force May 4, 1934.
1934	49 Stat. 3555. EAS 66.	US-Peru Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Lima Feb. 16, and May 23, 1934. Entered into force May 23, 1934.
1934	49 Stat. 3667. EAS 72.	US-Chile Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santiago Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.
1937	53 Stat. 1576. TS 938.	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 21, 1938, for Parts I, III and IV; Apr. 17, 1939, for Part II. Part II of the Convention (Inter-American Radio Office) terminated for all parties Dec. 20, 1958 (TIAS 4079).
1938	54 Stat. 1675. TS 949.	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City Dec. 8, 1938. Entered into force Oct. 8, 1939.
1939	53 Stat. 2157. EAS 143.	US-Canada Arrangement governing the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes at Washington Feb. 20, 1939. Entered into force Feb. 20, 1939.
1946	60 Stat. 1696. TIAS 1527.	US-USSR Agreement on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow May 24, 1946. Entered into force May 24, 1946.
1947	61 Stat. (3) 3131. TIAS 1652.	US-UK Agreement regarding Standardization of Distance Measuring Equipment. Signed at Washington Oct. 13, 1947. Entered into force Oct. 13, 1947.
1947	61 Stat. (4) 3416. TIAS 1676.	US-UN Agreement relative to Headquarters of the United Nations. Signed at Lake Success June 26, 1947. Entered into force Nov. 21, 1947. Supplemented by the agreement contained in TIAS 5961 which was signed Feb. 9, 1966.
1947	61 Stat. (4) 3800. TIAS 1726.	US-Canada Agreement providing for Frequency Modulation Broadcasting in Channels in the Radio Frequency Band 88-108 Mc/s. Effected by exchange of notes at Washington Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947.
1948	9 UST 621. TIAS 4044.	Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva Mar. 6, 1948. Entered into force Mar. 17, 1958. Modified by the amendments contained in TIAS 6285 adopted by the IMCO Assembly Sept. 15, 1964.
1949	3 UST (2) 2686. TIAS 2435.	London Telecommunications Agreement between the United States and Certain British Commonwealth Governments. Signed at London Aug. 12, 1949. Entered into force Feb. 24, 1950. Amended by the agreement contained in TIAS 2705 which was signed Oct. 1, 1952.
1949	3 UST (3) 3064. TIAS 2489.	Inter-American Radio Agreement between the United States and Canada and Other American Republics. Signed at Washington July 9, 1949. (Fourth Inter-American Radio Conference.) Entered into force Apr. 13, 1952, subject to the provisions of Article 13.
1950	3 UST (2) 2672. TIAS 2433.	US-Ecuador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Quito Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1950	11 UST 413. TIAS 4460.	North American Regional Broadcasting Agreement (NARBA). Signed at Washington Nov. 15, 1950. Entered into force Apr. 19, 1960. Effective between United States, Canada, Cuba, Dominican Republic, and the United Kingdom of Great Britain and Northern Ireland for the Bahama Islands. Ratification on behalf of Jamaica pending.
1950 and 1951	2 UST (1) 683. TIAS 2223.	US-Liberia Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Monrovia Nov. 9, 1950, and Jan. 8, 9, and 10, 1951. Entered into force Jan. 11, 1951.
1951	3 UST (3) 3787. TIAS 2508.	US-Canada Convention relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country. Signed at Ottawa Feb. 8, 1951. Entered into force May 15, 1952.
1951	3 UST (2) 2860. TIAS 2459.	US-Cuba Agreement concerning the Control of Electromagnetic Radiation. Effected by exchange of notes at Havana Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1951 and 1952	3 UST (3) 3892. TIAS 2520.	US-Cuba Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Havana Sept. 17, 1951, and Feb. 27, 1952. Entered into force Feb. 27, 1952.
1952	3 UST (4) 4926. TIAS 2666.	US-Canada Agreement for the Promotion of Safety on the Great Lakes by Means of Radio. The agreement applies to vessels of all countries as provided for in Article 3. Signed at Ottawa Feb. 21, 1952. Entered into force Nov. 13, 1954.
1952	3 UST (3) 4443. TIAS 2594.	US-Canada Agreement relating to the Assignment of Television Frequency Channels along United States-Canadian Border. Effected by exchange of notes at Ottawa Apr. 23 and June 23, 1952. Entered into force June 23, 1952.
1952	3 UST (4) 5140. TIAS 2705.	London Revision (1952) of the London Telecommunications Agreement (1949) between the United States and Certain British Commonwealth Governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed Aug. 12, 1949.

Date	Citations	Subject
1953	5 UST (3) 2840. TIAS 3138.	US-Canada Understanding relating to the Sealing of Mobile Radio Transmitting Equipment. Effected by exchange of notes at Washington Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953.
1956	7 UST 2179. TIAS 3617.	US-Panama Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Panama July 19 and Aug. 1, 1956. Entered into force Sept. 1, 1956.
1956	7 UST 2839. TIAS 3665.	US-Costa Rica Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington Aug. 13 and Oct. 19, 1956. Entered into force Oct. 19, 1956.
1956	7 UST 3159. TIAS 3694.	US-Nicaragua Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Managua Oct. 8 and 16, 1956. Entered into force Oct. 16, 1956.
1957	12 UST 734. TIAS 4777.	US-Mexico Agreement regarding Radio Broadcasting in the Standard Broadcast Band. Signed at Mexico Jan. 29, 1957. Entered into force June 9, 1961. Amended by the protocol containined in TIAS 6210 signed Apr. 13, 1966.
1957	9 UST 1037. TIAS 4079.	Multilateral Declaration between the United States and Other Powers terminating Part II (Inter-American Radio Office) of the Inter-American Radio Communications Convention of Dec. 13, 1937 (TS-938). Signed at Washington Dec. 20, 1957. Entered into force Dec. 20, 1957. Additionally, a Contract on the Exchange of Notifications of Radio Broadcasting Frequencies between the Pan American Union, the United States and Other Powers was signed at Washington Dec. 20, 1957. Entered into force Jan. 1, 1958.
1958	9 UST 1091. TIAS 4089.	U.S-Mexico Agreement regarding Allocation of Ultra High Frequency Channels to Land Border Television Stations. Effected by exchange of notes at Mexico July 16, 1958. Entered into force July 16, 1958.
1958	10 UST 2423. TIAS 4390.	Telegraph Regulations (Geneva Revision, 1958) Annexed to the International Telecommunication Convention. Signed at Geneva Nov. 29, 1958. Entered into force Jan. 1, 1960.
1959	10 UST 1449. TIAS 4295.	US-Mexico Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Mexico July 31, 1959. Entered into force Aug. 30, 1959.
1959 and 1960	11 UST 257. TIAS 4442.	US-Honduras Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Tegucigalpa Oct. 26, 1959, and Feb. 17, 1960, and related note of Feb. 19, 1960. Entered into force Mar. 17, 1960.
1959	10 UST 3019. TIAS 4394.	US-Venezuela Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Caracas Nov. 12, 1959. Entered into force Dec. 12, 1959
1959	12 UST 2377. TIAS 4893.	International Radio Regulations Annexed to the International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961. Revised by the Partial Revisions of the Radio Regulations, Geneva, 1959, contained in TIAS 5603 signed Nov. 8, 1963, and in TIAS 6332 signed Apr. 29, 1966.
1960	11 UST 1. TIAS 4399.	US-Haiti Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Port-au-Prince Jan. 4 and 6, 1960. Entered into force Feb. 5, 1960.
1960	16 UST 185. TIAS 5780.	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 17, 1960. Entered into force May 26, 1965. Corrections to certain annexes contained in TIAS 6284 signed Feb. 15, 1966.
1960	11 UST 2229. TIAS 4596.	US-Paraguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Asuncion Aug. 31 and Oct. 6, 1960. Entered into force Nov. 5, 1960.
1961	17 UST 1574. TIAS 6115.	US-Uruguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Montevideo Sept. 12, 1961. Entered into force Sept. 26, 1966.
1961	12 UST 1695. TIAS 4888.	US-Bolivia Agreement regarding Radio Communciations between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at La Paz Oct. 23, 1961. Entered into force Nov. 22, 1961,
1962	13 UST 997. TIAS 5043.	US-Mexico Agreement relating to the Assignment of VHF Television Channels along United States-Mexican Border. Effected by exchange of notes at Mexico Apr. 18, 1962. Entered into force Apr. 18. 1962.
1962	13 UST 411. TIAS 5001.	US-El Salvador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at San Salvador Apr. 5, 1962. Entered into force May 5, 1962.
1962	13 UST 2418. TIAS 5205.	US-Canada Agreement relating to the Coordination and Use of Radio Frequencies above 30 Mc/s. Effected by exchange of notes at Ottawa Oct. 24, 1962. Entered into force Oct. 24, 1962. The technical annex to this agreement was revised by the agreement contained in TIAS 5833 signed June 16 and 24, 1965.
1963	14 UST 817. TIAS 5360.	US-Dominican Republic Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santo Domingo Apr. 18 and 22, 1963. Entered into force May 22, 1963.
1963	15 UST 887. TIAS 5603.	Partial Revision of the Radio Regulations, Geneva, 1959, Final Acts of the EARC to Allocate Frequency Bands for Space Radiocommunication Purposes. Signed at Geneva Nov. 8, 1963. Entered into force Jan. 1, 1965.
1963	14 UST 1754. TIAS 5483.	US-Colombia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Bogota Nov. 16 and 29, 1963. Entered into force Dec. 29, 1963.
1964	15 UST 1705. TIAS 5646.	US-Other Governments' Agreement Establishing Interim Arrangements for a Global Commercial Communications Satellite System and Special Agreement. Done at Washington Aug. 20, 1964. Entered into force Aug. 20, 1964. Additionally, a Supplementary Agreement on Arbitration was done at Washington June 4, 1965. Entered into force Nov. 21, 1966.
1964	TIAS 6285.	Amendments to Articles 17 and 18 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at London Sept. 15, 1964. Entered into force Oct. 6, 1967.
1965	16 UST 821. TIAS 5816.	US-Brazil Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington June 1, 1965. Entered into force June 1, 1965.
1965	16 UST 923. TIAS 5833.	US-Canada Agreement regarding Coordination and Use of Radio Frequencies above 30 Mc/s Revising the Technical Annex to the Agreement of Oct. 24, 1962 (TIAS 5205). Effected by exchange of notes at Ottawa June 16 and 24, 1965. Entered into force June 24, 1965.
1965	16 UST 883. TIAS 5827.	US-Israel Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington July 7, 1965. Entered into force Aug. 6, 1965.
1965	18 UST 575. TIAS 6267.	International Telecommunication Convention. Signed at Montreux Nov. 12, 1965. Entered into force with respect to the United States May 29, 1967.
1966	17 UST 74. TIAS 5961.	US-UN Agreement regarding Headquarters of the United Nations Supplementing the Agreement of June 26, 1947 (TIAS 1676). Signed at New York Feb. 9, 1966. Entered into force Feb. 9, 1966. Amended by the agreement contained in TIAS 6176 signed Dec. 8, 1966.
1966	TIAS 6284.	Proces-Verbal of Rectification to Certain Annexes to the International Convention for the Safety of Life at Sea of June 17, 1960 (TIAS 5780). Done at London Feb. 15, 1966.
966	18 UST 141. TIAS 6210.	US-Mexico Protocol regarding Radio Broadcasting in the Standard Broadcast Band Amending the Agreement of Jan. 29, 1957 (TIAS 4777). Signed at Mexico Apr. 13, 1966. Entered into force Jan. 12, 1967.
1966	TIAS 6332.	Partial Revision of the Radio Regulations, Geneva, 1959, Final Acts of the EARC for the Preparation of a Revised Allotment Plan for the Aeronautical Mobile (R) Service. Signed at Geneva Apr. 29, 1966. Entered into force for the United States Aug. 23, 1967, except for the frequency allotment plan contained in Appendix 27 which shall enter into force Apr. 10, 1970.
1966	17 UST 2319. TIAS 6176.	US-UN Agreement regarding Headquarters of the United Nations Amending the Supplemental Agreement of Feb. 9, 1966 (TIAS 5961). Effected by exchange of notes at New York Dec. 8, 1966. Entered into force Dec. 8, 1966.
1967	18 UST 365. TIAS 6244.	US-Argentina Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1967	TIAS 6268.	US-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations. Effected by exchange of notes at Ottawa Mar. 31 and June 12, 1967. Entered into force June 12, 1967.

(b) The applicable agreements in force between the United States and another country relating to the reciprocal granting of authorizations to permit licensed amateur radio operators of either country to operate their stations in the other country are as follows:

Date	Citations	Subject
1964	15 UST 1787. TIAS 5649.	US-Costa Rica Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Jose Aug. 17 and 24, 1964. Entered into force Aug. 24, 1964.
1965	16 UST 93. TIAS 5766.	US-Dominican Republic Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Santo Domingo Jan. 28 and Feb. 2, 1965. Entered into force Feb. 2, 1965.
1965	16 UST 165. TIAS 5777.	US-Bolivia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at La Paz Mar. 16, 1965. Entered into force Apr. 15, 1965.
1965	16 UST 181. TIAS 5779.	US-Ecuador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Quito Mar. 26, 1965. Entered into force Mar. 26, 1965.
1965	16 UST 817. TIAS 5815.	US-Portugal Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lisbon May 17 and 26, 1965. Entered into force May 26, 1965.
1965	16 UST 869. TIAS 5824.	US-Belgium Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Brussels June 15 and 18, 1965. Entered into force June 18, 1965.
1965	16 UST 973. TIAS 5836.	US-Australia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Canberra June 25, 1965. Entered into force June 25, 1965.
1965	16 UST 1160. TIAS 5860.	US-Peru Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lima June 28 and Aug. 11, 1965. Entered into force Aug. 11, 1965.
1965	16 UST 1746. TIAS 5900.	US-Luxembourg Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Luxembourg July 7 and 29, 1965. Entered into force July 29, 1965.
1965	16 UST 1131. TIAS 5856.	US-Sierra Leone Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Freetown Aug. 14 and 16, 1965. Entered into force Aug. 16, 1965.
1965	16 UST 1742. TIAS 5899.	US-Colombia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bogota Oct. 19 and 28, 1965. Entered into force Nov. 28, 1965.
1965	16 UST 2047. TIAS 5941.	US-UK Agreement regarding Alien Amateur Radio Operators Effected by exchange of notes at London Nov. 26, 1965. Entered into force Nov. 26, 1965.
1966	17 UST 328. TIAS 5978.	US-Paraguay Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Asuncion Mar. 18, 1966. Entered into force Mar. 18, 1966.
1966	17 UST 719. TIAS 6022.	US-France Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Paris May 5, 1966, with related notes of June 29 and July 6, 1966. Entered into force July 1, 1966.
1966	17 UST 813. TIAS 6038.	US-India Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at New Delhi May 16 and 25, 1966. Entered into force May 25, 1966.
1966	17 UST 760. TIAS 6028.	US-Israel Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington June 15, 1966. Entered into force June 15, 1966.
1966	17 UST 2426. TIAS 6189.	US-Netherlands Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at The Hague June 22, 1966. Entered into force Dec. 21, 1966.
1966	17 UST 1120. TIAS 6068.	US-Federal Republic of Germany Arrangement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bonn June 23 and 30, 1966. Entered into force June 30, 1966.
1966	17 UST 1039. TIAS 6061.	US-Kuwait Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Kuwait July 19 and 24, 1966. Entered into force July 19, 1966.
1966	17 UST 1560. TIAS 6112.	US-Nicaragua Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Managua Sept. 3 and 20, 1966. Entered into force Sept. 20, 1966.
1966	17 UST 2215. TIAS 6159.	US-Panama Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Panama Nov. 16, 1966. Entered into force Nov. 16, 1966.
1966 and 1967	18 UST 525. TIAS 6259.	US-Honduras Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Tegucigalpa Dec. 29, 1966, Jan. 24 and Apr. 17, 1967. Entered into force Apr. 17, 1967.
1967	18 UST 554. TIAS 6264.	US-Switzerland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bern Jan. 12 and May 16, 1967. Entered into force May 16, 1967.
1967	18 UST 543. TIAS 6261.	US-Trinidad and Tobago Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at St. Ann's and Port of Spain Jan. 14 and Mar. 16, 1967. Entered into force Mar. 16, 1967.
1967	18 UST 361. TIAS 6243.	US-Argentina Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1967	TIAS 6309.	US-El Salvador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Salvador May 24 and June 5, 1967. Entered into force June 5, 1967.
1967	TIAS 6273.	US-Norway Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Oslo May 27 and June 1, 1967. Entered into force June 1, 1967.
1967	TIAS 6281.	US-New Zealand Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Wellington June 21, 1967. Entered into force June 21, 1967.
1967	TIAS 6348.	US-Venezuela Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Caracas Sept. 18, 1967. Entered into force Oct. 3, 1967.
1967	TIAS 6378.	US-Austria Agreement regarding Alien Amateur Radio Operators. Done at Vienna Nov. 21, 1967. Entered into force Dec. 21, 1967.
1967	TIAS 6380.	US-Chile Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington Nov. 30, 1967. Entered into force Dec. 30, 1967.
1967	TIAS 6406.	US-Finland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Helsinki Dec. 15 and 27, 1967. Entered into force Dec. 27, 1967.
1968		US-Guyana Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Georgetown May 6 and 13, 1968. Entered into force May 13, 1968.

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[F.R. Doc. 68-8228; Filed, July 12, 1968; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4479]

[Montana 7196 (N.D.)]

NORTH DAKOTA

Partial Revocation of Coal Withdrawal No. 1

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive order of July 7, 1910, withdrawing lands in North Dakota as Coal Land Withdrawal No. 1, North Dakota, is hereby revoked so far as it affects the following described lands:

FIFTH PRINCIPAL MERIDIAN

T. 141 N., R. 83 W.,
Secs. 1 to 12, inclusive;
Sec. 14, N½NE¼, SW¼NE¼, W½;
Secs. 15 to 21, inclusive;
Sec. 22, NE¼, W½;
Sec. 23, W½NW¼;
Sec. 27, W½NE¼, W½, W½SE¼;
Secs. 28 to 33, inclusive;
Sec. 34, NW¼NE¼, NW¼, NW¼SW¼.

The areas described aggregate approximately 17,779 acres of public and nonpublic lands in Oliver County.

2. Until 10 a.m. on January 8, 1969, the State of North Dakota shall have a preferred right of application to select the public lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Mont.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 9, 1968.

[F.R. Doc. 68-8287; Filed, July 12, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Determination of Acreage Allotments for 1969 and Subsequent Crops

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1353, 1363, 1375, 1377, 1378), the Department proposes to issue regulations for determination of acreage allotments for 1969 and subsequent crops of rice. It is proposed that the regulations currently in effect for 1964 and subsequent crops of rice (28 F.R. 13254), as amended, be reissued as provided herein and become applicable to the 1969 and subsequent crops of rice.

Prior to the issuance of the regulations referred to herein, any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration, provided such submissions are postmarked not later than 30 days from the date of publication in the FEDERAL REGISTER.

AUTHORITY: The provisions of this subpart issued under secs. 301, 353, 363, 375, 377, 378, 52 Stat. 38, as amended, 61, as amended, 63, as amended, 66, as amended, 70 Stat. 206, as amended, 72 Stat. 995, as amended; 7 U.S.C. 1301, 1353, 1363, 1375, 1377, 1378.

GENERAL

§ 730.61 Basis and purpose.

The regulations contained in this subpart are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of producer and farm allotments for the 1969 and subsequent crops of rice. The purpose of the regulations in this subpart is to provide the procedure for the apportioning in the States of California, Florida, South Carolina, Tennessee, Texas, and the "producer administrative area" within the State of Louisiana, the State rice allotments among rice producers in the State or administrative area and, in the States of Arkansas, Illinois, Mississippi, Missouri, North Carolina, Oklahoma, and the "farm administrative area" within the State of Louisiana, the apportionment of county rice allotments among the farms in the county.

§ 730.62 Definitions.

(a) *General terms.* In determining the meaning of the provisions in this subpart, unless the context indicates otherwise, words imparting the singular include and apply to several persons or things, words imparting the plural include the singular, words imparting the masculine gender include the feminine as well, and words used in the present tense include the future as well as the present. The definitions in Part 719 of this chapter, with the exception of the term "tenant", shall apply to this subpart. The term "tenant" is defined in paragraph (b) of this section. The provisions of Part 720 of this chapter concerning the expiration of time limitations shall apply to this subpart.

(b) *Rice program terms.* The following terms shall have the following meanings:

(1) "Act" means the Agricultural Adjustment Act of 1938, and any amendments or supplements thereto.

(2) "Administrative area" means a group of one or more counties or parishes within a State specifically designated as such for the purpose of establishing rice allotments in the State. In any State in which administrative areas are designated, there shall be two such administrative areas, one designated "producer administrative area" in which farm rice allotments shall be established on the basis of past production of rice by producers on the farm and the other designated "farm administrative area" in which farm rice allotments shall be established on the basis of past production of rice on the farm. For purposes of the regulations contained in this subpart in the States which have been divided into administrative areas, the term "State allotment" shall be deemed to mean the part of the State allotment apportioned to each administrative area and the word "State" shall be deemed to mean "administrative area," where applicable.

(3) "Engaged in the production of rice" means having an interest in the production of an acreage of rice being produced on a farm and receiving, at the time of harvest, a predetermined and fixed portion of such crop or the proceeds thereof by virtue of furnishing land, labor, water, equipment, or "producer" allotment which has been approved as all or a part of the "farm" allotment determined for a farm. Any producer who the county or State committee finds, after allocation of his producer allotment to a farm, is not or was not engaged in the production of rice on the farm as provided in accordance with this subparagraph, shall not be deemed to be engaged in the production of rice on the farm when such determination has been made in accordance with § 730.1521(e) or § 730.72(e).

(4) "Farm rice history acreage" means the acreage determined in accordance with § 730.1516(b) or § 730.67 (b) and § 730.1527(b) or § 730.78(b).

(5) "Farm State" means the States of Arkansas, Illinois, Mississippi, Missouri, North Carolina, Oklahoma, and the "farm administrative area" within the State of Louisiana consisting of the counties or parishes of Union, Lincoln, Jackson, Winn, Grant, Rapides, Avoyelles, St. Landry, St. Martin, Iberia, and St. Mary, and all counties or parishes within the State west of such counties

or parishes, in which farm rice allotments are determined on the basis of past production of rice on the farm and the rice allotments previously established for the farm in lieu of past production of rice by the producer and the allotments previously established for the producer.

(6) "New farm" means any farm other than one defined under subparagraph (8) of this paragraph and for which an allotment is established for the production of rice in the current year.

(7) "New producer" means any producer other than one defined under subparagraph (9) of this paragraph for whom a producer allotment is established for the production of rice in the current year.

(8) "Old farm" means any farm for which rice history acreage other than zero was determined for any one or more of the 5 years immediately preceding the current year.

(9) "Old producer" means any person for whom rice history acreage other than zero was determined for any one or more of the 5 years immediately preceding the current year.

(10) "Producer rice history acreage" means the producer's share(s) of the acreages determined for farms in accordance with §§ 730.67(b) and 730.78 (b), including the acreage, if any, released by such producer in accordance with the applicable provisions for the release of acreage.

(11) "Producer State" means the States of California, Florida, South Carolina, Tennessee, Texas, and the "producer administrative area" within the State of Louisiana consisting of the counties or parishes of Morehouse, Ouachita, Caldwell, La Salle, Catahoula, Concordia, West Feliciana, Pointe Coupee, Iberville, Assumption, and Terrebonne, and all counties or parishes within the State east of such counties or parishes in which farm allotments are determined on the basis of past production of rice in the State by the producer on the farm and the rice acreage allotments previously established in the State for the producer.

(12) "Rice acreage" means the acreage planted to rice and the acreage of volunteer rice which reaches maturity, excluding (i) any acreage of nonirrigated rice produced on any farm on which such acreage is 3 acres or less, (ii) any acreage of sweet, glutenous, or candy rice commonly known as Mochi Gomi, (iii) any acreage of rice grown for experimental purposes only by or under contract to a publicly owned agricultural experiment station, (iv) any acreage of rice grown for the purpose of experiments on mosquito control by or under contract to a Federal, State, or local public health service: *Provided*, That (*a*) the rice is planted in small plots which are designated by the producer and approved by the county committee with the concurrence of the State committee for such purpose before planting, and (*b*) evidence of destruction of the rice produced on such plots satisfactory to the county committee is furnished within 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county as provided in § 730.10(a), (v) any acreage of rice in excess of the allotment on a wildlife refuge farm consisting solely of Federal- or State-owned land, if such acreage is not harvested, but is left on the land for wildlife feed, (vi) any acreage planted to rice in excess of the farm allotment, or when applicable, the permitted acreage of rice under the conservation and cropland adjustment programs, which is destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) not later than the final date for disposal of excess acreage as provided in Part 718 of this chapter, Determination of Acreage and Compliance, so that rice cannot be harvested therefrom, (vii) any acreage seeded to rice outside of the field border levee where such levee is bounded by a fence or other barrier which would make it impossible to harvest or destroy the rice from such acreage by mechanical means, and any acreage seeded to rice inside of drainage ditch banks where the topography would make it impossible to harvest or destroy the rice from such acreage by mechanical means: *Provided*, That the seeding operations have been performed with an end gate seeder or by airplane, and (viii) any acreage planted to rice for wildlife food plots or for establishing wildlife habitat if (*a*) the rice is planted in small plots which are designated by the producer and approved by the county committee for such purpose before planting, and (*b*) no grazing or harvesting other than by wildlife is permitted. A second planting and maturing of rice on a farm on which one crop has been planted and matured in the same crop year shall be considered additional acreage when determining the farm rice acreage.

(13) "Rice acreage planted and considered planted on a farm" means the sum of the farm rice acreage and any allotment acreage which is (i) preserved under the provisions of Part 719 of this chapter, Reconstitution of Farms, Allotments, and Bases, (ii) adjusted downward at the request of the farm operator to meet cropland limitations as provided in § 730.79(e), and (iii) underplanted in the current year to deplete stored excess rice produced in a prior year as provided in § 730.30(h).

(14) "Rice acreage planted and considered planted by a producer" means the sum of the producer's shares of the rice acreages planted and considered planted for the farm or farms on which he was engaged in the production of rice as provided in subparagraph (3) of this paragraph.

(15) "State office" means the office of the Agricultural Stabilization and Conservation State Committee.

(16) "Tenant" means a producer who is engaged in the production of rice on land owned by another, paying rent either in cash or in shares of the rice crop, and also includes an irrigation company which furnishes water for a share in the crop.

§ 730.63 Extent of calculation and rule of fractions.

All rice allotments and other computations shall be rounded to tenths of acres in accordance with the provisions of Part 793 of this chapter.

§ 730.64 Forms and instructions.

The Deputy Administrator shall cause to be prepared and issued such instructions with respect to internal management and such forms as are necessary for carrying out the regulations in this part.

§ 730.65 Supervision, review, and approval by State committee and additional authority for determination of allotment.

(a) *Supervision, review, and approval by State committee.* State committees shall have overall responsibility for the administration of the regulations in this subpart in their respective States. All producer allotments in producer States and all farm allotments in farm States shall be reviewed by a representative of the State committee and shall be approved before official allotment notices are mailed. The State committee may revise or require revision of any determination made under the regulations in this subpart. Notices of farm allotments in producer States may be mailed without the approval of a representative of the State committee following the allocation of producer rice allotments to farms unless the State committee determines that such approval of the allotments is necessary to facilitate the effective administration of the program in the State. The State committee may take any action required to be taken by the county committee under this subpart which the county committee fails to take or require the county committee to withhold taking any action which is not in accordance with this subpart.

(b) *Additional authority for determination of allotments.* In addition to the authority established in this subpart for determination of allotments for both old and new producers and farms, including revised allotments to correct errors, such determinations may be made by the Secretary, Under Secretary, Administrator of Agricultural Stabilization and Conservation Service, or Deputy Administrator. A notice conforming to the requirements of § 730.70, § 730.74, or § 730.81 executed by any of the foregoing officials and mailed to the operator of the farm shall be deemed to meet the requirements of such section. A copy of each notice shall be kept among the records of the appropriate county committee and copies thereof shall be made available in accordance with the provisions of the applicable section.

FARM ALLOTMENTS BASED ON PAST PRODUCTION OF RICE BY PRODUCERS

§ 730.66 Report of producer data.

In a producer State, each producer, to the extent that such information is found necessary and is not already available to the county committee, shall furnish the county committee of the county in which such producer is or will be engaged in the production of rice in the current year, the names, addresses, and acreage shares of other persons having an interest in each rice crop in which such producer shared during the 5 years immediately preceding the current year. Information not so furnished shall be determined or appraised by the county committee on the basis of records in the county offices, available production and sales records and other available information.

§ 730.67 Establishment of preliminary allotments for old producers.

(a) *Basic factors.* In a producer State, the past production of rice in the State by the producer on farms and the allotments previously established in the State for such producer; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice, are the factors for apportioning the State allotment, less appropriate reserves, to farms owned or operated by persons who have produced rice in any one of the 5 calendar years immediately preceding the year for which the allotment is determined. To reflect these factors, the county committee shall, except for a person or irrigation company furnishing water for a share of the rice crop, establish a preliminary allotment of rice for the current year for each old producer in the county. Prior to establishing such preliminary allotments in the county, the county committee shall determine for each old farm:

(1) The farm rice history acreage for the year immediately preceding the year for which the allotment is being established and

(2) Each producer's share of such acreage determined for such farm.

(b) *Farm rice history acreage.* The farm rice history acreage shall be:

(1) If the farm consists of federally owned land and a restrictive lease prohibiting the planting of rice is in effect, the rice history acreage shall be the farm allotment.

(2) For a farm to which subparagraph (1) of this paragraph is not applicable, if 75 percent or more of the farm allotment (before reapportionment) is planted in the year for which the rice history acreage is being determined, or in either of the 2 immediately preceding years, the rice history acreage shall be the farm allotment before reapportionment.

(3) For a farm to which subparagraph (1) of this paragraph is not applicable, if less than 75 percent of the farm allotment (before reapportionment) is planted in the year for which the rice history acreage is being determined and in each of the 2 immediately preceding years, the rice history acreage will be the smaller of the farm allotment before reapportionment or the sum of:

(i) Rice acreage determined for the farm.

(ii) Acreage preserved under the provisions of Part 719 of this chapter.

(iii) Acreage reduced due to cropland limitations.

(iv) Acreage underplanted in the current year to deplete stored excess rice produced in a prior year.

(c) *Maximum farm history limited to allotment.* Notwithstanding the provisions of paragraph (b) of this section, the rice history acreage for any farm shall not exceed the allotment (before reapportionment) determined for such farm.

(d) *Producer's share of farm rice history acreages and the acreage, if any, released for reapportionment.* (1) The rice history acreage determined under paragraph (b) or (c) of this section for any farm for any year shall be divided among the producers who were engaged in the production of rice on the farm in such year in the same proportion that each producer's allotment, or part thereof, allocated to such farm for such year bears to the farm allotment established for such year.

(2) Any producer allotment voluntarily released by a producer to the county committee for reapportionment to farms under § 730.75 shall be added to such producer's share of the farm rice history acreages determined for farms on which he was engaged in the production of rice during the current year. The sum of the acreages determined under this paragraph for any year for any producer shall be his rice history acreage for such year. If a producer was not engaged in the production of rice on any farm, his rice history acreage for such year shall be his released acreage, if any, except as provided under paragraph (f) of this section.

(e) *Recommended producer preliminary allotment.* (1) If the county committee finds for any old producer in a producer State that such producer's share of the farm history acreages determined for farms in the State on which he was a producer in the preceding year, including any acreage released by such producer for reapportionment, adequately reflects the factors referred to in paragraph (a) of this section, such acreage shall be the recommended preliminary allotment for the producer for the current year. In making such finding, the county committee shall take into consideration the factors referred to in subparagraph (2) of this paragraph.

(2) If the county committee finds for any old producer that the acreage determined under paragraph (d) of this section for such producer does not adequately reflect the factors referred to in paragraph (a) of this section because the farm history acreages in the preceding year on such farms are substantially above or below the farm history acreages on other farms in the county which are similar with respect to:

(i) The acreage of cropland on the farm available for the production of rice;

(ii) The number of rice-producing tenants or other labor on the farm;

(iii) The equipment available for producing the rice crop;

(iv) The soil, water, and other physical factors affecting the production of rice; and

(v) The established crop-rotation system being carried out on the farm; the producer's share of such acreage shall, for the purpose of establishing a recommended preliminary allotment for the current year, be adjusted so as adequately to reflect the factors referred to in paragraph (a) of this section: *Provided,* That in no case shall such adjusted acreage exceed 110 percent or be less than 90 percent of the producer allotment established for such producer for the preceding year.

(3) If a definitely established crop-rotation system is being carried out on a farm and the rice history acreage in the preceding year for the landowner is adjusted for the current year the adjusted acreage shall not exceed the largest or be less than the smallest allotment established for such owner for any year during the 3 years immediately preceding the current year: *Provided,* That if a zero allotment was established for a landowner in each of such years because of an established crop-rotation system, and rice will be planted on his farm under such system in the current year, the adjusted acreage shall not exceed his share of the largest rice history acreage determined for any year during the 5 years immediately preceding the current year: *Provided further,* That if rice was planted or considered planted on a farm in each of the 3 years immediately preceding the current year and it is determined that no rice will be planted on the farm in the current year under such a system, an adjusted acreage of zero shall be established for such landowner.

(f) *Preliminary allotment when producer was not engaged in the production of rice.* If a producer was not engaged in the production of rice in the preceding year, including a determination under the provisions of § 730.72(e), his producer rice history acreage for such year shall be zero: *Provided,* That if the producer planted or is regarded to have planted under the conservation and cropland adjustment programs in either of the 2 years immediately preceding such year as much as 75 percent of his producer allotment allocated to the farm or farms on which he was engaged in the production of rice his rice history acreage for the year in question shall be the producer allotment (before release) established for him for such year. The rice history acreage determined for any producer in accordance with this paragraph for the current year, shall become the preliminary allotment for such producer for the succeeding year, unless adjusted in accordance with the provisions of paragraph (e) of this section.

§ 730.68 Determination of allotments for old producers.

(a) *Apportioning allotments.* The preliminary allotments of rice determined for producers under § 730.67 adjusted pro rata to equal the State or area allotment minus (1) a reserve of not to exceed

3 per centum of the State or area allotment for new producers, and (2) the reserve of not to exceed 5 per centum of the State or area allotment for appeals and corrections, missed producers and adjustments under paragraph (b) of this section, except as may be adjusted under paragraphs (b) and (c) of this section, shall be the allotments for old producers. If, as a result of corrections, the total acreage allotted to producers in any State for which corrections are made is less than the total acreage originally allotted to such producers, such difference in acreage shall be added to such State reserve without regard to the limitation thereon.

(b) *Adjustment for small allotments.* The allotment determined for any old producer under paragraph (a) of this section may be increased if the State committee, with the assistance of the county committee, determines that the allotment is small in relation to allotments established for other old producers in the county on the basis of crop-rotation practices; land, labor, water, and equipment available for the production of rice; and the soil and other physical factors affecting the production of rice during the 5 years immediately preceding the current year: *Provided,* That such increased allotments shall not exceed the allotments determined for other producers in the county which are similar with respect to these factors. The acreage used in any State for increasing producer allotments under this paragraph shall not exceed the reserve acreage referred to in paragraph (a) of this section.

(c) *Adjustment for inadequate allotments.* The allotment determined for any producer under paragraph (a) or (b) of this section may be increased if the State committee with the assistance of the county committee, determines that such allotment for the producer is inadequate because of an insufficient State or area allotment or because rice was not planted by the producer during all the preceding 5 years, taking into consideration the producer's investment in equipment and other facilities for the production of rice and the acreage required to make such allotment for the producer an economic unit: *Provided,* That the total of such increases in allotments under this paragraph shall not exceed the acreage, if any, made available to the State from the national reserve provided for by section 353(a) of the act.

§ 730.69 Determination of allotments for new producers.

(a) *Determination.* In a producer State, the State committee, with the assistance of the county committee, shall determine for each eligible new producer, a rice acreage allotment and allocate such allotment to the farm or farms in accordance with the provisions of §730.72.

(b) *Information required.* Each person desiring an allotment as a new producer shall file an application therefor with the county committee on or before January 31 of the current year. Each such application shall contain the following information: The name, address, and age of the applicant; whether arrangements have been made for the land and water necessary to produce a rice crop in the current year; identification of the farm to which the requested allotment will be allocated; the source from which irrigation water will be obtained; whether the applicant owns, or otherwise has readily available, adequate equipment for producing rice in the current year; whether the applicant expects to obtain more than 50 percent of his livelihood in the current year from farming operations on the farm to which the requested allotment will be allocated; and the acreage allotment requested by the applicant.

(c) *Eligibility requirements.* To be eligible for an allotment as a new producer, the applicant shall timely file his application for an allotment and shall establish to the satisfaction of the county committee that:

(1) He does not own or operate any other farm in the United States for which a rice allotment is established for the current crop year;

(2) The land on the farm to which the requested allotment will be allocated is suitable for the production of rice;

(3) He owns or otherwise has readily available, adequate equipment and irrigation water necessary for the production of rice on the farm;

(4) He expects to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from the farm to which the requested allotment will be allocated; and

(5) He has not filed his application for the purpose of obtaining an allotment as a new producer which would be used, if obtained, as a device to offset a reduction in the rice acreage of an old producer with whom he was formerly, or will be, associated in financing, producing, or marketing rice.

(d) *Income determination.* In making a determination with respect to paragraph (c)(4) of this section the following will apply:

(1) Credit will not be allowed for estimated return from the production of the rice planted on the requested allotment.

(2) Credit will be allowed for estimated value of home gardens, livestock, and livestock products, poultry, or other agricultural products produced on the farm.

(3) Where the applicant is a partnership, each partner shall expect to obtain more than 50 percent of his income during the current year from agricultural commodities or products from the farm.

(4) Where the applicant is a corporation, it shall have no major corporate purpose other than operation and ownership, where applicable, of the farm, and the officers and general manager of the corporation shall expect to obtain more than 50 percent of their income, including dividends and salary, from the corporation.

(5) Where the applicant is a trustee under a trust arrangement, the trustee and the beneficiary of the trust each shall expect to obtain during the current year more than 50 percent of his income from agricultural commodities or products from the farm.

(e) *Total allotment limited to reserve.* The sum of the acreages allocated to eligible new producers in a State shall not exceed the reserve established by the State committee in accordance with § 730.68.

(f) *No State reserve.* Notwithstanding the provisions of paragraphs (a) and (b) of this section, applications for new producer allotments shall not be accepted for any year for a State for which no State reserve is established for such allotments.

§ 730.70 Notice of producer allotment.

The allotment as determined under § 730.68 or § 730.69 as applicable, for each producer, when approved by a representative of the State committee, shall be the official producer allotment for the producer. The county committee shall officially notify each producer, at his last known address, of the producer allotment established for him. The notice shall bear the actual or facsimile signature of a county committeeman. The facsimile signature may be affixed by the county committeeman or by an employee of the county office. Insofar as practicable, all producer allotment notices in a county shall be mailed on the same date and in time to be received prior to the date on which the referendum to determine whether farmers favor or oppose rice marketing quotas will be held. A copy of each notice approved shall be kept freely available in the county office for a period of not less than 30 calendar days. At the end of such period, the copies of the notices shall remain readily available for further public inspection.

§ 730.71 Right to appeal producer allotment.

Any producer in a producer State or area who is dissatisfied with his producer allotment may request reconsideration of such producer allotment in accordance with Part 780 of this chapter, Appeal Regulations, and any amendments thereto. When a producer has been officially notified of the rice allotment for the farm on which he will be engaged in the production of rice in the current year, he may request a review of such farm allotment in accordance with provisions of § 730.85.

§ 730.72 Allocation of producer allotments to farms.

(a) *Request for allocation.* Each producer who desires to have all or any part of his producer allotment taken into consideration in the establishment of the farm allotment for any farm on which he will be engaged in the production of rice in the current year shall, not later than the final date set forth herein, file a request with the county committee for allocating his producer allotment as determined under §§ 730.68 and 730.69 or § 730.71, as applicable, to such farm or farms, if his allotment acreage is to be considered when establishing the farm allotment. Each request shall be in writing and insofar as the producer has personal knowledge, contain the name (or code number) of the State and county in which the farm is located and the farm number; the total acres in the farm; the cropland acres; the name and address of the farm operator and the name and address of the farm owner where different from the farm operator; the name and address of the applicant; the location of the farm; the applicant's producer allotment; the allotment to be allocated to the farm; the applicant's interest in the rice crop to be produced on the allotment allocated to the farm by virtue of furnishing the land, labor, water, equipment, or producer allotment, and the applicant's percentage share in the production from such acreage.

(b) *Filing date.* The final date for the filing of an application or the correction of any application previously filed under paragraph (a) of this section shall, except as provided herein, be May 1 of the current year. If a producer is unable to file his application on or before this date because of (1) an error on the part of an employee of the county or State committee or (2) physical reasons beyond his control, including inability to plant his intended acreage on the farm indicated, an application accompanied by his written certification giving his reasons for failure to file previously or for correcting a previously filed application may be accepted for further consideration. If the county committee, with the approval of the State executive director, determines from the facts and circumstances that the producer's failure to file previously or his reason for changing an application is because of an error on the part of an employee of the county or State committee, or because of physical reasons beyond his control, the application may be accepted as being timely filed. Any application for the allocation of producer allotment to a farm that is not timely filed in accordance with the provisions of this section shall be disapproved and such allotment cannot be considered when the allotment for the farm is established.

(c) *Conditions of allocation.* The State committee, with the assistance of county committees, shall allocate the allotment determined under § 730.68, § 730.69, or § 730.71, as applicable, for a producer to the farm or farms on which it has been determined that the producer will be engaged in the production of rice in the current year if an application for the allocation of his producer allotment, or any part thereof, was timely filed. The sum of the producer allotments allocated to any farm, adjusted where necessary to establish an allotment for the farm within its capabilities for producing rice consistent with practical farming operations, taking into consideration crop-rotation practices; the land, labor, water, and equipment available for the production of rice, the sizes of fields; the arrangement of levees and drainage facilities; the soil and other physical factors affecting the production of rice on the farm in the current year and the acreage available for such adjustments, shall be the official farm allotment for the farm: *Provided,* That the total acreage allocated to all farms for any producer shall not exceed such producer's allotment determined under § 730.68, § 730.69, or § 730.71, as applicable, by more than 5 per centum or 5 acres, whichever is larger. The sum of the upward adjustments in allocated acreages under this paragraph shall be limited to the sum of the downward adjustments that are not released by the producer for reapportionment to other farms under § 730.75. If the farm history acreage on any farm in which a new producer has an interest in such acreage is less than 75 percent of the farm allotment, the new producer's allotment shall be reduced to the extent of his share in the underplanted allotment for the farm. The acreage resulting from the reduction of new producer allotments under this section shall be transferred to the reserve available to the State committee for appeals, corrections, missed farms, and adjustments under § 730.68.

(d) *Determination of county committee.* Before approving a producer's request for the allocation of allotment to a farm, the county committee shall satisfy itself that the applicant will be engaged in the production of rice on such farm or, if not, that he is requesting the allocation of his producer allotment to the farm for the purpose of participating in the conservation and cropland adjustment programs. To be considered engaged in the production of rice, the applicant shall meet the definition of the term "engaged in the production of rice" as stated in § 730.62(b)(3).

(e) *Hearing to determine if a producer was engaged in the production of rice.* If the county or State committee has reason to believe, after the establishment of any farm allotment in accordance with this section, that a producer whose allotment was allocated to such farm is not, or was not, in fact engaged in the production of the rice crop produced on the farm in the year in question, a hearing shall be scheduled by the county committee and the producer shall be invited to be present, or to be represented, at which time he shall be given an opportunity to substantiate his claim that he is, or was, engaged in the production of rice on the farm as indicated at the time of filing his request for the allocation of this producer allotment to the farm. A summary of the evidence presented at the hearing shall be furnished the State committee. If the county committee, with State committee approval, or the State committee finds that the producer is not, or was not, engaged in the production of the crop on the farm, except where allocation was made for the purpose of participating in the conservation and cropland adjustment programs, the county committee or the State committee shall recall the producer's allotment previously allocated to the farm and adjust the farm allotment accordingly. The county committee shall notify the farm operator of the revised farm allotment. The notice shall be on an official form and shall be accompanied by a letter of explanation as to the reason such action was taken to reduce the farm allotment. A copy of the notice and letter shell be forwarded to all persons engaged in the production of rice on the farm. Any allotment recalled under this section will not be available for apportionment or reallocation to any other farm.

(f) *Allocation limitations.* Notwithstanding any other provisions of this section, approval shall not be given to a producer's request for allocation of his allotment to:

(1) Federally owned land on which a restrictive lease prohibiting the planting of rice is in effect; or

(2) Any farm other than the farm on which the producer has a contract or agreement under a land use adjustment program in effect, unless he allocates to such farm in the current year, the smaller of (i) his producer allotment or (ii) and acreage equal to the average of his producer allotment contribution to the farm allotment which was planted during the years used to establish the farm's land use adjustment program allotment or base, or unless such contract or agreement is modified or terminated as provided under regulations applicable to the land use adjustment programs.

(g) *Allocation across county lines.* A producer who desires to allocate all or any part of his producer allotment to a farm located in a county within the same State or administrative area of a State other than the county in which his producer allotment was established shall file a request with the county committee of the county in which his producer allotment was established to transfer such producer allotment to the county in which the farm to which he desires to allocate his producer allotment is located. The final date for the filing of an application for the transfer of producer allotment from one county to another or the correction of an application previously filed under this paragraph shall, except as provided in this paragraph, be April 15 of the current year for all producer States except the producer administrative area of Louisiana for which such final date shall, except as provided in this paragraph, be April 1 of the current year. If a producer who desires to transfer his producer allotment to another county is unable to file an application for such transfer on or before such date because of (1) an error on the part of an employee of the county or State committee or (2) physical reasons beyond his control, an application accompanied by his written certification giving his reasons for failure to file previously or for correcting a previously filed application may be accepted for further consideration. If the county committee, with approval of the State executive director, determines from the facts and circumstances that the producer's failure to file previously or his reason for changing an application is because of an error on the part of an employee of the county or State committee, or because of physical reasons beyond his control, the application may be accepted as being timely filed. Any application for the transfer of producer allotment from one county to another that is not timely filed in accordance with the provisions of this paragraph shall be disapproved.

(h) *Hearing to determine status of a producer requesting allocation across county lines.* In any case where an application for transfer of a producer allotment to another county has been approved under paragraph (g) of this section, and an application to allocate such transferred producer allotment to a farm has been timely filed, the county committee shall schedule a hearing and the operator of the farm to which allocation is requested shall be invited to be present. Such operator shall satisfy the county committee that the producer requesting the allocation will be engaged in the production of rice on the farm to the extent shown on the application for allocation. If the application for allocation is approved by the county committee and the representative of the State committee, the provisions of paragraph (c) of this section shall apply. If the application for allocation is disapproved by the county committee or the representative of the State committee, the applicant shall be notified in writing giving reasons for disapproval.

§ 730.73 Determination of allotments for farm to which producer allotments have been allocated.

The sum of the allotments determined for both old and new producers that are allocated to any farm under § 730.72, including the adjustments, if any, as provided for under paragraph (c) of such section, shall be the allotment for the farm for the current year. The sum of the farm allotments so determined in any producer State or area shall not exceed the State allotment for such State or area and the acreage, if any, made available from the national reserve provided for by section 353(a) of the Act, minus any balance which is held in reserve for new producers, appeals, corrections, and missed producers.

§ 730.74 Mailing of notices of allotments for farms to which producer allotments have been allocated.

An official notice of the farm allotment established for a farm in accordance with § 730.73 shall be mailed by the county committee to the operator of the farm and to all other persons who will be engaged in the production of rice on such farm in the current year. A copy of each notice approved shall be kept freely available in the county office for a period of not less than 30 calendar days. At the end of this period, the copies of the notices shall remain readily available for further public inspection.

§ 730.75 Release and reapportionment of producer rice allotments.

(a) *Release.* In a producer State or area, a producer may, not later than the applicable closing date provided in this paragraph, voluntarily release to the county committee all or any part of his producer allotment that will not be allocated to a farm in the current year, except that the following producer allotments shall not be released:

(1) Producer allotment covered by a contract or agreement under the conservation and cropland adjustment programs; and

(2) The allotment established for any new producer.

Any allotment released shall be deducted from the allotment established for the producer, but will be regarded as having been planted in the current year by the producer releasing the allotment if the producer is otherwise eligible for an old producer allotment. Any part of a producer's allotment which the producer does not allocate to his farm by reason of a field-size adjustment under § 730.72 (c) shall, upon request of the producer be considered as released allotment under this paragraph. The closing dates for filing a written release of rice allotment shall be as follows:

California	Apr. 1
Florida	Mar. 15
Louisiana [1]	Mar. 1
South Carolina	Apr. 1
Tennessee	Apr. 1
Texas	Apr. 20

[1] Producer administrative area.

(b) *Reapportionment.* Producer allotment released to the county committee in accordance with paragraph (a) of this section may be reapportioned by the county committee to other producers (old or new) in the same county by whom a request for increase in allotment has been timely made. Apportionments shall be made in amounts determined to be fair and reasonable on the basis of the production of rice by the producer during the 5 years immediately preceding the current year; previous allotments established for the producer; abnormal conditions affecting acreage; land, labor, water, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice. The closing date for reapportionment to farms of allotment released in each producer State or area shall be a date not later than 15 days after the applicable date for release.

(c) *Request for increase.* To be eligible for an increase in a farm allotment from released allotment, a request must be made by the applicant on or before the applicable release date in paragraph (a) of this section. The State committee shall have the option of determining whether a verbal request will be acceptable, or whether a written request will be required before the county committee may consider reapportioning released allotment. In either event, only those farms for which a request is timely made shall be given consideration when reapportioning released allotment to farms in the State or area.

(d) *Approval for State committee.* The release and reapportionment of allotments under this section shall not become effective until approved by a representative of the State committee.

§ 730.76 Succession of interest in producer allotments.

(a) *Conditions for withdrawal from the production of rice.* (1) If a producer dies or withdraws from the production of rice, his allotment and related history acreages during the applicable base period may be transferred under the provisions of this section to another person or persons: *Provided,* That if a producer has a contract or agreement under a land use adjustment program in effect on a farm to which he allocated rice allotment that was planted during the 2 years prior to entering into such contract or agreement and he is currently receiving a payment under such program, his producer rice allotment and related history shall not be available for transfer under the provisions of this section for the duration of such contract or agreement unless such contract or agreement is modified or terminated as provided under regulations applicable to the land use adjustment programs: *Provided further,* That a person for whom a new producer allotment is approved shall be engaged in the production of rice in at least four out of the next 5 years following approval before his allotment for the current year becomes available for transfer under the provisions of paragraph (b) (2), (3), or (4) of this section. A producer who withdraws in whole from the production of rice under the provisions of paragraph (b)(2) of this section, or who withdraws from the production of rice under the provisions of paragraph (b)(3) of this section, or who transfers his entire interest in the production of rice to the remaining partner(s) under the provisions of paragraph (b)(4) of this section when the partnership is dissolved, shall not be eligible for a producer allotment for any year subsequent to such transfer, except to the extent that he may become eligible for an allotment on the basis of rice history acquired in a year (subsequent to the transfer) for which rice allotments are not in effect.

(2) Each such transfer under this section shall be contingent upon furnishing in writing on or before April 1 of the current year all pertinent information requested by the county committee. Each such transfer will be subject to the approval of the county committee and a representative of the State committee. The transferor's signature date shown on the notice of withdrawal shall be the effective date of the transfer: *Provided,* That the county committee and a representative of the State committee find that the conditions applicable to the transfer of allotment under this section have been met. If it is found that any of the required conditions has not been met, the notice of withdrawal shall be canceled and the interested producers shall be so notified in writing showing reasons for cancellation of the transfer of allotment.

(3) If a producer failed to file an application for transfer of allotment and related history acreage on or before April 1 because of (i) physical reasons beyond his control; (ii) an error on the part of an employee of the county or State committee, or (iii) failure of an

employee of the county or State committee to furnish, upon request, full information relating to transfers, an application accompanied by his written certification giving his reasons for failure to file previously may be accepted for further consideration. Any application filed after April 1 of the current year shall be considered for approval in the same manner as applications for the allocation of producer allotment to farms filed under the provisions of paragraph (b) of § 730.72.

(b) *Withdrawal provisions.* (1) If a producer dies, his current allotment and related rice history acreage during the applicable base period shall be apportioned in whole or in part among his heirs or devisees according to the extent to which they may continue or have continued, his farming operations. The heirs or devisees, or their representative, shall furnish the county committee in writing at the earliest practicable date, the names and addresses of the heirs or devisees and the extent each will continue the farming operations of the deceased. The percentage of the total allotment of the deceased that each will receive shall be determined on the basis of the information furnished by the heirs or devisees and any other pertinent information. The rice history acreages credited to the deceased during the applicable base period shall be divided among the heirs or devisees in the same proportion that the allotment is divided.

(2) If a producer withdraws in whole or in part from the production of rice in favor of a member or members of his family who will succeed to his farming operations, that portion of his current allotment and related rice history acreage during the applicable base period as may be ascribed to such withdrawal, may be transferred to such family member or members. For the purpose of this subparagraph (2), a member of the transferor's family shall be limited to the transferor's spouse, father, mother, brother, sister, son, daughter, brother-in-law, son-in-law, grandson, granddaughter, nephew, niece, or any other relative who would be entitled to succeed to the transferor's estate upon death, intestate, according to the laws of the State in which the transferor resides. The transferor shall furnish the county committee in writing at the earliest practicable date, the names and addresses of the transferees, their relationship to him and the extent to which he is to be succeeded in his farming operations by them. The current allotment and related rice history acreages credited to the transferor during the applicable base period shall be divided among the transferor, when applicable, and the transferees in accordance with the transferor's request.

(3) (i) If a producer permanently withdraws from the production of rice as provided in this subparagraph (3), his allotment current at the time of such withdrawal and related rice history acreage during the applicable base period may be transferred to another producer or producers who have had previous rice producing experience, provided the transferee or transferees acquire, except for land, the transferor's entire rice farming operation, including rice production and harvesting equipment and irrigation equipment not permanently attached to the land, except such equipment which will be used by the transferor for farming operations other than rice production, as determined by the county committee with the concurrence of the State committee. The transferor at the earliest practicable date shall inform the county committee in writing of his intention to withdraw from the production of rice and the crop year for which the withdrawal is to become effective. He shall also furnish the names and addresses of the persons who will succeed him in his rice farming operations and the percentage of his current allotment that each person is to receive. The related rice history acreages credited to the transferor during the applicable base period shall be divided among the transferees in the same proportions that the allotment is divided. To qualify as having had previous rice producing experience as referred to in this subparagraph (3), the transferee must have actually participated in producing, harvesting, and marketing one or more crops of rice as a producer.

(ii) In order for the transfer to remain effective, the transferee must actually plant or cause to be planted at least 90 percent of his producer allotment (after release and before reapportionment), including the allotment determined on the basis of the rice history acreage acquired from the transferor, for at least three out of the next 4 years following the transfer. If the transferee fails to comply with this minimum planting provision, the transfer shall become invalid and the county committee shall reduce the transferee's allotment for the year current at the time of such failure in the same proportion that his producer allotment, immediately before the transfer, bears to the total allotment established for the producer as a result of the transfer. The rice history acreages credited to the transferee for each year of the period the transfer was in effect shall be reduced in the same proportion as the allotment is reduced.

(4) If a partnership is dissolved, the partnership's current allotment and related history of rice production shall be divided among the partners in such proportion as agreed upon in writing by the partners or if the partners are unable to agree, among the partners in the same proportion that each partner had an interest in the partnership: *Provided*, That if a partnership was formed in a year in which allotments were in effect and is dissolved in less than three consecutive crop years after the partnership became effective, the allotment established for the partnership and rice history acreage credited to the partnership for each of the years during its existence shall be divided among the partners in the same proportion that each partner contributed to the allotment established for the partnership at the time such partnership was formed and the rice history acreage credited to the partnership for the remaining years of the applicable base period shall revert to the person to whom it was originally credited.

(c) *Conditions for reentry into the production of rice.* Notwithstanding any other provision of this section, a producer who has withdrawn from the production of rice as provided in paragraph (b) (2) or (3) of this section may become a rice producer and reenter the production of rice as provided in paragraph (b) (1) or (2) of this section.

FARM ALLOTMENTS BASED ON PAST PRODUCTION OF RICE ON FARMS

§ 730.77 Report of farm data.

In a farm State, each producer, to the extent that such information is found necessary and is not already available to the county committee, shall furnish the county committee of the county in which such farm is located, information requested by the county committee relative to changes in operations or control of the farm, size of the farm, or changes in the acreage of cropland on the farm. Information not so furnished shall be determined or appraised by the county committees on the basis of records in the county offices, available production and sales records, and other available information.

§ 730.78 Establishment of preliminary allotments for old farms.

(a) *Basic factors.* In a farm State, the past production of rice on the farms and the acreage allotments previously established for such farms; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice are the factors for apportioning the State allotment among counties and, less appropriate reserves, to old farms. To reflect these factors, the county committee with the approval of the State committee or its representative shall establish a preliminary allotment of rice for the current year for each old farm in the county. The fact that the production of rice is restricted on federally owned lands on which there are restrictive leases shall not be interpreted to mean that preliminary allotments (and effective allotments) may be established at a level below those established for similar farms. Prior to establishing preliminary allotments in the county, the county committee shall determine for each old farm the farm rice history acreage on the farm for the year immediately preceding the year for which the allotment is being established.

(b) *Farm rice history acreage.* The farm rice history acreage shall be:

(1) If the farm consists of federally owned land and a restrictive lease prohibiting the planting of rice is in effect, the rice history acreage shall be the farm allotment.

(2) For a farm to which subparagraph (1) of this paragraph is not applicable if 75 percent or more of the farm allotment (after release and before reapportionment) is planted in the year for which

the rice history acreage is being determined or in either of the two immediately preceding years, the rice history acreage will be the farm allotment before release and before reapportionment.

(3) For a farm to which subparagraph (1) of this paragraph is not applicable if less than 75 percent of the farm allotment (after release and before reapportionment) is planted in the year for which the rice history acreage is being determined and in each of the 2 immediately preceding years, the rice history acreage will be the smaller of the farm allotment before release and before reapportionment or the sum of:

(i) Acreage released for reapportionment.

(ii) Rice acreage determined for the farm.

(iii) Acreage preserved under the provisions of Part 719 of this chapter.

(iv) Acreage reduced due to cropland limitations.

(v) Acreage underplanted in the current year to deplete stored excess rice produced in a prior year.

(c) *Maximum farm history limited to allotment.* Notwithstanding the provisions of paragraph (b) of this section, the rice history acreage for any farm shall not exceed the allotment (before release and before reapportionment) determined for such farm.

(d) *Recommended farm preliminary allotment.* (1) If the county committee finds for any farm that the farm rice history acreage for the farm in the preceding year adequately reflects the factors referred to in paragraph (a) of this section such acreage shall be the recommended preliminary allotment for the farm for the current year. In making such finding, the county committee shall take into consideration the factors referred to in subparagraph (2) of this paragraph.

(2) If the county committee finds that the farm rice history acreage for any farm in the preceding year does not adequately reflect the factors referred to in paragraph (a) of this section because the farm rice history acreage in the preceding year on such farm is substantially above or below the farm rice history acreage on other farms in the county which are similar with respect to:

(i) The acreage of cropland on the farm available for the production of rice;

(ii) The number of rice producing tenants or other labor on the farm;

(iii) The equipment available for producing a rice crop;

(iv) The soil, water, and other physical factors affecting the production of rice; and

(v) The established crop-rotation system being carried out on the farm; the farm rice history acreage in the preceding year on such farm shall, for the purpose of establishing a recommended preliminary allotment for the current year, be adjusted so as to adequately reflect the factors referred to in paragraph (a) of this section: *Provided,* That in no case shall such adjusted acreage exceed 110 percent or be less than 90 percent of the allotment established for such farm for the preceding year.

(3) If a definitely established crop-rotation system is being carried out on a farm such adjusted acreage shall not exceed the largest or be less than the smallest allotment established for such farm for any year during the 3 years immediately preceding the current year: *Provided,* That if a zero allotment was established for a farm in each of such years because an established crop-rotation system is being carried out on such farm and under such a system rice will be planted on the farm in the current year, the adjusted acreage shall not exceed the largest rice history acreage for the farm during the 5 years immediately preceding the current year: *Provided further,* That if rice was planted on a farm in each of the 3 years immediately preceding the current year and it is determined that no rice will be planted on the farm in the current year under such a system, an adjusted acreage of zero shall be established for such farm.

§ 730.79 Determination of allotments for old farms.

(a) *Apportioning allotment.* The preliminary allotments of rice determined under § 730.78, adjusted pro rata to the county allotment minus the reserve of not to exceed 5 per centum of the county allotment for appeals and corrections, missed farms, and adjustments, shall be the allotments for old farms. If, as a result of corrections, the total acreage allotted to farms in any county for which corrections are made is less than the total acreage originally allotted to such farms, such difference in acreage shall be added to such county reserve without regard to the limitation thereon.

(b) *Adjustment for small allotments.* The allotment determined for any farm under paragraph (a) of this section may be increased if the county committee determines that the allotment is small in relation to allotments for other old farms in the county on the basis of the crop-rotation practices; the land, labor, water, and equipment available for the production of rice and the soil and other physical factors affecting the production of rice; taking into consideration the acreage required for the economic operation of the farm and the acreage available for such increases: *Provided,* That such increased allotments shall not exceed the allotments determined for other farms which are similar with respect to the factors set forth above. The acreage used in any county for increasing allotments under this paragraph shall not exceed the reserve acreage referred to in paragraph (a) of this section.

(c) *Adjustment for inadequate allotments.* The allotment determined for any farm under paragraph (a) or (b) of this section may be increased if the county committee determines that such allotment is inadequate for the farm because of an insufficient county allotment or because rice was not planted on the farm during all of the preceding 5 years, taking into consideration the land, labor, water, and equipment available for the production of rice and the acreage required for the economic operation of the farm: *Provided,* That the total of such increases in allotments under this paragraph shall not exceed the acreage made available to the county from the national reserve provided for by section 353(a) of the Act.

(d) *Exchange of rice allotment for cotton allotment.* The allotment determined for any farm under paragraph (a), (b), or (c) of this section may be exchanged for cotton allotment as provided in Part 722 of this chapter, cotton, as amended (33 F.R. 895).

(e) *Adjustment for cropland limitation.* The allotment determined for any farm under paragraphs (a), (b), (c), and (d) of this section may be reduced for the current year if the sum of the feed grain base, total allotments, and sugar proportionate shares exceeds the cropland for the farm for the current year and the farm operator requests in writing to reduce the rice allotment in lieu of the feed grain base: *Provided,* That such reduction shall not exceed the acreage by which the sum of the feed grain base, total allotments, and sugar proportionate shares exceeds the cropland for the farm: *Provided further,* That such reduction shall be effective for the current year only. For purposes of establishing future State, county, and farm acreage allotments, the acreage not planted under the farm allotment because of a reduction under this paragraph shall be regarded as planted on the farm.

§ 730.80 Determination of allotments for new farms.

(a) *Basis.* In a farm State, the State committee with the assistance of the county committee shall determine a rice allotment for the current year for each eligible new farm for which an allotment is requested in writing on or before January 31 of the current year. The allotments for eligible new farms shall be determined on the basis of tillable land suitable for the production of rice; labor, water, and equipment available for the production of rice and the soil and other physical factors affecting the production of rice and shall not exceed the allotments determined under § 730.79 for old farms which are similar with respect to such factors.

(b) *Information required.* The request for a new farm rice allotment shall be made by the farm operator, who shall furnish the county committee with the following information relating to the farm for which the allotment is requested; the name and address of the farm operator; identification of the farm for which the allotment is being requested, the acreage of total land, cropland, and tillable land on the farm suitable for the production of rice and for which water and other irrigation facilities are readily available for the current year; the sum of other allotments established for the farm for the current year; whether the applicant owns or otherwise has readily available adequate equipment for producing rice in the current year; whether or not either the owner or the operator will own or operate any other farm in the United States on which a rice allotment is established for the current year; whether the applicant expects to obtain more than 50 percent of his livelihood in the current year from farming operation on the farm for which the allotment is being requested; and the allotment requested by the applicant.

(c) *Eligibility requirements.* To be eligible for an allotment as a new farm, the applicant shall timely file his application for an allotment and shall establish to the satisfaction of the county committee that (1) neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a rice allotment is established for the current crop year; (2) the available land, type of soil, and topography of the land on the farm for which the allotment is requested is suitable for the production of rice; (3) he owns, or otherwise has readily available, adequate equipment and irrigation water necessary for the production of rice on the farm, and (4) he expects to obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed.

(d) *Income determination.* In making a determination with respect to paragraph (c)(4) of this section the following will apply:

(1) Credit will not be allowed for estimated return from the production of the rice planted on the requested allotment.

(2) Credit will be allowed for estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced on the farm.

(3) Where the farm operator is a partnership, each partner shall expect to obtain, during the current year, more than 50 percent of his income from agricultural commodities or products from the farm.

(4) Where the farm operator is a corporation, it shall have no major corporate purpose other than operation and ownership, where applicable, of the farm. The officers and general manager of the corporation shall expect to obtain more than 50 percent of their income, including dividends and salary, from the corporation.

(5) Where the farm operator is a trustee under a trust arrangement for a farm, the trustee and the beneficiary of the trust each shall expect to obtain during the current year more than 50 percent of his income from agricultural commodities or products from the farm.

(e) *Individual farm allotment limitations.* The allotment for any new farm shall not exceed the smaller of (1) the allotment requested or (2) the acreage of tillable land on the farm suitable for the production of rice and for which water and other irrigation facilities are readily available: *Provided,* That if the acreage planted to rice on the farm in the current year is less than 75 percent of the allotment established under this section, the allotment for the farm shall be reduced to the acreage planted to rice on the farm. The acreage resulting from any such reduction in each county shall be transferred to the reserve available to the county committee for appeals and corrections, missed farms, and adjustments as provided for under § 730.79.

(f) *Total farm allotments limited to reserve.* The sum of all new farm allotments established in any State or area, as applicable, in accordance with the provisions of this section shall not exceed the reserve made available by the State committee for new farms in the State or area, as applicable, and such reserve shall not exceed 3 percent of the applicable State or area allotment. Any part of such reserve that is not used for the establishment of new farm allotments shall not be used for any other purpose.

(g) *Eligibility limitations.* Notwithstanding any other provision of this section, (1) a farm which includes land acquired by an agency having the right of eminent domain for which the entire rice allotment was pooled pursuant to Part 719 of this chapter, which is subsequently returned to agricultural production, shall not be eligible for a new farm rice allotment for a period of 5 years from the date the former owner was displaced from the acquired farm, (2) a farm which includes land for which no rice allotment was established because the owner of a parent farm did not designate rice allotment for such land in making a reconstitution pursuant to Part 719 of this chapter, shall not be eligible for a new farm rice allotment for a period of 5 years beginning with the year in which the reconstitution becomes effective.

(h) *No State reserve.* Notwithstanding the provisions of paragraph (a) of this section, requests for new farm allotments shall not be accepted for any year for a State for which no State reserve is established for such allotments.

§ 730.81 Mailing of farm allotment notices.

Notice of the farm allotment shall be mailed to the operator of the farm and to each other producer on the farm who will have an interest in the rice crop on the farm in the current year. Such notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or by an employee of the county office. Insofar as practicable, all allotment notices in the county shall be mailed on the same date and in time to be received prior to the date on which the referendum to determine whether farmers favor or oppose farm marketing quotas will be held. A copy of each such notice approved shall be kept freely available in the county office for a period of not less than 30 calendar days. At the end of such period, the copies of the notices shall remain readily available for further public inspection.

§ 730.82 Allotment for farms divided or combined.

The allotment determined for a farm shall, if there is a division or combination, be apportioned in accordance with Part 719 of this chapter, Reconstitution of Farms, Allotments, and Bases.

§ 730.83 Farms removed from agricultural production because of acquisition by Federal, State, or other agency having right of eminent domain.

The allotment determined for a farm shall, if the farm is acquired for any purpose other than for the continued production of allotted crops by any Federal, State, or other agency having the right of eminent domain, become available for use in providing allotments for other farms owned by the owner so displaced, and such apportionment shall be made in accordance with Part 719 of this chapter, Reconstitution of Farms, Allotments, and Bases.

§ 730.84 Release and reapportionment of farm rice allotments.

(a) *Release.* In a farm State or area, the operator of the farm may, not later than the applicable closing date provided for in this paragraph, voluntarily release to the county committee all or any part of the farm allotment that will not be planted in the current year, except that the following farm allotments shall not be released:

(1) Farm allotment covered by a contract or agreement under the conservation and cropland adjustment programs;

(2) The allotment established for any new farm;

(3) The allotment established for any farm consisting solely of federally owned land with a restrictive lease prohibiting the planting of rice; and

(4) The allotment for any farm for which the farm owner has filed a written objection at the office of the county committee prior to the release. In the case of a pooled allotment established for a farm acquired under the right of eminent domain, the displaced owner may release such allotment. Any allotment released shall be deducted from the allotment established for the farm, but will be regarded as having been planted in the current year if the farm is otherwise eligible for an old farm allotment. The closing dates in each farm State or area for the release of farm allotments shall be as follows:

Arkansas	May 1
Illinois	May 1
Louisiana [1]	Mar. 1
Mississippi	May 1
Missouri	May 1
North Carolina	Mar. 1
Oklahoma	May 1

[1] Farm administrative area.

(b) *Reapportionment.* Farm allotment released to the county committee in accordance with paragraph (a) of this section may be reapportioned by the county committee to other farms (old or new) in the same county for which requests for increases in allotments have been timely made. Reapportionments shall be made in amounts determined to be fair and reasonable on the basis of the production of rice on the farm during the five years immediately preceding the current year; previous allotments established for the farm; abnormal conditions affecting acreage; land, labor, water, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice. The closing date for reapportionment to farms of allotment released in each farm State or area shall be a date not later than 15 days after the applicable date for release.

(c) *Request for increase.* To be eligible for an increase in a farm allotment from released allotment, a request must be made by the applicant on or before the applicable release date in paragraph (a) of this section. The State committee shall have the option of determining whether a verbal request will be acceptable, or whether a written request will be required before the county committee may consider reapportioning released allotment. In either event, only those farms for which a request is timely made shall be given consideration when reapportioning released allotment to farms in the State or area.

(d) *Approval.* The release and reapportionment of allotments under this section shall not become effective until approved by a representative of the State committee.

MISCELLANEOUS

§ 730.85 Right to appeal farm allotment.

(a) *Marketing quotas in effect.* If marketing quotas are in effect for the current year, any producer who is dissatisfied with the farm rice allotment established for the farm on which he will be engaged in the production of rice in the current year may appeal such farm allotment in accordance with Part 711 of this chapter, Marketing Quota Review Regulations, and any amendments thereto.

(b) *Marketing quotas not in effect.* If marketing quotas are not in effect for the current year, any producer who is dissatisfied with the farm rice allotment established for the farm on which he will be engaged in the production of rice in the current year may request reconsideration of such farm allotment in accordance with Part 780 of this chapter, Appeal Regulations, and any amendments thereto.

§ 730.86 Applicability of regulations.

(a) *Coverage.* The regulations in this subpart shall govern the establishment of farm and producer rice allotments in connection with the marketing quota and price support programs for the current year.

(b) *Contingency.* The regulations in this subpart are contingent upon the annual proclamation of a national acreage allotment of rice for the current year by the Secretary pursuant to section 353 of the Act.

§ 730.87 Approval of reporting and record-keeping requirements.

The reporting and recordkeeping requirements contained herein have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Signed at Washington, D.C., on July 8, 1968.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-8333; Filed, July 12, 1968; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 948]

[Area 3]

IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Area Committee for Area No. 3 established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 948.257 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending May 31, 1969, will amount to $2,860.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be $0.0013 per hundredweight of potatoes grown in Area No. 3 handled by him as the first handler thereof during said fiscal period.

(c) Unexpected income in excess of expenses for the fiscal period ending May 31, 1969, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

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

Dated: July 9, 1968.

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

[F.R. Doc. 68-8304; Filed, July 12, 1968; 8:46 a.m.]

[7 CFR Parts 1009, 1036, 1041, 1044]

[Docket Nos. AO-268-A16, AO-179-A30, AO-72-A35, AO-279-A16]

MILK IN CLARKSBURG, W. VA., EASTERN OHIO-WESTERN PENNSYLVANIA, NORTHWESTERN OHIO, AND MICHIGAN UPPER PENINSULA MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in each of the marketing areas heretofore specified.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the fifth day after publication of this decision in the FEDERAL REGISER. Five copies of exceptions should be filed. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Cleveland, Ohio, on June 26, 1968, pursuant to notice thereof which was issued June 20, 1968 (33 F.R. 9090).

The material issues on the record of the hearing relate to:

1. Deletion of the Class I price supply-demand adjustment provisions of the Eastern Ohio-Western Pennsylvania and Michigan Upper Peninsula orders, adjustment of the Class I price differential

of the Northwestern Ohio order, and revision of the Clarksburg Class I price provisions.

2. The need for emergency action.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The supply-demand provisions should be removed from the Eastern Ohio-Western Pennsylvania and Michigan Upper Peninsula orders and the Northwestern Ohio Class I price differential should be increased 25 cents to maintain its historical relationship to the Class I price in the Northeastern Ohio order (now the Eastern Ohio-Western Pennsylvania order).

The Eastern Ohio-Western Pennsylvania supply-demand provisions, which are the same as those in the former Northeastern Ohio order, provide for a maximum adjustment of 25 cents. From 1963 through 1967, the supply-demand adjustor averaged minus 20 cents. The most frequent monthly adjustment has been minus 25 cents, the rate currently applicable.

The Northwestern Ohio Class I price has been maintained at a level 17 cents below the Class I price in the Northeastern Ohio order. This relationship has been maintained by providing that the Class I price in the Northwestern Ohio order shall be increased by the amount the Northeastern Ohio Class I supply-demand adjustment is less than minus 25 cents.

The Michigan Upper Peninsula supply-demand formula is based on the combined supply-sales relationship of this order and the former Northeastern Wisconsin order. (Effective July 1, 1968, the Northeastern Wisconsin order was terminated and the marketing area merged into the Chicago regional order.) The supply-demand adjustment has been a minus 24 cents continuously since February 1967.

Cooperatives representing a majority of producers on each market proposed elimination of the respective supply-demand adjustment provisions. They stated that with the present premium price arrangements in each market, the supply-demand adjustors have had no practical effect on total milk supplies relative to Class I sales. They also pointed out that the elimination of the adjustors would keep Class I prices in these markets in closer historical relationship to Class I prices under the new Chicago regional order.

A supply-demand adjustor changes Class I prices in response to changes in the balance between supplies of milk for a market and Class I sales. The resulting price changes are designed to correct any imbalances which may develop in the supply-sales ratio. A supply-demand adjustor will produce appropriate pricing only when the Class I prices resulting from the operation of the adjustor are in fact the effective prices. Where premiums exist in a market, the operation of a supply-demand adjustor will be distorted and it will produce prices which are too low to attain an appropriate supply-sales balance.

In the three markets substantial premiums over Class I prices have been effective for more than 1 year. As a consequence, at the present time the supply-demand adjustors in these markets are resulting in prices which are too low in terms of the price standards of the statute.

The Eastern Ohio-Western Pennsylvania order, which became effective July 1, 1968, resulted from the combining of the Northeastern Ohio, Youngstown-Warren, and Greater Wheeling orders, plus the addition of previously unregulated territory in Ohio and western Pennsylvania. The aggregate producer receipts and Class I sales under the new order are substantially greater than those heretofore used in computing the monthly supply-demand adjustments under the Northeastern Ohio order. Consequently, the supply-sales relationship under the new order could be substantially different from what prevailed under the Northeastern Ohio order. In view of this, producers expressed concern that the supply-demand provisions which had been based on experience in the Northeastern Ohio order would be inappropriate under the new order. Instead, it was urged that stable and orderly marketing conditions would be best realized by eliminating the supply-demand provisions until some actual experience had been obtained under the enlarged order.

Effective July 1, 1968, the Chicago Regional order reestablishes Federal order pricing for milk associated with the former Chicago order market. The Class I price for the Chicago Regional order increases by 20 cents the historical level of Class I prices in the Chicago area. In addition, no provision was made for a supply-demand adjustor.

Class I prices for the Northeastern Ohio, Youngstown-Warren and Wheeling segments of the Eastern Ohio-Western Pennsylvania order have been maintained in a certain alignment with Class I pricing under orders in the Chicago region. Since a significant change in the price level has been effected in the Chicago region by the new order for that area, maintaining the supply-demand adjustment provisions in the Eastern Ohio-Western Pennsylvania order would tend to create a misalignment of prices between the two areas. The elimination of the supply-demand adjustor from the Eastern Ohio-Western Pennsylvania order will tend to preserve historical price relationships with the Chicago area and thus assist in insuring adequate supplies for the market.

Certain Eastern Ohio-Western Pennsylvania handlers proposed suspension of the supply-demand adjustment for that order until supply-sales data for several months are available for the new marketing area. These handlers supported the continuation of a supply-demand adjustment which would reflect in the Class I price changes in the supply-sales relationship for the market.

The present Class I price provisions of the Eastern Ohio-Western Pennsylvania order will expire December 31, 1969. This should provide handlers ample opportunity to submit proposals for a supply-demand adjustor based on supply-sales for the expanded market during the intervening period. Thus, no purpose would be served by continuing such provisions and the proposed suspension for such longer period is denied.

Unless the Class I price differential for the Northwestern Ohio order is revised from $1.25 to $1.50, the spread between Class I prices under this order and the Eastern Ohio-Western Pennsylvania order would be increased from the present 17 cents to 42 cents per hundredweight. Thus, the elimination of the supply-demand adjustor from the Eastern Ohio-Western Pennsylvania order could disrupt supplies for this market since there is a substantial overlap of production areas for the two markets. To avoid such disruption the present Class I price alignment between the Northwestern Ohio and Eastern Ohio-Western Pennsylvania orders should be continued.

Producers proposed that the Class I price at Wheeling, which is a price factor in computing the Clarksburg Class I price, be specified in the Clarksburg order as provided in the equivalent price determination effective July 1, 1968. That action established the Eastern Ohio-Western Pennsylvania Class I price at Wheeling as equivalent to the Class I price for the terminated Wheeling order. Incorporating this action as an amendment to the Clarksburg order will maintain in a reasonable manner the inter-market price alignment contemplated under the present order provisions.

The supply-demand adjustment provisions of the Michigan Upper Peninsula order were constructed to reflect changing supply-sales conditions in the Michigan Upper Peninsula and Northeastern Wisconsin markets. The termination of the Northeastern Wisconsin order and consequent elimination of the supplies and sales for the market from the supply-demand computation under the Michigan Upper Peninsula order makes the current supply-demand provisions improper.

Handlers in the Northeastern Wisconsin area of the Regional Chicago market compete with Michigan Upper Peninsula handlers for Class I sales and producer milk supplies. Similarly, handlers under the Duluth-Superior order compete with handlers from the western segment of the Michigan Upper Peninsula market for Class I sales and producer milk supplies.

In addition, on May 1, 1968, the supply-demand adjustor was removed from the Southern Michigan order. Such adjustor had been at the maximum minus 45 cents in most months of recent years and averaged a minus 41 cents in 1967. The Upstate Michigan order contains no supply-demand adjustment provision. Thus, Federal order markets on both sides of the Michigan Upper Peninsula market now operate without supply-demand adjustor provisions. If the supply-demand adjustor (presently minus 24 cents) were continued under the Michigan Upper Peninsula order, it would result in an inappropriate Class I price under this order relative to all these surrounding markets and create a threat to the supplies of milk for the market.

2. The recommended decision in this proceeding should not be omitted.

Producers asked that a recommended decision be omitted in order that the elimination of the supply-demand adjustment provisions from the Eastern Ohio-Western Pennsylvania and Michigan Upper Peninsula orders and the maintenance of the alignment of Class I price among these various markets could be assured. In response to requests made at the hearing by producers and handlers, the action proposed by this decision were effectuated by suspension action for July 1968. This action will provide adequate time for normal procedures.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders:

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

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the orders as amended regulated the handling of milk in the specified marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

PART 1009—MILK IN CLARKSBURG, W. VA., MARKETING AREA

In § 1009.51 the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1009.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.98 and plus 20 cents through April 1969, subject to the adjustment provided in subparagraph (1) of this paragraph: *Provided,* That the Class I price shall be not more than 35 cents in excess of, nor less than 15 cents in excess of the average of the Class I prices for the same month at Wheeling, W. Va., pursuant to Part 1036 (Eastern Ohio-Western Pennsylvania) of this chapter and at Athens-Scioto district plants pursuant to Part 1005 (Tri-State) of this chapter.

* * * * *

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

§ 1036.51 [Amended]

In § 1036.51(a), subparagraph (2) is revoked.

PART 1041—MILK IN NORTHWESTERN OHIO MARKETING AREA

In § 1041.51, paragraph (a) is revised to read as follows:

§ 1041.51 Class prices.

* * * * *

(a) *Class I milk price.* The monthly Class I milk price shall be the basic formula price for the preceding month, plus $1.50, plus 20 cents through April 1969, subject to adjustment for location pursuant to § 1041.53.

* * * * *

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

In § 1044.51, paragraph (a) is revised to read as follows:

§ 1044.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price for plants located in Zone 1 shall be the basic formula price for the preceding month plus $0.95, plus 20 cents through April 1969. For plants located in Zone 1(a) the price shall be the price specified for Zone 1 less 10 cents; for plants located in Zone 2 the price shall be the price specified for Zone 1 plus 20 cents; and for plants located outside of the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2.

* * * * *

Signed at Washington, D.C., on July 10, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-8338; Filed, July 12, 1968; 8:48 a.m.]

[7 CFR Parts 1030, 1047, 1049]

[Docket Nos. AO-319-A14, AO-33-A39, AO-361-A1]

MILK IN INDIANAPOLIS, IND., FORT WAYNE, IND., AND CHICAGO REGIONAL MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing 2828 North Meridian Street, Indianapolis, Ind. 46208, beginning at 1 p.m., local time, on July 29, 1968, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Indianapolis, Ind., Fort Wayne, Ind., and Chicago Regional marketing areas.

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

This notice contains a proposal to remove the Indiana counties of Elkhart, Kosciusko, Lake, La Porte, Marshall, Porter, St. Joseph, and Starke from the newly designated Chicago Regional marketing area by amendment, termination, or suspension procedure. Such proposal is the only issue with respect to the Chicago Regional order to be considered at the hearing.

The proposal to expand the Indianapolis marketing area by adding (1) the marketing area now defined in the Fort Wayne, Ind., order; (2) certain counties now under the Chicago Regional order, and (3) other areas not now under regulation, raises the issue whether the provisions of the Indianapolis order would tend to effectuate the declared policy of the Act, if applied to the entire marketing area as proposed and, if not, what modifications of provisions would be appropriate. The expanded marketing area would be renamed as the "Indiana marketing area".

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

Proposed by Central Indiana Dairymen's Association, Inc.; Miami Valley Milk Producers Association; Pure Milk Association; Wayne Cooperative Milk Producers, Inc.; and Wisconsin Dairies Cooperative, Inc.:

Proposal No. 1. Rename and expand the present Indianapolis, Ind., marketing area (Order No. 49) to include three districts, as follows:

(a) "Indiana marketing area" (hereinafter referred to as the "marketing area") means all the territory within the boundaries of each county, all in the State of Indiana, including territory wholly or partly within such boundaries occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments, within the districts described below in this section;

(b) District 1: Counties of—

Bartholomew.	Lawrence.
Benton.	Madison.
Boone.	Marion.
Brown.	Miami.
Cass.	Monroe.
Clay.	Montgomery.
Clinton.	Morgan.
Decatur.	Owen.
Delaware.	Parke.
Fayette.	Putnam.
Fountain.	Randolph.
Franklin.	Rush.
Grant.	Shelby.
Hamilton.	Tippecanoe.
Hancock.	Tipton.
Hendricks.	Union.
Henry.	Vermillion.
Howard.	Vigo.
Jackson.	Warren.
Johnson.	Wayne.

(c) District 2: Counties of—

Adams.	La Grange.
Allen.	Noble.
Blackford.	Steuben.
De Kalb.	Wabash.
Huntington.	Wells.
Jay.	Whitley.

(d) District 3: Counties of—

Elkhart.	Marshall.
Fulton.	Newton.
Jasper.	Porter.
Kosciusko.	Pulaski.
Lake.	St. Joseph.
La Porte.	Starke.

Proposal No. 2. With respect to the Chicago Regional order (No. 30) amend, terminate, or suspend provisions so as to remove from the Chicago Regional marketing area the following Indiana counties: Elkhart, Kosciusko, Lake, La Porte, Marshall, Porter, St. Joseph, and Starke.

Proposal No. 3. Amend § 1049.51(a) to read as follows:

§ 1049.51 Class prices.

Subject to the provisions of §§ 1049.52 and 1049.53, the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price, plus $1.47 in District 1; $1.40 in District 2; and $1.38 in District 3.

* * * * *

Proposal No. 4. Amend § 1049.53, to read as follows:

§ 1049.53 Location differentials to handlers.

(a) For producer milk which is received at a pool plant located outside the States of Indiana, Ohio, and Michigan (except Berrien and Cass Counties) and 70 miles or more from Monument Circle in Indianapolis, Ind., by the shortest hard-surfaced highway distance as determined by the market administrator and which milk is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment credit is applicable, the price specified in § 1049.51(a) shall be reduced at a rate set forth in the following schedule:

	Rate per hundredweight (cents)
Distance (miles):	
70 but less than 80	10.0
For each additional 10 miles or fraction thereof	1.5

(b) For the purpose of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the receipts at such plant from producers and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

Proposal No. 5. Retain present § 1049.73 if proposal No. 3 is adopted.

Proposal No. 6. Amend §§ 1049.71 and 1049.80 to provide that each district of the now separately regulated markets involved shall retain their current producer payment plans for the remaining months of 1968.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the respective orders may be procured from the Market Administrators, Mr. Richard J. Connolly, 1122 South Harrison Street, Fort Wayne, Ind. 47802, Mr. A. W. Colebank, 72 West Adams Street, Room 814, Chicago, Ill. 60603, Mr. Wendell M. Costello, 5130 North Brouse Avenue, Indianapolis, Ind. 46205, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on July 10, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-8340; Filed, July 12, 1968; 8:48 a.m.]

[7 CFR Parts 1032, 1050, 1062, 1063, 1067, 1068, 1070, 1076, 1078, 1079, 1099]

[Docket No. AO–313–A17 etc.]

MILK IN SOUTHERN ILLINOIS AND CERTAIN OTHER MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR part	Marketing area	Docket No.
1032	Southern Illinois	AO–313–A17.
1050	Central Illinois	AO–355–A6.
1062	St. Louis, Mo	AO–10–A39–RO3.
1063	Quad Cities-Dubuque	AO–105–A30.
1067	Ozarks	AO–222–A23–RO3.
1068	Minneapolis-St. Paul	AO–178–A24.
1070	Cedar Rapids-Iowa City	AO–220–A20.
1076	Eastern South Dakota	AO–260–A14.
1078	North Central Iowa	AO–272–A15.
1079	Des Moines, Iowa	AO–295–A17.
1099	Paducah, Ky	AO–183–A22.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in each of the marketing areas heretofore specified. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the fifth day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, as amended, were formulated, was conducted at Minneapolis, Minn., on June 25, 1968, pursuant to notice thereof which was issued June 17, 1968 (33 F.R. 9090).

The material issues on the record of the hearing relate to:

(1) Eliminating the effect of the prior Chicago supply-demand factor (nine markets).

(2) Elimination of the supply-demand adjustment in the Minneapolis-St. Paul milk order.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Chicago supply-demand factor (nine markets).* The provisions should be deleted from the Central Illinois, St. Louis, Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines orders which specify that the Class I price in the respective order shall be increased or decreased by the amount of the supply-demand adjustor of the Chicago order Part 1030, which was effective prior to May 1, 1966. Also, the determination of equivalent price issued April 8, 1966 (31 F.R. 5685) which was determined to be "minus 24 cents", applicable to these orders should be eliminated.

The aforesaid provisions and determination have been suspended for the month of July 1968 pending consideration of amendments to the orders.

Elimination of the above described provisions will have the effect of increasing Class I prices by 24 cents in these six markets. The same effect of increasing the respective Class I prices 24 cents per hundredweight will result in the Southern Illinois, Paducah, and Ozarks marketing areas, due to the fixed relationship of the Class I prices of these orders to the St. Louis order Class I price.

Cooperative associations whose members supply milk to these markets proposed the elimination of these provisions. They testified that it is necessary to eliminate the effect of the minus 24-cent factor on Class I prices in each one of these orders to provide price alignment with the Chicago Regional order which became effective on July 1, 1968.

Prior to termination of the former Chicago order on May 1, 1966, the supply-demand adjustor in that order provided a basis for Class I price adjustment in 11 other orders. Those orders were Northwestern Indiana; Suburban St. Louis (now Southern Illinois); Rock River Valley; Milwaukee, Wis.; Madison, Wis.; St. Louis, Mo.; North Central Iowa; Quad Cities-Dubuque; Cedar Rapids-Iowa City; Des Moines, Iowa; and Ozarks. During 1965, the volume of milk regulated under the applicable orders was about 4.2 billion pounds. Thus, the influence of Chicago order pricing was extended to a volume of milk in other markets not as large as, but comparable to the volume regulated under the Chicago order.

The relationship of other market prices to the Chicago order price gave recognition to the dominant influence of the Chicago milk supply.

With the termination of the Chicago order, the prior effect of the adjustor was retained in the other 11 markets through determination of an equivalent price factor. It was determined (31 F.R. 5685) that the equivalent factor was minus 24 cents per hundredweight. This was the same as the amount of the adjustment which had applied in each month for the 5 preceding years.

The continuance of the same factor meant that the pricing of the other orders would not be disturbed by the disappearance of the Chicago order. There was no appropriate basis in the mere elimination of the Chicago order which would support an increase of 24 cents per hundredweight in the Class I prices in the other orders where pricing had been dependent on the Chicago order. Subsequently, appropriate price adjustments relating to marketing conditions in these markets were from time to time made, based upon regional or national hearings held after the termination of the prior Chicago order.

Inasmuch as the new Chicago Regional order, effective July 1, 1968, has a price structure different from that of the prior Chicago order, Class I prices in the markets here under consideration are no longer aligned appropriately to the new Chicago Class I price. In the now effective Chicago order, there is no supply-demand adjustment factor. The Class I price differential is $1.20 per hundredweight whereas under the prior order the differential was $1.

Elimination of the minus 24 cents factor in each of the markets will restore about the same relationship with the Class I price of the new Chicago Regional order as that which existed when the prior Chicago order was effective. Producer witnesses at the hearing testified that maintenance of such a regional price alignment is desirable.

Four of the markets previously using the Chicago supply-demand factor (Madison, Milwaukee, Rock River Valley, and Northwestern Indiana) were incorporated into the Chicago Regional marketing area on July 1, 1968. Since early 1966, two additional markets became part of the regional pricing group: Central Illinois, for which an order was made effective January 1, 1967, and Paducah, Ky., for which the Class I price was tied to the St. Louis order price on July 1, 1966.

There is an overlapping of supply areas among the markets where the minus 24-cent factor now applies, and Illinois, Iowa, and Missouri market supply areas adjoin or overlap the Chicago supply area. If the existing price alignment were changed, the allocation of supplies among the markets would likely be disturbed. Because declines in milk production in Missouri, Iowa, and Illinois have been more severe than in the Chicago milkshed, the price level in the markets here considered should be maintained in the same relation to Chicago as previously. In Iowa, Missouri, and Illinois, milk production declined from 1964 to 1967 by 14.6 percent, 6.9 percent and 16.3 percent, respectively. In Wisconsin, which is the main supply for the Chicago market, milk production declined 3.9 percent in the same period.[1] Thus, if a lower level of price applied in these markets relative to Chicago than the previous relationship, the relatively greater production decline in these areas could be accelerated.

It is also necessary that the Paducah Class I price be increased in the same amount as other markets in the region so as to maintain a market supply and provide appropriate price relationships with nearby markets. Class I utilization of Paducah producer milk has averaged about 90 percent in the first four months of this year. The Paducah marketing area adjoins the St. Louis marketing area and sales areas of handlers overlap. The Paducah market supply has also been closely related with the Southern Illinois market.

2. *Supply-demand adjustment—Minneapolis-St. Paul order.* The supply-demand adjustor of the Minneapolis-St. Paul order should be deleted.

At the hearing, producer cooperative associations in the Minneapolis-St. Paul market asked that the supply-demand adjustor be eliminated from the order. They testified that this is necessary to provide proper price alignment with other markets, particularly Chicago, since there is a considerable overlapping of the supply areas of the two orders. They also stated that the adjustor is ineffective since prices paid by handlers are higher than order prices.

Pending consideration of amendment of the order, the adjustor has been suspended for the month of July 1968.

The supply-demand adjustor under the order is based on a ratio of Class I disposition of pool plants (excluding shrinkage and unaccounted for milk) to the quantity of producer milk during the second and third preceding months. The amount of price adjustment is based upon the deviation of this ratio from standard percentages for each such 2-month period. A limit of 24 cents, plus or minus, applies to the total amount of adjustment.

During 1966, the average adjustment was approximately minus 6 cents. During 1967, the maximum negative adjustment of 24 cents applied in each month, and similarly in each of the months of January through June 1968.

A supply-demand adjustor changes Class I prices in response to changes in the balance between supplies of milk for a market and Class I sales. The resulting price changes are designed to correct any imbalances which may develop in the supply-sales ratio. A supply-demand adjustor will produce appropriate pricing only when the Class I prices resulting from the operation of the adjustor are in fact the effective prices. Where premiums exist in a market, the operation of a

[1] Official notice is taken of milk production data published by U.S. Department of Agriculture in "Milk Production Disposition and Income, Revised Estimates 1960-64", Statistical Bulletin 398, April 1967; and "Milk Production Disposition and Income, 1966-67". Percent change adjusted because of additional day in 1964.

supply-demand adjustor will be distorted and it will produce prices which are too low to attain an appropriate supply-sales balance.

In this market substantial premiums over Class I prices have been effective for more than 1 year. As a consequence, at the present time the supply-demand adjustor in this market is resulting in prices which are too low in terms of the price standards of the statute.

The elimination of the supply-demand adjustor will also serve to maintain existing alignment with order prices in other markets in the region. In other markets being considered in this hearing, a price factor of the same amount (minus 24 cents) would be eliminated by amendments herein proposed. In the Chicago order, just issued effective July 1, no supply-demand adjustor applies.

The provision of the Eastern South Dakota order which adjusts the Class I price by whatever amount the supply-demand adjustment in the Minneapolis-St. Paul order exceeds 10.5 cents should also be deleted. When this provision was incorporated in the Eastern South Dakota order it was found that intermarket price relationships were thrown out of balance, and disruptive competitive situations threatened to develop whenever the supply-demand adjustor in the Minneapolis-St. Paul order exceeded 10.5 cents. Accordingly, it was found necessary to adjust the Eastern South Dakota Class I price by whatever amount the Minneapolis-St. Paul supply-demand adjustor exceeded 10.5 cents. With the deletion of the supply-demand adjustor from the Minneapolis-St. Paul order, the reference to it should likewise be deleted from the Eastern South Dakota order.

A witness for the cooperative associations, which furnish virtually the entire supply of milk for the Eastern South Dakota market, supported the elimination of the effect of the Minneapolis-St. Paul supply-demand adjustor on the Class I price in the Eastern South Dakota order. In every month since January 1967, the Class I price has been reduced 13.5 cents as a result of the action of the supply-demand adjustor. This witness stated that restoration of the 13.5 cents was necessary, not only to maintain the historical price relationship with the Minneapolis-St. Paul market, but also to restore the price relationship that previously existed between Eastern South Dakota and markets in Nebraska and Western Iowa.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findngs and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders:

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

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the orders, as amended, regulating the handling of milk in the specified marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

Section 1050.51(a) is revised to read as follows:

§ 1050.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price applicable at plants at which no location adjustment pursuant to § 1050.53 is applicable, shall through April 1969, be the basic formula price for the preceding month plus $1.19 and plus an additional 20 cents through April 1969; and

* * * * *

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

Section 1062.51(a) is revised to read as follows:

§ 1062.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.40, and plus 20 cents through April 1969.

* * * * *

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Section 1063.50(b) is revised to read as follows:

§ 1063.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.10, and plus 20 cents through April 1969.

* * * * *

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

§ 1068.52 [Revoked]

1. Section 1068.52 is revoked.

2. Section 1068.53 is revised to read as follows:

§ 1068.53 Class I price.

Subject to differentials provided in §§ 1068.55 and 1068.56(a) the price per hundredweight for Class I milk each month shall be the basic formula price for the preceding month plus 86 cents, and plus 20 cents through April 1969.

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

Section 1070.50(b) is revised to read as follows:

§ 1070.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.10, and plus 20 cents through April 1969.

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PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

Section 1076.51(a) is revised to read as follows:

§ 1076.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.30 and plus 20 cents through April 1969.

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PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

Section 1078.50(b) is revised to read as follows:

§ 1078.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price at plants in Zone 1 shall be the basic formula price for the preceding month plus $1.05, and plus 20 cents through April 1969. "Zone 1" means all the territory in the counties of Humboldt, Wright, Franklin, Butler, Bremer, Webster, Hamilton, Hardin, Grundy, Black Hawk, and Buchanan, all in the State of Iowa.

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PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

Section 1079.50(b) is revised to read as follows:

§ 1079.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25, and plus 20 cents through April 1969. For milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

* * * * *

Signed at Washington, D.C., on July 10, 1968.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-8339; Filed, July 12, 1968; 8:48 a.m.]

[7 CFR Part 1050]

MILK IN CENTRAL ILLINOIS MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Central Illinois marketing area is being considered for the month of July 1968.

The provision proposed to be suspended is in § 1050.14(b)(2) and reads as follows, "during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer", relating to diversion of producer milk to nonpool plants.

The suspension action is requested by the Pure Milk Association to accommodate the handling of reserve milk of the market. The association claims that supplies of reserve milk in the month of July exceed the quantity that can be handled under the 8-day diversion limitation. The association states that it is faced with loss of producer status for some dairy farmers, or, in the alternative, undue expense of receiving the milk first at pool plants for reshipment to manufacturing plants.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in duplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on July 10, 1968.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-8341; Filed, July 12, 1968; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 211, 302, 399]

[Docket No. 20029; PSDR-21, EDR-140, PDR-27]

FILING AND PROCESSING OF CERTAIN APPLICATIONS FOR FOREIGN PERMITS

Notice of Proposed Rule Making

JULY 10, 1968.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Parts 399, 211, and 302 of the Board's regulations (14 CFR Parts 399, 211, and 302) concerning the filing and processing of certain applications for foreign air carrier permits. The principal features of the proposed amendments are further described in the explanatory statement, and the proposed amendments are set forth in the proposed rule. This regulation is proposed under the authority of sections 204(a), 402, 1001, and 1102 of the Federal Aviation Act of 1958 (72 Stat. 743, 757, 788, and 797; 49 U.S.C. 1324, 1372, 1481, and 1502).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter or communications received on or before August 12, 1968, will be considered by the Board before taking final action on the proposals. Copies of communications will be available for examination by interested persons in the Docket Section, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Section 402 empowers the Board to issue a foreign air carrier permit if it finds that an applicant is fit, willing, and able and that the proposed foreign air transportation will be in the public interest. Many foreign air carrier applicants have been designated by their countries to operate routes granted to their countries by the United States in bilateral air transport services agreements. Section 1102 directs the Board, in exercising and performing its duties under the Act, to act consistently with any obligation assumed by the United States in bilateral agreements. Under section 801, the President controls the ultimate disposition of applications for foreign air carrier permits.

The Board has never considered itself bound by section 1102 to recommend to the President that foreign air carrier applicants be granted permits merely because their applications conform to bilateral agreements. Rather, in its proceedings the Board has received evidence directed to the section 402 issues. And, in appropriate cases, the Board's recommendations to the President have taken due account of any allegations that the grant of a permit will be detrimental to the interests of U.S. carriers and thereby contrary to the public interest.

At the same time, the Board has viewed the existence of a bilateral agreement and the designation of a foreign air carrier thereunder as constituting highly significant evidence bearing on the public interest. The establishment by bilateral agreement of a sound intercontinental route system for U.S. carriers necessarily involves the grant of rights to carriers of other nations. Recognizing this elementary principle of reciprocity, the Board has regularly issued permits implementing bilaterals where no affected U.S. carrier showed that the economic consequences of a route grant would be disastrous to its system.[1]

One effect of the Board's precedents has been to refine the issues in bilateral cases, thereby pinpointing the crucial areas for evidentiary proof. Yet foreign air carriers still file much evidence directed to matters which are not disputed in routine cases. Submission of the unnecessary evidence delays the Board's processing of section 402 applications, is a source of friction with foreign governments, and imposes an undesirable burden on all concerned.

In order to speed up and simplify foreign air carrier permit proceedings, the Board proposes several new or amended regulations. An amendment to Part 399 establishes a new policy statement articulating the Board's decisional

[1] British Overseas Airways, Foreign Permit Application, 29 CAB 583 (1959).

standards for foreign permit applications in conformity with bilateral agreements. Under normal circumstances, the proposed transportation will be deemed to be in the public interest. And established carriers which hold foreign permits to operate to the United States and which seek routes under bilaterals will be deemed to be fit, willing, and able if their existing operations to the United States are similar in character and extent to the proposed new services.

Revised Part 211 specifies the information which foreign carriers must file to support their permit applications.[2] In normal circumstances, foreign air carriers applying for authority under bilateral agreements will not submit any evidence in addition to that listed in Part 211. Foreign air carriers now customarily file virtually all the evidence listed in Part 211, and more, in response to evidentiary requests submitted during the course of foreign permit proceedings. Moreover, revised Part 211 liberalizes current rules allowing incorporation by reference of evidence presented in prior proceedings.

The policy statement contemplates that the presumptions underlying the standards can be rebutted. In advance of hearing, the Board will not deem the proposed foreign air transportation to be in the public interest if it appears that evidence may be presented showing that the transportation may substantially impair a U.S. carrier's ability to operate its system economically. Nor, in advance of hearing, will the Board deem the transportation to be in the public interest if it appears that the transportation may preclude the grant of authority to a U.S. carrier to perform similar transportation and thereby prejudice the development of a sound pattern of U.S. carrier services. Other policy statement standards will not be relied on before hearing if it appears that evidence may be presented showing that the applicant is unfit or that special permit restrictions are warranted.

New procedures for invoking and rebutting the policy statement standards are spelled out in revised Part 302. Unless the Board or the examiner decides to the contrary, the notice of prehearing conference will state that at the prehearing conference the examiner will give consideration to relying upon the policy statement standards. In their petitions to intervene, persons opposing Board reliance upon the policy statement standards must describe the evidence which they will present to support their position.

Where the examiner decides that the policy statement standards are applicable, he will conduct an expedited proceeding in accordance with the new Part 302 procedures.

Proposed rules. It is proposed to amend Part 399 of the policy statements and Part 211 of the economic regulations and Part 302 of the procedural regulations (14 CFR Parts 399, 211, and 302) as follows:

1. Amend Part 399 by adding to the table of contents a new section, at the end of Supart B, reading as follows:

Sec.
399.20 Processing of foreign air carrier applications pursuant to section 402 of the Act.

2. Amend Part 399 by adding a new § 399.20 reading as follows:

§ 399.20 Processing of foreign air carrier applications pursuant to section 402 of the Act.

(a) *General.* This policy statement prescribes the general standards which the Board will use in processing certain applications of foreign air carriers for issuance, alteration, modification, or amendment (including renewal) of permits pursuant to section 402 of the Act. Except as provided herein or as the Board otherwise directs, the Board will rely upon the prescribed standards as the basis for certain findings required by section 402; and it will not normally insist that applicants submit information in addition to that required by §§ 211.5 and 211.6 of this chapter of the Economic regulations.

(b) *Standards.* It is the policy of the Board in ordinary circumstances that:

(1) Where a foreign air carrier which is operating to the United States files an application for issuance, alteration, modification or amendment (including renewal) of a permit and it has been designated to perform the proposed foreign air transportation in conformity with a bilateral air transport services agreement to which the United States is a party:

(i) The proposed transportation will be deemed to be in the public interest.

(ii) The foreign air carrier applicant will be deemed to be fit, willing, and able properly to perform the proposed air transportation and to conform to the provisions of the Act and the Board's rules, regulations and requirements thereunder if it is performing foreign air transportation which is substantially similar in character to, and at least as extensive as, the proposed foreign air transportation.

(2) Where a foreign air carrier which is not operating to the United States files an application for a permit and it has been designated to perform the proposed foreign air transportation in conformity with a bilateral air transport services agreement to which the United States is a party, the proposed transportation will be deemed to be in the public interest.

(3) Where an application falling within subparagraph (1) or (2) of this paragraph is filed, the public interest will be deemed to require that the permit shall not state a specific expiration date but shall instead contain the following language:

Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the route authorized by this permit from the routes which may be operated by airlines designated by the Government of (name of country) or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of (name of country) in lieu of the holder hereof, or (3) upon the termination or expiration of the (description of agreement): *Provided, however,* That if prior to the occurrence of the event specified in clause (3) of this paragraph, the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and (name of country) are or shall become parties, then and in that event this permit is continued in effect during the period provided in such treaty, convention, or agreement,

and that the permit shall be subject to the following terms, conditions, and limitations:

The holder hereof shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's economic regulations.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of (name of country) for its international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and (name of country) shall be parties.

The exercise of the privileges granted hereby shall be subject to such reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.[1]

(c) *Inapplicability of standards.* (1) The Board will not rely on one or more of the standards set forth in paragraph (b) of this section if it finds after hearing that:

(i) The proposed foreign air transportation will substantially impair a U.S. carrier's ability to operate its system economically;

(ii) The proposed foreign air transportation will as a matter of economic fact preclude the grant of authority to a U.S. carrier to perform similar transportation and thereby prejudice the development of a sound pattern of air transportation services by U.S. carriers;

(iii) The applicant is not fit, willing, or able; or

(iv) A departure from the standard duration, terms, conditions, or limitations is warranted.

(2) The Board will also tentatively decline to rely upon one or more of the

[2] The revisions to Part 211 will not apply to applications by Canadian operators for foreign permits authorizing casual, occasional, and infrequent flights with small aircraft across the Canada-United States border.

[1] This paragraph concerning waiver of the defense of sovereign immunity shall be omitted from permits of carriers designated by a foreign government which has entered into a formal agreement with the United States stating that neither government will assert or authorize carriers of its nationality to assert the sovereign immunity defense.

standards set forth in paragraph (b) of this section if it appears in advance of hearing that evidence may be presented showing that the standards are inapplicable under subparagraph (1) of this paragraph.

2A. Amend Part 211 by adding the following to the end of the table of contents:

3. Amend § 211.4 by adding at the end thereof the following:

§ 211.4 **Incorporation by reference.**

* * * Instead of submitting all of the information required by § 211.6 in detail, other holders of previously granted permits may provide such information by incorporating by reference evidence accepted by the Board in earlier proceedings. If significant changes have occurred since such evidence was filed, the applicants shall supplement and correct that evidence or file new evidence. Any references to or corrections of such evidence must identify the previous proceeding by docket number and the evidence relied upon by exhibit number or hearing transcript page number.

§ 211.5 **[Amended]**

4. Amend § 211.5 by inserting "(a)" before the first word thereof; by beginning a new paragraph, preceded by "(b)", with the last sentence of the present first paragraph; and by redesignating present paragraphs (a), (b), (c), and (d) as subparagraphs (1), (2), (3), and (4).

5. Further amend § 211.5 by adding at the end thereof the following:

(c) If the application is filed by a foreign air carrier which is operating to the United States and which is designated to perform the proposed foreign air transportation in conformity with a bilateral air transport services agreement to which the United States is a party, the application shall contain, in addition to the information required by paragraph (b) of this section, the following:

(1) A description of the provisions of the bilateral air transport services agreement upon which the applicant relies.

(2) A statement that the applicant has been duly and officially designated by the appropriate government or governments.

(3) A statement describing the character of the applicant's existing services in air transportation, specifying the type or types of service (mail, passenger, and property) and whether or not such services are rendered in scheduled operations.

(4) A brief factual statement comparing the applicant's annual gross transport revenues from existing foreign air transportation services with its anticipated gross transport revenues due to the new authority during the first year of operations.

(d) If the application is filed by a foreign air carrier which is not operating to the United States but which is designated to perform the proposed foreign air transportation in conformity with a bilateral air transport services agreement to which the United States is a party, the application shall contain the information required by paragraphs (b) and (c) (1) and (2) of this section.

6. Amend Part 211 by adding new §§ 211.6–211.9 reading as follows:

§ 211.6 **Exhibits to application serving as applicant's case-in-chief.**

In addition to the information which § 211.5 requires to be contained in an application, each applicant shall also supply the following information as exhibits in the manner specified below.

(a) In the case of an application falling within § 211.5(c), the applicant shall augment its application, no later than on the date of the prehearing conference, with a statement under oath by an appropriate officer of the applicant setting forth:

(1) The names, addresses, and citizenship of each person who owns, of record or beneficially, more than 5 percent of the applicant's entire capital stock (or any class thereof) or capital, as the case may be, together with the respective amounts and percentages owned.

(2) A detailed description of the applicant's self-insurance plan for passenger and third-party liability or, if the applicant has insurance, the names of its insurance carriers and the amount and liability limits of its insurance policies.

(3) A statement whether, if the permit is granted, the applicant will voluntarily accept the following condition in its permit:

This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol, approved by the Board, Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party,

or will agree to file a tariff waiving the liability limits and defenses of the Warsaw Convention, as amended by the Hague Protocol, up to a $75,000 limit of liability.

(b) In the case of an application falling within § 211.5(d), the applicant shall augment its application, no later than on the date of the prehearing conference, with:

(1) The statements specified in paragraph (a) of this section.

(2) Proof establishing the nationality of the applicant. This proof shall consist of a certificate or statement under oath of the governmental official or body having charge of civil aviation in the country through which the application was filed.

(3) Proof of incorporation of the applicant and of present corporate existence. If possible, proof of incorporation shall be supplied by a certified copy of the applicant's bylaws and of the articles of incorporation, charter, or other governmental decree evidencing incorporation of the applicant. If the applicant's corporate documents are not official records, the applicant shall verify the documents by attaching thereto a statement under oath of an officer of the applicant. If such corporate documents are unavailable, the applicant shall furnish a statement under oath by an appropriate officer of the applicant setting forth the equivalent information. Proof of present corporate existence may be shown by a statement under oath of an appropriate officer of the applicant.

(4) A statement under oath by an appropriate officer of the applicant setting forth the names, addresses, and citizenship of the officers and directors and principal managers of the applicant. The statement shall indicate the business experience of each person, including experience in air or other transportation.

(5) The applicant's most recent certified balance sheet and profit and loss statement, together with a statement describing plans, if any, for new financing if the application is granted.

(c) In the case of all other applications (except applications by Canadian operators for foreign permits authorizing casual, occasional and infrequent flights with small aircraft across the Canada-United States border), the applicant shall augment its application, no later than the date set by the examiner at or following the prehearing conference, with:

(1) The information specified in paragraphs (a) and (b) of this section;

(2) A statement under oath by an appropriate officer of the applicant setting forth a description of the respective amounts of stock, or any other interest held by the applicant, or by any of the persons described in paragraph (a)(1) of this section, in any common carrier, foreign or other air carrier, or person engaged in any other phase of aeronautics or whose principal business, in purpose or in fact, is the holding of stock in or control of any of the foregoing.

(3) A statement under oath by an appropriate officer of the applicant indicating whether any officer or director of the applicant, or person described in paragraph (a)(1) of this section, or a representative or nominee thereof, is an officer, director, or member of any common carrier, foreign or other air carrier, or person engaged in any other phase of aeronautics or whose business, in purpose or in fact, is the holding of stock in or control of any of the foregoing.

(4) Copies of all major agreements or understandings between the applicant and any United States or foreign air carrier, not already approved by the Board, affecting air transportation over the proposed route.

(5) If the authority is sought on the basis of reciprocity, a detailed statement

specifying the conditions of reciprocity that justify the grant of the authority.

§ 211.7 Supplementary exhibits to application.

In the case of an application governed by § 211.6(c), the applicant shall also supplement its application with any other information which the Board or the examiner directs it to supply. An applicant whose application is governed by § 211.6 (a) or (b) may also be directed to supplement its application in like manner if the Board or the Examiner declines to rely upon one or more of the applicable standards specified in § 399.20(b) of this chapter of the Policy Statements.

§ 211.8 Attestation and certification of documents executed or kept in foreign country.

If executed in a country other than the United States, documents required by § 211.6 to be statements under oath shall be authenticated by a certificate of an appropriate U.S. consular officer, resident in the foreign country, stating that the document has been attested to by a notary public or other official having the power to administer oaths. Certified copies of official records or documents kept in an office in a foreign state or country shall be authenticated by a certificate of such consular officer that the copies have been certified by the lawful custodian; or such documents may be authenticated as provided in the Federal Rules of Civil Procedure, Rule 44(a)(2).

§ 211.9 Materials submitted in other than prescribed form.

If materials specified in § 211.6 cannot be submitted in the form specified in §§ 211.6 and 211.8 under the law or procedure of the applicant's country, or for other good cause, the applicant shall briefly explain the reason and shall supply the materials in the most reliable form feasible.

7. Amend § 302.15(c)(1) by adding at the end thereof the following:

§ 302.15 Formal intervention in hearing cases.

* * * * *

(c) *Petition to intervene*—(1) *Contents.* * * * In any proceeding where the notice of prehearing conference states that the examiner will give consideration to relying upon standards set forth in § 399.20(b) of this chapter of the policy statements, a petition filed by any person opposing Board reliance upon those standards shall state the reasons supporting petitioner's position, including a description of the evidence which will be presented to show that:

(i) The proposed foreign air transportation is not in conformity with a bilateral air transport services agreement to which the United States is a party;

(ii) The standards are inapplicable under § 399.20(c) of this chapter.

* * * * *

8. Amend § 302.23 by adding a new paragraph (c) reading as follows:

§ 302.23 Prehearing conference.

* * * * *

(c) *Conferences in certain section 402 cases.* (1) In a permit proceeding involving a foreign air carrier applicant which appears to have been designated to perform the proposed transportation pursuant to a bilateral agreement, the notice of prehearing conference may state that at the prehearing conference the examiner will give consideration to relying upon one or more of the standards prescribed in § 399.20(b) of this chapter of the policy statements. The notice may also state that, if the examiner decides at the prehearing conference to rely upon such standards, he will also accept in evidence, unless disputed, any statements in the application of a carrier operating to the United States regarding the character of, and gross transport revenues from, the applicant's existing and proposed services. Finally, such a notice shall state that the hearing may be held immediately following conclusion of the prehearing conference.

(2) At the prehearing conference, the examiner shall rule whether it appears that evidence may be presented showing that the policy statement standards are inapplicable under § 399.20(c) of this chapter. The examiner may rule whether any petitioner for intervention has established that the proposed foreign air transportation is not in conformity with a bilateral air transport services agreement or, in his discretion, the examiner may certify the question to the Board. Unless the Board so orders, or the examiner finds that evidence may be presented showing that the policy statement standards are inapplicable under § 399.20 (c) of this chapter or that the proposed foreign air transportation is not in conformity with a bilateral air transport services agreement, the examiner shall tentatively propose to rely upon one or more of the standards prescribed in § 399.20(b) of this chapter of the policy statements. In any case in which he tentatively proposes to rely upon such standards, the examiner may omit a report of prehearing conference and will not direct the applicant to submit any exhibits or supplemental information in addition to that required by §§ 211.5 and 211.6 of this chapter of the economic regulations.

(3) The provisions of paragraphs (a) and (b) of this chapter shall not apply to prehearing conferences governed by this section except insofar as they are not inconsistent with the foregoing.

9. Amend § 302.24(a) by adding a sentence at the end thereof and amend § 302.24(b) by adding "(1)" before the present paragraph and by adding a new subparagraph (2) reading as follows:

§ 302.24 Hearings.

(a) *Notice.* * * * A notice of prehearing conference issued pursuant to § 302.23(c) shall be deemed notice that a hearing may be held immediately following conclusion of the prehearing conference.

(b) *Evidence.* * * *

(2) In a proceeding on an application for a permit to engage in foreign air transportation under section 402 of the Act, the applicant may request that the application and supplemental information filed in the Board's official docket pursuant to Part 211 of this chapter of the economic regulations be incorporated into evidence as an item by reference. If the parties so stipulate, the application (including the statements regarding the character of, and gross revenues from, the applicant's services) and the supplementary information shall be accepted in evidence as an item by reference without sponsoring testimony and shall be deemed proof of the matters stated therein.

* * * * *

[F.R. Doc. 68-8315; Filed, July 12, 1968; 8:47 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

VIET NAM ORPHAN CARE, INC.

Registration as Voluntary Foreign Aid Agency

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration[1] as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Viet Nam Orphan Care, Inc., 2520 West Britton Road, Oklahoma City, Okla. 73120.

Dated: July 3, 1968.

W. G. CARTER,
Acting Assistant Administrator for Private Resources.

[F.R. Doc. 68-8297; Filed, July 12, 1968; 8:46 a.m.]

[1] Certificate filed as part of the original document.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

RELIEF FROM EXCESS PROFITS TAX BECAUSE OF INADEQUATE EXCESS PROFITS CREDIT

Allowances During Fiscal Year Ended June 30, 1968

As required by section 6105 of the 1954 Internal Revenue Code the following list, containing one case in which relief under section 722 of the 1939 Code has been allowed, shows the name and address of the corporation to which relief has been allowed, business engaged in, taxable years involved, excess profits credit allowed, decrease in excess profits tax, and increase in income tax. The allowance pursuant to a decision entered by the Tax Court of the United States has been made in the docketed case shown in the list with appropriate notations.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

Lists containing the cases in which relief has been allowed for prior fiscal years have been published in the various issues of the FEDERAL REGISTER as follows:

Fiscal year ended	Volume	Number	Date
June 30, 1942	9	194	Sept. 28, 1944
June 30, 1943	9	194	Sept. 28, 1944
June 30, 1944	9	219	Nov. 2, 1944
June 30, 1945	10	224	Nov. 15, 1945
June 30, 1946	11	196	Oct. 8, 1946
June 30, 1947	12	197	Oct. 8, 1947
June 30, 1948	13	206	Oct. 21, 1948
June 30, 1949	14	201	Oct. 18, 1949
June 30, 1950	15	205	Oct. 21, 1950
June 30, 1951	16	211	Oct. 30, 1951
June 30, 1952	17	175	Sept. 6, 1952
June 30, 1953	18	164	Aug. 21, 1953
June 30, 1954	19	185	Sept. 23, 1954
June 30, 1955	20	219	Nov. 9, 1955
June 30, 1956	21	183	Sept. 20, 1956
June 30, 1957	22	173	Sept. 6, 1957
June 30, 1958	23	168	Aug. 27, 1958
June 30, 1959	24	175	Sept. 5, 1959
June 30, 1960	25	181	Sept. 16, 1960
June 30, 1961	26	165	Aug. 26, 1961
June 30, 1962	27	187	Sept. 26, 1962
June 30, 1963	28	195	Oct. 5, 1963
June 30, 1964	29	230	Nov. 25, 1964
June 30, 1965	30	245	Dec. 21, 1965
June 30, 1966	31	214	Nov. 3, 1966
June 30, 1967	32	151	Aug. 5, 1967

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE

FISCAL YEAR ENDED JUNE 30, 1968

Name and address of taxpayer (arranged by Internal Revenue Districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subchapter E) tax resulting from the operation of section 722	Gross increase in the income (chapter 1) tax resulting from the operation of section 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Greensboro:							
Duke Power Company, 422 South Church St., Charlotte, N.C.	Public utility	Dec. 21, 1941 [1]	$7,826,283.19	$3,605,431.27	$851,263.81	$636,089.28	$196,787.49
		Dec. 31, 1942 [1]	7,825,846.21	4,260,314.93	1,024,553.79	922,098.41	409,821.51
		Dec. 31, 1943 [1]	7,831,099.94	4,355,061.20	1,024,553.06	922,097.76	409,821.22
		Dec. 31, 1944 [1]	7,840,002.81	4,346,158.33	1,024,553.19	973,325.53	409,821.28
		Dec. 31, 1945 [1]	7,853,076.88	4,333,084.26	1,024,553.12	973,325.46	409,821.25

[1] Allowance in accordance with a decision of the Tax Court of the United States after hearing on the merits. No previous allowance by the Commissioner.

[SEAL]

SHELDON S. COHEN,
Commissioner of Internal Revenue.

[F.R. Doc. 68-8318; Filed, July 12, 1968; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 1908]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

In F.R. Doc. 68-7763 appearing on pages 9623 and 9624 of the issue of Tuesday, July 2, 1968, the following changes should be made: Sec. 18, W½W½NW¼ (W½ lots 1 and 2) should be eliminated from T. 30 N., R. 2 E., and should be shown as follows:

T. 30 N., R. 3 E.,
Sec. 18, W½W½NW¼ (W½ lots 1 and 2).

Dated: July 8, 1968.

RILEY E. FOREMAN,
Acting State Director.

[F.R. Doc. 68-8320; Filed, July 12, 1968; 8:47 a.m.]

[S-1588]

CALIFORNIA

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

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

2. Publication of this notice has the effect of segregating all public lands described below from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation.

3. The public lands are located within Monterey County. For the purpose of this proposed classification, the lands have been subdivided into Blocks, each of which has been analyzed in detail and described in documents and on maps available for inspection at the Folsom District Office, Bureau of Land Management, 63 Natoma Street, Falsom, Calif. 95630, and in the Sacramento Land Office, Bureau of Land Management, 650 Capital Mall, Sacramento, Calif. 95814. The overall descriptions of the areas are as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

BLOCK NO. 1

All public lands in:

T. 17 S., R. 2 E.,
Secs. 22, 27, 33, and 34.
T. 16 S., R. 3 E.,
Sec. 13.
T. 18 S., R. 3 E.,
Sec. 24.
T. 16 S., R. 4 E.,
Secs. 7, 18, 19, and 20.
T. 17 S., R. 4 E.,
Secs. 13, 14, 15, 17, 18, 19, 20, 22, 23, 24, 25, and 28.
T. 17 S., R. 5 E.,
Sec. 19, and secs. 29 to 33, inclusive.
T. 18 S., R. 5 E.,
Secs. 5, 6, 7, 9, 10, 11, 13, 14, 15, secs. 21 to 28, inclusive, and secs. 31, 33, 34, and 35.
T. 19 S., R. 5 E.,
Secs. 1, 2, and 3, secs. 10 to 14, inclusive, secs. 25 to 28, inclusive, and secs. 33, 34, and 35.
T. 19 S., R. 6 E.,
Secs. 30 to 34, inclusive.
T. 21 S., R. 6 E.,
Sec. 15.
T. 21 S., R. 7 E.,
Secs. 3, 4, 9, 10, 14, 15, 21, 22, 27, and 28.
T. 21 S., R. 8 E.,
Secs. 33, 34, and 35.
T. 22 S., R. 8 E.,
Secs. 1 to 4, inclusive, secs. 9 to 15, inclusive, and secs. 22 to 25, inclusive.
T. 24 S., R. 8 E.,
Sec. 11.
T. 22 S., R. 9 E.,
Secs. 6, 7, 15, secs. 17 to 20, inclusive, secs. 22 and 23, secs. 26 to 31, inclusive, and secs. 33 to 35, inclusive.
T. 23 S., R. 9 E.,
Secs. 1 to 5, inclusive, secs. 9, 11, 13, 14, 15, 21, and 22.
T. 23 S., R. 10 E.,
Sec. 31.
T. 24 S., R. 10 E.,
Secs. 5 to 9, inclusive, and secs. 15, 17, 18, 20, 21, and 22.

Except the following public lands:

T. 21 S., R. 7 E.,
Sec. 3, SW¼NW¼.
T. 24 S., R. 10 E.,
Sec. 21, SE¼SW¼.

BLOCK NO. 2

All public lands in:

T. 14 S., R. 4 E.,
Secs. 24 and 36.
T. 14 S., R. 5 E.,
Secs. 30 and 31.
T. 15 S., R. 5 E.,
Secs. 9, 10, 12, 13, 14, 15, 23, 24, and 32.
T. 16 S., R. 5 E.,
Sec. 5.
T. 15 S., R. 6 E.,
Sec. 18.
T. 16 S., R. 6 E.,
Secs. 21, 22, 28, 29, 32, 33, 34.
T. 17 S., R. 6 E.,
Sec. 3.
T. 21 S., R. 11 E.,
Secs. 13, 14, 15, 23, and 24.
T. 22 S., R. 11 E.,
Secs. 1, 2, 3, secs. 10 to 15, inclusive, and secs. 22, 24, and 25.
T. 20 S., R. 12 E.,
Secs. 26 and 27.
T. 21 S., R. 12 E.,
Secs. 20, 21, 28, 29, 31, 32, and 33.
T. 22 S., R. 12 E.,
Secs. 1, 4, 5, 7, 12, 13, secs. 17 to 22, inclusive, and secs. 27 to 33, inclusive.
T. 23 S., R. 12 E.,
Sec. 6.
T. 22 S., R. 13 E.,
Secs. 6, 7, 11, 12, 18, 20, 21, 28, 29, 30, 32, 33, and 34.
T. 23 S., R. 13 E.,
Secs. 3, 11, 12, 14, 25, 26, 27, 32, and 35.
T. 24 S., R. 13 E.,
Secs. 4 and 5.
T. 22 S., R. 14 E.,
Secs. 17, 18, and 27.

Except the following public lands:

T. 23 S., R. 13 E.,
Sec. 11, NW¼SW¼;
Sec. 25, N½NW¼.

The public lands proposed to be classified aggregate approximately 55,376 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Folsom District Manager, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630, or at the public hearing.

5. A public hearing on the proposed classification will be held on July 29, 1968, at 7:30 p.m., in the Board of Supervisors' Chambers, Courthouse, County of Monterey, Salinas, Calif.

For the State Director.

H. CURT HAMMIT,
District Manager.

[F.R. Doc. 68-8288; Filed, July 12, 1968; 8:45 a.m.]

[S1631, S1632]

CALIFORNIA

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

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management, the public lands described in paragraph 3. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating all public lands described below from appropriation only under the agricultural land laws (43 U.S.C. Chapters 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws.

3. The public lands located in the following described areas are within Modoc and Lassen Counties. For the purpose of this proposed classification, the lands have been subdivided into areas, each of which has been analyzed and described in documents and maps available for inspection at the Susanville District Office, Bureau of Land Management, Fifth and Cedar Streets, Post Office Box 1090, Susanville, Calif. 96130, and in the Sacramento Land Office, 650

Capitol Mall, Sacramento, Calif. 95814. The descriptions of the areas are as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

HAYDEN HILL AREA S1632

Lassen and Modoc Counties

All public lands in:

T. 35 N., R. 7 E.,
Secs. 10 to 15, inclusive;
Secs. 23 and 24.
T. 35 N., R. 8 E.,
Secs. 7 to 15, inclusive;
Secs. 18 and 19;
Sec. 32, NE¼;
Secs. 33 to 35, inclusive.
T. 35 N., R. 9 E.,
Secs. 7 to 15, inclusive;
Secs. 17 to 24, inclusive;
Secs. 28 to 33, inclusive.
T. 35 N., R. 10 E.,
Secs. 7, 8, 17, 18, and 19.
T. 36 N., R. 6 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 36 N., R. 7 E.,
Secs. 2 to 11, inclusive;
Secs. 14 and 15;
Secs. 17 to 26, inclusive;
Secs. 29 to 35, inclusive.
T. 36 N., R. 8 E.,
Secs. 25, 26, and 35.
T. 36 N., R. 9 E.,
Sec. 1;
Secs. 9 to 15, inclusive;
Sec. 17;
Secs. 20 to 35, inclusive.
T. 36 N., R. 10 E.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 37 N., R. 6 E.,
Sec. 14;
Secs. 23 to 27, inclusive;
Secs. 32 to 35, inclusive.
T. 37 N., R. 7 E.,
Secs. 4, 9, 10, 15, and 17;
Secs. 19 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 37 N., R. 8 E.,
Secs. 4, 5, 8, and 9.
T. 37 N., R. 9 E.,
Secs. 2 and 36.
T. 37 N., R. 10 E.,
Secs. 5 to 8, inclusive.
T. 38 N., R. 6 E.,
Secs. 3 to 8, inclusive;
Secs. 10 and 15;
Secs. 17 to 21, inclusive.
T. 38 N., R. 7 E.,
Secs. 4 and 5.
T. 38 N., R. 8 E.,
Secs. 22, 23, 27, 28, 32, and 33.
T. 38 N., R. 9 E.,
Secs. 11 to 15, inclusive;
Secs. 22, 23, 26, and 35.
T. 38 N., R. 10 E.,
Secs. 7, 8, 17, 18, 29, 30, and 32.
T. 39 N., R. 5 E.,
Sec. 24.
T. 39 N., R. 6 E.,
Sec. 7;
Secs. 31 to 33, inclusive.
T. 39 N., R. 7 E.,
Secs. 3, 4, 10, 11, 15, 32, and 33.
T. 39 N., R. 8 E.,
Secs. 4, 5, 8, 9, 10, 13, and 15.
T. 39 N., R. 9 E.,
Sec. 13, SW¼;
Secs. 14, 15, 17, 18, 19, 22, 23, 26, and 27.
T. 40 N., R. 7 E.,
Secs. 14, 15, 23, and 26.
T. 40 N., R. 8 E.,
Sec. 32.

HONEY LAKE AREA S1631

Lassen County

T. 24 N., R. 17 E.,
Sec. 9.
T. 24 N., R. 18 E.,
Sec. 6.
T. 25 N., R. 16 E.,
Sec. 3;
Secs. 10 to 15, inclusive;
Secs. 24 and 25.
T. 25 N., R. 17 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 19 and 20;
Secs. 23 to 26, inclusive;
Secs. 29, 30, and 32.
T. 25 N., R. 18 E.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 26 N., R. 16 E.,
Secs. 19 to 21, inclusive;
Secs. 28 to 30, inclusive;
Secs. 32 and 33.
T. 26 N., R. 17 E.,
Secs. 20, 21, and 23;
Secs. 25 to 30, inclusive;
Secs. 32 to 35, inclusive.
T. 27 N., R. 13 E.,
Sec. 1.
T. 27 N., R. 14 E.,
Sec. 35.
T. 27 N., R. 17 E.,
Secs. 12, 13, 14, 23, 25, 26, and 34.
T. 28 N., R. 13 E.,
Secs. 1 and 2.
T. 28 N., R. 14 E.,
Secs. 6 and 9.
T. 28 N., R. 15 E.,
Secs. 6 and 7.
T. 28 N., R. 16 E.,
Sec. 10.
T. 29 N., R. 11 E.,
Secs. 3, 4, 5, 8, 9, 12, 13, 14, 17, 19, 20, 23, 30, 33, 34, and 35.
T. 29 N., R. 12 E.,
Sec. 31.
T. 29 N., R. 13 E.,
Secs. 15 and 19;
Secs. 21 to 30, inclusive;
Secs. 33 to 35, inclusive.
T. 29 N., R. 14 E.,
Secs. 30 and 31.
T. 30 N., R. 10 E.,
Secs. 1, 2, 3, 9, 10, 11, and 14.
T. 30 N., R. 11 E.,
Secs. 1, 5, 6, 18, 24, 25, 26, and 34.
T. 30 N., R. 12 E.,
Secs. 1, 15, 21, 22, 27, 28, 30, and 31.
T. 30 N., R. 13 E.,
Sec. 6.
T. 31 N., R. 11 E.,
Secs. 8, 9, 13, 17, 20, 21, 26, 28, and 29.
T. 31 N., R. 12 E.,
Secs. 19, 20, 22, 23, 26, 27, 29, and 30.
T. 31 N., R. 13 E.,
Secs. 30 and 31.

The public lands proposed to be classified aggregate approximately 127,260 acres.

4. For a period of 60 days from the publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed Classification may present their views in writing to the Susanville District Manager, Bureau of Land Management, Post Office Box 1090, Susanville, Calif. 96130, or at the public hearing.

5. A public hearing on this proposed classification will be held at 2:30 p.m., August 15, 1968, in the Monticola Club, Susanville, Calif.

For the State Director.

REX J. MORGAN,
District Manager.

JUNE 24, 1968.

[F.R. Doc. 68-8300; Filed, July 12, 1968; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. B-433]

DAGBARD K. LARSEN

Notice of Loan Application

JULY 10, 1968.

Dagbard K. Larsen, Chilmark, Mass. 02535, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 74.9-foot registered length wood vessel to engage in the fishery for swordfish, lobster, flounder, and groundfish.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

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

[F.R. Doc. 68-8317; Filed, July 12, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement 146]

PEANUTS

Budget of Expenses of Administrative Committee and Rate of Assessment for 1968 Crop Year

Pursuant to Marketing Agreement No. 146, regulating the quality of domestically produced peanuts, and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found and determined that the expenses of said Committee and the rate of assessment applicable to peanuts produced in 1968 and for the crop year beginning July 1, 1968, shall be as follows:

(a) *Administrative expenses.* The budget of expenses for the Committee for the crop year beginning July 1, 1968, shall be in the total amount of $180,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Committee, and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement, determine to be appropriate.

(b) *Indemnification expenses.* Expenses of the Committee for indemnification payments, pursuant to the Terms and Conditions of Indemnification Applicable to 1968 Crop Peanuts, effective July 1, 1968, are estimated at, but may exceed $1,710,000.

(c) *Rates of assessment.* Each handler shall pay to the Peanut Administrative Committee, in accordance with section 48 of the agreement, an assessment at the rate of $2 per net ton of farmers stock peanuts received or acquired other than those described in section 31 (c) and (d) ($0.20 for administrative expenses and $1.80 for indemnification expenses).

(d) *Indemnification reserve.* Monetary additions to the indemnification reserve, established in the 1965 crop year pursuant to section 48 of the marketing agreement, shall continue. That portion of the total assessment funds accrued from the $1.80 rate and not expended in providing indemnification on 1968 crop peanuts shall be placed in such reserve and shall be available to pay indemnification expenses on subsequent crops.

The expenses and rate of assessment are, under the agreement, on a crop year basis and will automatically be applicable to all assessable peanuts from the beginning of such crop year. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing approval of expenses that may be incurred and the imposition of assessments; they are represented on the Committee which has submitted the recommendation with respect to such expenses and assessment for approval; and handlers have had knowledge of the foregoing in their recent industrywide discussions and will be afforded maximum time to plan their operations accordingly.

Dated: July 9, 1968.

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

[F.R. Doc. 68-8303; Filed, July 12, 1968; 8:46 a.m.]

Forest Service

DIRECTOR, DIVISION OF LANDS

Delegations of Authority

Pursuant to (a) the Order of the Secretary of Agriculture of November 27, 1964 (29 F.R. 16210), as amended, and (b) the Delegation of Authority by the Chief, Forest Service, dated June 5, 1968 (33 F.R. 8552), authority is hereby delegated to the Director, Division of Lands, Forest Service, to:

1. Accept, for and on behalf of the United States of America, options to purchase lands or interests therein pursuant to the Weeks Law of March 1, 1911 (36 Stat. 961), as amended, and other laws authorizing the purchase of lands or interests therein for the National Forest System.

2. Approve exchanges under all exchange authorities.

3. Accept title to offered lands and execute deeds or request issuance of patent to selected lands, or authorize delivery of other consideration, in exchanges under all authorities.

4. Execute deeds adjusting titles to lands pursuant to Public Law 78-120, approved July 8, 1943, as amended, 7 U.S.C. 2253, and the act of April 28, 1930, as amended, 43 U.S.C. 872.

5. Approve appraised values of real property and interests in real property.

6. Approve acquisition of existing roads or interests therein, and related easements.

7. Approve acquisition of raw-land easements for roads and trails.

8. Execute deeds to States for highway purposes under authority of the act of July 7, 1960, 40 U.S.C. 345c.

9. Approve donations of real property and accept titles thereto.

10. Approve settlement of condemnation cases where amount does not exceed $10,000.

Effective date. This delegation of authority shall be effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of July 1968.

M. M. NELSON,
Deputy Chief, Forest Service.

[F.R. Doc. 68-8305; Filed, July 12, 1968; 8:46 a.m.]

Office of the Secretary

KANSAS AND NEBRASKA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Kansas and Nebraska, natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KANSAS

Cheyenne.	Meade.
Clark.	Morton.
Comanche.	Ness.
Edwards.	Pawnee.
Ellis.	Rawlins.
Finney.	Rooks.
Ford.	Rush.
Gove.	Russell.
Graham.	Scott.
Grant.	Seward.
Gray.	Sheridan.
Greeley.	Sherman.
Hamilton.	Stanton.
Haskell.	Stevens.
Hodgeman.	Thomas.
Kearney.	Trego.
Lane.	Wallace.
Logan.	Wichita.

NEBRASKA

Dixon.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 9th day of July 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-8307; Filed, July 12, 1968; 8:46 a.m.]

Packers and Stockyards Administration

SELMA STOCKYARDS ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ALABAMA	
Selma Stockyards, Selma, Jan. 14, 1936.	Hodges Selma Stock Yards, May 22, 1968.
OKLAHOMA	
A. A. Albert Commission Company, Atoka, Nov. 29, 1949.	Atoka Livestock Auction, Apr. 1, 1968.
SOUTH CAROLINA	
Lake City Auction Company, Lake City, Apr. 27, 1960.	Lake City Auction Company, Inc., Oct. 18, 1966.
TEXAS	
Community Sales Yard, Edinburg, Nov. 20, 1958.	Community Sales Yard Co., Mar. 29, 1968.
Wharton County Livestock Commission Co., Wharton, Oct. 26, 1959.	Wharton Auction Company, June 26, 1968.

Done at Washington, D.C., this 8th day of July 1968.

G. H. HOPPER, *Acting Chief,*
Registrations, Bonds, and Reports Branch,
Livestock Marketing Division.

[F.R. Doc. 68-8306; Filed, July 12, 1968; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

NEW YORK UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00531-33-46040. Applicant: New York University School of Medicine at Milbank Research Laboratories, 340 East 24th Street, New York, N.Y. 10010. Article: Electron microscope, Model EM 9A with spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used in investigations of problems dealing with regeneration of both peripheral nerves and spinal cords using both tissue culture and vivo preparation. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The applicant requires a small, compact and relatively simple electron microscope, for teaching students in an introductory course in the use of electron microscopes. The only known domestic electron microscope, the Model EMU-4 manufactured by the Radio Corporation of America (RCA), is a relatively complex instrument which is designed for research. The foreign article provides a magnification range which is low enough to overlap considerably with the magnification range of optical microscopes. In addition, the foreign article provides three viewing windows, whereas the RCA Model EMU-4 provides only one. The additional viewing windows permit the instructor and students to simultaneously view and discuss the image of the specimen under the microscope. The characteristics of the foreign article, which are not possessed by the RCA Model EMU-4, are pertinent to the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8325; Filed, July 12, 1968; 8:48 a.m.]

OHIO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00510-33-46040. Applicant: The Ohio State University, Veterinary Pathology Department, 190 North Oval Drive, Columbus, Ohio 43210. Article: Electron microscope, Model EM-300. Manufacturer: Phillips Electronic Instruments, The Netherlands. Intended use of article: The article will be used to study viral encephalitides and viral diseases of dogs and cats; determine the target cell in cancer of the breast related to steroid hormones of the ovary; and the earliest detectable ultrastructural changes indicative of neoplastic transformation of cells. Comments: No comments have ben received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The foreign article has a guaranteed resolution of 5 Angstroms. The only known comparable domestic electron microscope is the Model EMU-4 manufactured by the Radio Corporation of America (RCA), which has a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities of the foreign article are pertinent.

(2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provides only two accelerating voltages of 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltages provide optimum contrast for unstained biological specimens and that the accelertaing voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. Since the experiments to be conducted with the foreign article require the use of negatively stained and unstained biological specimens, the additional accelerating voltages of the foreign article are pertinent.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods Business and Defense Services Administration.

[F.R. Doc. 68-8326; Filed, July 12, 1968; 8:48 a.m.]

SOUTHERN ILLINOIS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00517-33-46500. Applicant: Southern Illinois University, 901 Chautauqua, Carbondale, Ill. 62901. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections of various cells and tissues for studies of cytology and biochemical genetics of yeast and virus host cell interaction, using ferritin conjugated antibodies. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used is being manufactured in the United States.

Reasons: (1) The purposes for which the foreign article is intended to be used require an ultramicrotome capable of cutting the thinnest possible sections. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic ultramicrotome, the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), has a specified thin-sectioning capability down to 100 Angstroms (page 11, 1966 catalogue for "Porter-Blum" MT-1 and MT-2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The lower thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the microscope.

(2) For its purposes, the applicant requires an instrument capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated June 19, 1968) that only an ultramicrotome equipped with a thermal advance (feed) can meet this requirement. The foreign article incorporates both a thermal advance for ultrathin sections and a mechanical advance for thicker sections. The Sorvall Model MT-2 is equipped only with a mechanical feed. In connection with Docket No. 67-00024-33-46500, which relates to an identical foreign article, HEW advised that ultramicrotomes employing a mechanical system utilize a gear mechanism and inherent in such mechanisms are backlash and slippage. Hence, in mechanical systems, the variation in thickness and uniformity will be greater than in thermal systems when both are functioning at their best. We therefore find the thermal advance of the foreign article to be pertinent to the purposes for which such article is intended to be used.

(3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (page 3 of catalogue on "Ultrotome III"), whereas no equivalent device is specified for the Sorvall Model MT-2. The capability of accurately measuring the knife-angle setting is pertinent because the angle at which the knife enters the specimen determines the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article in intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8327; Filed, July 12, 1968; 8:48 a.m.]

UNIVERSITY OF GEORGIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Producer Goods, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Producer Goods must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68-00661-33-46500. Applicant: University of Georgia, School of Veterinary Medicine, Department of Pathology and Parasitology, Athens, Ga. 30601. Article: LKB 8800A Ultrotome III ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: Applicant states:

The ultramicrotome is to be used to prepare ultrathin sections for observation in our electron microscope. The types of materials to be sectioned by the ultramicrotome will be variable depending on the needs of the electron microscopist. However, consistent with our general operation in the electron microscopy department, it can be stated that we must have an ultramicrotome which will cut long series of equal thickness serial sections. The thickness of these sections should be easily operator chosen between the values 50A to 2 microns and it should be possible to easily and rapidly change the serial section thickness.

The Ultrotome III also allows a measure of compression during sectioning procedures to assist in an accurate measurement of cellular structure.

This ultramicrotome is important in the work of this pathology department in obtaining quality sections of sequential studies of the fetal thymus, a variety of neoplasms, and various disease conditions.

Application received by Commissioner of Customs: June 20, 1968.

Docket No. 68-00664-33-46500. Applicant: Hospital of the University of Pennsylvania, Laboratory of Pathologic Anatomy, Fourth Floor Administration Building, 3400 Spruce Street, Philadelphia, Pa. 19104. Article: LKB 8800A Ultrotome III ultramicrotome, table, and knifemaker. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: Applicant states:

The purchaser is studying the histogenesis and pathogenesis of a series of human tumors. Human tissues obtained from the surgical services of the hospital are being studied with regard to the tissue from which they arise, their mode of development, and their ultimate structural characteristics with special regard to those of diagnostic value. For certain types of tumors these identifying characteristics are better studied at the level of electron microscopy than by light microscopy. It is hoped that much valuable information regarding the development and ultimately treatment of these human tumors can be obtained by this research.

Various tissues from these specimens must be prepared for electron microscopy. Ultrathin sections are required in long series and must be cut in equal thickness throughout. The thickness must be exactly regulated by the operator in order to obtain maximum information. Because the exact thickness varies with the different tissues concerned, it is highly important that the operator be able to quickly and easily change cutting thickness from the range of 50–60Å up to 2μ.

Application received by Commissioner of Customs: June 21, 1968.

Docket No. 68-00665-33-46500. Applicant: Baylor University College of Medicine, 1200 Moursund Avenue, Houston, Tex. 77025. Article: LKB 8800A Ultrotome III ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: Applicant states:

Various pathological tissues as well as cell monolayers and tissue cultures must be prepared for electron microscopy. Many of our research specimens are tissue cultures grown on nylon and dacron velour fabrics which are used in various types of cardiovascular prostheses. Ultrathin sections of these widely varied specimens must be prepared in long series and must be cut in equal thickness throughout. The thickness of these sections must be chosen by the operator so as to obtain maximum information from the tissues. Because the exact thickness needed varies in different tissues it is imperative that the operator be able to quickly and easily change the cutting thickness anywhere from 50 Å to 2 microns.

Application received by Commissioner of Customs: June 21, 1968.

Docket No. 68-00666-33-46500. Applicant: Case Western Reserve University, Dental Research Building, 2029 Adelbert Road, Cleveland, Ohio 44106. Article: LKB 8800A Ultrotome III ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The applicant is involved in studies of development of calcified tissues. Samples of mineralizing bones and teeth are sectioned with the ultramicrotome, and the sections are examined with the electron microscope. In investigating growth sequencies it is necessary to examine in orderly manner entire growth zones, commencing at the region of earliest formation and proceeding to the latest stages. This requires serial sections in large numbers, which in routine procedures should all be of the same quality and thickness. At times, where the objective is rapid assessment of certain sequences, thick sections, on the order of some 1.5–2.0 microns, are preferable. In other instances, where high resolution of structural detail is desired, it is essential to have the thinnest sections possible, on the order of 50–100Å. In addition, combinations of thin and thick sections are sometimes desired, permitting both types of examination to be carried on simultaneously. Primary requirements in the instrument are high versatility in cutting thickness range, reliable serial sectioning, and consistency of performance. Application received by Commissioner of Customs: June 21, 1968.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8328; Filed, July 12, 1968; 8:48 a.m.]

UNIVERSITY OF MICHIGAN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00520-33-46500. Applicant: The University of Michigan, Department of Pathology, 1335 East Catherine Street, Ann Arbor, Mich. 48104. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to obtain reproducible sections of unfixed material which can be employed for the ultrastructural localization of macromolecules using the enzyme-labeled antibody technique. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The purposes for which the foreign article is intended to be used require an ultramicrotome capable of cutting the thinnest possible sections. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965) catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic ultramicrotome, the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), has a specified thin-sectioning capability down to 100 Angstroms (page 11, 1966 catalogue for "Porter-Blum" MT-1 and MT-2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The lower thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the microscope.

(2) For its purposes, the applicant requires an instrument capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated June 19, 1968) that only an ultramicrotome equipped with a thermal advance (feed) can meet this requirement. The foreign article incorporates both a thermal advance for ultrathin sections and a mechanical advance for thicker sections. The Sorvall Model MT-2 is equipped only with a mechanical feed. In connection with Docket No. 67-00024-33-46500, which relates to an identical foreign article, HEW advised that ultramicrotomes employing a mechanical system utilize a gear mechanism and inherent in such mechanisms are backlash and slippage. Hence, in mechanical systems, the variation in thickness and uniformity will be greater than in thermal systems when both are functioning at their best. We therefore find the thermal advance of the foreign article to be pertinent to the purposes for which such article is intended to be used.

(3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of 1° (page 3 of catalogue on "Ultrotome III"), whereas no equivalent device is specified for the Sorvall Model MT-2. The capability of accurately measuring the knife-angle setting is pertinent because the angle at which the knife enters the specimen determines the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8329; Filed, July 12, 1968; 8:48 a.m.]

UNIVERSITY OF NEBRASKA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C.

Docket No. 68-00462-60-32500. Applicant: University of Nebraska, Lincoln, Nebr. 68508. Article: Infrared gas analyzer, Model SB2. Manufacturer: Sir Howard Grubb Parsons & Co., Ltd., United Kingdom. Intended use of article: The article will be used to detect small changes in the concentration of CO_2 in the air, which is passing over leaf surfaces. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such foreign article is intended to be used, is being manufactured in the United States. Reasons: The applicant requires an instrument capable of measuring changes in the concentration of carbon dioxide in the atmosphere, as small as one part in 1 million. For the purposes for which the foreign article is intended to be used, this capability is pertinent.

The Department of Commerce knows of no instrument or apparatus being manufactured in the United States, which has the required capability of detecting changes in the concentration of carbon dioxide in the order of one part in 1 million.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8330; Filed, July 12, 1968; 8:48 a.m.]

UNIVERSITY OF VIRGINIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Producer Goods, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Producer Goods must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the

Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68-00667-33-46040. Applicant: University of Virginia School of Medicine, Charlottesville, Va. 22903. Article: Electron microscope, Model EM 9A and recommended spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: Applicant states:

The Zeiss EM 9A will be used for teaching and research. The Department of Physiology gives a series of courses for graduate and medical students and one of these will be in electronmicroscopy. The course will be taught by one of the staff and will be open to all graduate students of the University. Emphasis will be placed on correlation of structure and function of biological systems. In research the instrument will be used by several members of the Department who are engaged in physiological studies on the cardiovascular and nervous systems. In these studies it is essential to have detailed information about the fine structure of the tissues under investigation. Such information can only be provided by electronmicroscopy. Examples of the tissues to be studies are cultured heart cells, the smooth muscle cells of the microvasculature and the innervation of the heart and peripheral blood vessels.

Application received by Commissioner of Customs: June 24, 1968.

Docket No. 68-00668-33-46040. Applicant: Southern Illinois University, Edwardsville, Ill. 62025. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

1. One use of the microscope will be for training and instruction of seniors and graduate students in biological sciences. For such an application it is important that the instrument be simple to comprehend and easy to operate.

2. The microscope must be capable of investigating ultrathin unstained specimens.

3. The apparatus will also be employed for faculty and graduate student research.

4. One project that is currently in progress concerns the effects of various environmental factors on the biochemistry of the ciliated protozoan, *Tetrahymena pyriformis*. These studies will be extended to include possible ultrastructural changes that might occur. Another study involves the separation of subcellular particles, and the microscope will be used to determine the nature and the purity of the particles. An electron microscope capable of producing high-contrast photomicrographs of unstained specimens is needed. The voltage supply for electron acceleration in the Hitachi, Model HS-8, electron microscope is energized by a high frequency input through a Cockcroft-Walton circuit to give 25kV and 50kV. This flexibility permits excellent contrast to be obtained of unstained, ultrathin specimens. The high resolution (8 Å point to point) and ease of use and maintenance of this instrument combines to make it uniquely qualified for the dual research and teaching roles it would have in this department.

Application received by Commissioner of Customs: June 24, 1968.

Docket No. 68-00669-33-46040. Applicant: New York University, Department of Physics, 4 Washington Place, New York, N.Y. 10003. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: Applicant states:

This instrument will be used by several members of the Biology and Physics departments. Specific uses include:

a. A study of conformational changes in fibrous proteins especially collagen in connection with an investigation of the piezoelectric properties of this and related (e.g. bone) biological systems. Maximum resolution is necessary since spacings in the molecules are under investigation. In this work it is also desirable that a tension be applied to the specimen while it is under examination.

b. Another investigator is examining pigment-protein complexes (especially chlorophyll and related systems) and the effects of different preparative procedures and experimental conditions on conformational configurations. He anticipates using the electron microscope as one tool in these studies and therefore also requires the maximum resolving capabilities available.

c. A number of different investigations of plant and animal cell ultrastructural features are planned. One involves a developmental study of cell differentiation in a fern gametophyte. Two aspects of this investigation are particularly relevant to this justification. First, the cells are much larger than those encountered in most typical plant studies and low power views which contain as many cells as possible per field are important; and secondly, it is absolutely essential that one specific cell out of several in a given field be identified and photographed in relation to its neighboring cells. Secondly, since only one cell among many similar cells is of significance, considerable time under the electron beam has to be spent in finding that cell with consequent beam damage to the specimen. This must be minimized to achieve acceptable pictures and avoid artifacts. Previous experience has shown that the ability to achieve low magnification views and minimum contamination is critical for success in this particular investigation. Another study involving blood precursor cells also demands that low magnification be available for identification purposes. Most of these cellular studies anticipate using sectioned material.

Application received by Commissioner of Customs: June 24, 1968.

Docket No. 68-00670-33-46040. Applicant: University of Southern California, University Park, Los Angeles, Calif. 90007. Article: Electron microscope, Model EM6B. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The applicant states the article will be used for:

Biological research and student training. Research will be conducted in the areas of cell structure and the chemical and physiologic significances of such structures. Of particular interests are cell membranes R.N.A. (Ribonucleic Acid), D.N.A. (Deoxyribonucleic Acid), mitochondria, Golgi, apparatus, lysosomes, ribosomes, and secretory vesicles. Also to be studied are the interrelations between adjacent cells and between cells and their vascular supply.

Such studies will require the ultimate in resolution capabilities. Student training requires an instrument which can produce reliable and repeated results with relative simplicity and not complicated by involved procedures. Also required is an instrument with inherent latitude to take advantage of the newer tissue techniques now possible and which will be forthcoming in the next several years.

Application received by Commissioner of Customs: June 24, 1968.

Docket No. 68-00672-00-46040. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Exposure meter for Siemens electron microscope. Manufacturer: Siemens & Halske AG, West Germany. Intended use of article: The article will be used as a photographic accessory to the applicant's microscope. Application received by Commissioner of Customs: June 25, 1968.

Docket No. 68-00673-00-41200. Applicant: NASA-Goddard Space Flight Center, Glenn Dale Road, Greenbelt, Md. 20771. Article: Klystron tube part (millimeter vacuum tube oscillator). Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The applicant states that the article will be used as: "A component of a Millimeter Wave test set for measuring varactor diodes." Application received by Commissioner of Customs: June 25, 1968.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8331; Filed, July 12, 1968; 8:48 a.m.]

VETERANS ADMINISTRATION HOSPITAL, LONG BEACH, CALIF.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C.

Docket No. 68-00515-33-15900. Applicant: Veterans Administration Hospital, 5901 East Seventh Street, Long Beach, Calif. 90801. Article: Thin-layer countercurrent distribution apparatus, Model CCD. Manufacturer: G. Stark, Stalprodukter, Sweden. Intended use of article: The article will be used for the separation of different cells, on which studies will be made of membranes, proteins, nucleic acids, and general metabolism. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article incorporates the "thin-layer" principle of separation. This principle has the advantage of increasing the number of transfers that can be made before cell damage occurs. This minimizes the time required to complete the analysis and, concomitantly, provides more accurate results. In the separation of phase systems consisting of two-polymers, this characteristic of the foreign article is pertinent.

The Department of Commerce knows of no instrument or apparatus being manufactured in the United States, which employs the "thin-layer" principle.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8332; Filed, July 12, 1968; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

CUSTOMS CLEARANCE OF IN-BOND AIR CARGO SERVICE AT WASHINGTON NATIONAL AIRPORT

Notice of Termination

Effective September 1, 1968, the Federal Aviation Administration has withdrawn its permission to the Bureau of Customs, Department of the Treasury, to occupy the space at Washington National Airport (National) that it now uses to operate its in-bond air freight clearance service.

The space now occupied by the Bureau of Customs is urgently needed to meet other demands for space at National consistent with its function as a short-haul commuter airport and to help relieve congested conditions at the airport. In-bond freight clearance service, as well as Customs passenger clearance, will continue to be available at Dulles International Airport (Dulles). Since Dulles opened in 1962, increasing amounts of international air freight have been handled there. At the present time, Dulles handles over 72 percent of all international air freight destined for Washington. International air freight represents more than 35 percent of all air freight handled at Dulles but only 3 percent of all air freight handled at National.

Accordingly, notice is hereby given that Customs clearance of air freight arriving under Customs bond at Washington National Airport will not be available after the close of business on September 1, 1968.

Issued in Falls Church, Va., on July 8, 1968.

ARVEN H. SAUNDERS,
Director, Bureau of National Capital Airports.

[F.R. Doc. 68-8312; Filed, July 12, 1968; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-288]

REED INSTITUTE (REED COLLEGE)

Notice of Issuance of Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on June 14, 1968 (33 F.R. 8749), the Atomic Energy Commission has issued, in the form set forth in that notice, Facility License No. R-112. The license authorizes the College to operate a TRIGA Mark I research reactor on its campus in Portland, Oreg.

Dated at Bethesda, Md., this 2d day of July 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68-8286; Filed, July 12, 1968; 8:45 a.m.]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS & ELECTRIC CO.

Order Extending License Expiration Date

By Application Amendment No. 15, dated April 23, 1968, Southern California Edison Co. and San Diego Gas & Electric Co. ("the applicant"), requested an extension of the expiration date of Facility License No. DPR-13. The license authorizes the applicant to possess and operate the San Onofre Nuclear Generating Station Unit No. 1 located in San Diego, Calif.

Good cause having been shown for extension of said date pursuant to § 50.57 (d) of 10 CFR Part 50 of the Commission's regulations, it is hereby ordered that the expiration date of Provisional Operating License No. DPR-13 is extended to March 27, 1970.

Date of issuance: July 8, 1968.

For the Atomic Energy Commission.

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

[F.R. Doc. 68-8313; Filed, July 12, 1968; 8:47 a.m.]

[Docket Nos. 50-272, 50-311]

PUBLIC SERVICE ELECTRIC & GAS CO. ET AL.

Notice of Hearing on Application for Provisional Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act) and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10 a.m., local time, on August 15, 1968, in the American Legion Hall, 22 New Market Street, Salem, N.J., to consider the application filed under section 104b of the Act by Public Service Electric & Gas Co., Philadelphia Electric Co., Delmarva Power and Light Co., and Atlantic City Electric Co. with Public Service Electric & Gas Co. acting as the representative of the other three companies (the applicants), for provisional construction permits for two pressurized water reactors, each designed to initially operate at 3,250 megawatts (thermal), to be located at the applicants' Salem County, N.J., site on the southern part of Artificial Island on the east bank of the Delaware River in Lower Alloways Creek Township, located approximately 18 miles south of Wilmington, Del., and 30 miles southwest of Philadelphia, Pa.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Mr. R. B. Briggs, Oak Ridge, Tenn.; Dr. Thomas H. Pigford, Berkeley, Calif.; and Mr. Jack M. Campbell, Chairman, Santa Fe, N. Mex. Dr. Clarke Williams, Upton, Long Island, N.Y., has been designated as a technically qualified alternate, and Mr. Valentine B. Deale, Esq., Washington, D.C., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the Board at 10 a.m., local time on August 1, 1968, in Room 1030 at 1717 H Street NW., Washington, D.C., to consider the matters provided for consideration by § 2.752 of 10 CFR Part 2 and section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings on Item Nos. 1-3 and a negative finding on Item 4 specified below as the basis for the issuance of provisional construction permits to the applicants substantially in the form proposed in Appendices A and B hereto.

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicants have described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis reports;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest dates stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicants are technically qualified to design and construct the proposed facilities;

3. Whether the applicants are financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for the construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by § 2.4 of the Commission's rules of practice, 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permits proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Nos. 1 through 4 above as the basis for determining whether the provisional construction permits should be issued to the applicants.

As they become available, the application, the applicants' summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the ACRS report, the applicants' summary of the application and the regulatory staff's Safety Evaluation will also be available at the office of Atlantic City Electric Co., 129 West Broadway, Salem, N.J., for inspection by members of the public each weekday between the hours of 9 a.m. and 5 p.m. Copies of the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by July 26, 1968.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than July 26, 1968, or in the event of a postponement of the prehearing conference, at such time as the Board may specify. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of § 2.705 of the Commission's rules of practice, must be filed by the applicant on or before July 26, 1968.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, an original and twenty conformed copies of each such paper with the Commission.

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

UNITED STATES ATOMIC ENERGY COMMISSION,
F. T. HOBBS,
Acting Secretary.

APPENDIX A

PUBLIC SERVICE ELECTRIC AND GAS CO.
PHILADELPHIA ELECTRIC CO.
DELMARVA POWER AND LIGHT CO.
ATLANTIC CITY ELECTRIC CO.

(Salem Nuclear Generating Station, Unit No. 1)

[Docket No. 50-272]

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No.-------.

1. Pursuant to § 104b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Public Service Electric and Gas Co., Philadelphia Electric Co., Delmarva Power and Light Co., and Atlantic City Electric Co., with Public Service Electric and Gas Co. acting as the representative of the other three companies (the applicants), for a utilization facility (the facility), designed to operate at 3,250 megawatts (thermal), described in the application and amendments thereto (the application) filed in this matter by the applicants and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Salem Nuclear Generating Station, Unit No. 1, will be located at the applicants' Salem County, N.J., site on the southern part of Artificial Island on the east bank of the Delaware River in Lower Alloways Creek Township, approximately 18 miles south of Wilmington, Del., and 30 miles southwest of Philadelphia, Pa.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is December 1, 1971, and the latest date for completion of the facility is May 1, 1972.

B. The facility shall be constructed and located at the site as described in the application in Lower Alloways Creek Township, Salem County, N.J.

C. This construction permit authorizes the applicants to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicants submit to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicants submit proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

APPENDIX B

PUBLIC SERVICE ELECTRIC AND GAS CO.
PHILADELPHIA ELECTRIC CO.
DELMARVA POWER AND LIGHT CO.
ATLANTIC CITY ELECTRIC CO.

(Salem Nuclear Generating Station, Unit No. 2)

[Docket No. 50-311]

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. _______.

1. Pursuant to § 104b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Public Service Electric and Gas Co., Philadelphia Electric Co., Delmarva Power and Light Co., and Atlantic City Electric Co. with Public Service Electric and Gas Co. acting as the representative of the other three companies (the applicants) for a utilization facility (the facility), designed to operate at 3,250 megawatts (thermal), described in the application and amendments thereto (the application) filed in this matter by the applicants and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Salem Nuclear Generating Station, Unit No. 2, will be located at the applicants' Salem County, N.J., site on the southern part of Artificial Island on the east bank of the Delaware River in Lower Alloways Creek Township, approximately 18 miles south of Wilmington, Del., and 30 miles southwest of Philadelphia, Pa.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is December 1, 1972, and the latest date for completion of the facility is May 1, 1973.

B. The facility shall be constructed and located at the site as described in the application in Lower Alloways Creek Township, Salem County, N.J.

C. This construction permit authorizes the applicants to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicants submit to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicants submit proof of financial protection and the execution of an indemnity agreement as required by section 170 of the Act.

For the Atomic Energy Commission.

[F.R. Doc. 68-8366; Filed, July 12, 1968; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19928]

BRITISH OVERSEAS AIRWAYS CORP.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on July 29, 1968, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Robert L. Park.

Dated at Washington, D.C., July 9, 1968.

[SEAL] THOMAS L. WRENN, *Chief Examiner.*

[F.R. Doc. 68-8316; Filed, July 12, 1968; 8:47 a.m.]

[Docket No. 19948; Order E-26953]

SUN AIRLINE CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority, June 20, 1968.

The Postmaster General filed a notice of intent June 7, 1968 pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 29 cents per great circle aircraft mile for the transportation of mail by aircraft between Memphis, Tenn., and Birmingham, Ala.

No protest or objection has been filed against the services proposed in the notice of intent, and the time for filing such objections has now expired. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. In addition, the Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech, Model Super E aircraft, equipped for all weather operation.

Since no mail rate is presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to it by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sun Airline Corp., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Memphis, Tenn., and Birmingham, Ala., shall be 29 cents per great circle aircraft mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Sun Airline Corp., the Postmaster General, Eastern Air Lines, Inc., Delta Air Lines, Inc., and Southern Airways, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above, the final rate specified above, as the fair and reasonable rate of compensation to be paid to Sun Airline Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sun Airline Corp., the Postmaster General, Eastern Air Lines, Inc., Delta Air Lines, Inc., and Southern Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 68-8301; Filed, July 12, 1968; 8:46 a.m.]

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[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14 (g).

OFFICE OF EMERGENCY PLANNING

OHIO

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Ohio, dated June 7, 1968, and published June 14, 1968 (33 F.R. 8756), is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 5, 1968:

Guernsey

Dated: July 8, 1968.

PRICE DANIEL,
Director,
Office of Emergency Planning.

[F.R. Doc. 68-8291; Filed, July 12, 1968; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

HOUSEHOLD GOODS CARRIERS' BUREAU

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of modification to an agreement filed for approval by:

F. L. Wyche, Executive Secretary, Household Goods Carriers' Bureau, 1424 16th Street NW., Washington, D.C. 20036.

Amended Agreement designated No. 8480-2 pertaining to carriers parties to the Household Goods Carriers' Bureau, modified their approved Rate Agreement 8480 between ports in the United States and Hawaii, Puerto Rico, and Guam to include ports in the United States Virgin Islands.

Dated: July 9, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8299; Filed, July 12, 1968; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

LEEDS SHOES, INC.

Order Suspending Trading

JULY 8, 1968.

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

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 9, 1968, through July 18, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8293; Filed, July 12, 1968; 8:45 a.m.]

[812-2317]

NN CORP.

Notice of Filing of Application for Exemption

JULY 8, 1968.

Notice is hereby given that NN Corp. ("Applicant"), 731 North Jackson Street, Milwaukee, Wis. 53202, a Delaware corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940, 15 U.S.C. sec. 80a-1 et seq. ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed purchase by Applicant from Wisconsin Securities Company of Delaware ("WSD"), a registered closed-end non-diversified investment company, of 50,000 shares (5.63 percent) of the outstanding capital stock of Northwestern National Insurance Company ("Northwestern National") in exchange for 50,000 shares of common stock of Applicant, as part of a plan of exchange described below. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant was incorporated on February 15, 1968, for the purpose of becoming the parent company of Northwestern National, a Wisconsin insurance company, and its subsidiaries, and to provide a holding company having general business purposes. Its capitalization consists of 1 million shares of preferred stock and 2,500,000 shares of common stock. Northwestern National's capitalization consists of 1,500,000 shares of capital stock, 887,954 of which are outstanding. Under section 2(a)(3) of the Act, since WSD holds 5.63 percent of the capital stock of Northwestern National and Northwestern National and Applicant may be deemed under common control, Northwestern National is an affiliate of WSD and Applicant is an affiliate of Northwestern National.

On May 28, 1968, Applicant directed an offer to all of the stockholders of Northwestern National, undertaking to exchange one share of Applicant's common stock for each outstanding share of Northwestern National's capital stock. Consummation of the exchange offer is contingent upon the receipt by Applicant of at least 80 percent of the shares of Northwestern National capital stock then outstanding. The offer was to expire on June 28, 1968, unless extended in accordance with the terms of the exchange offer for an additional period not exceeding 60 days. The offer has been extended until July 24, 1968. As of June 27, 1968, holders of approximately 670,000 shares of the stock of Northwestern National had tendered their shares in acceptance of the exchange offer.

Northwestern National has subscribed for 119,760 shares of common stock of Applicant for the subscription price of $5 million payable on the effective date of the exchange offer. The $5 million capital investment by Northwestern National will provide Applicant with funds for its operation.

Apart from the transaction described above, the immediate effect of the offer will be merely to change the manner of holding the investment in Northwestern National of the former shareholders of that company.

In addition to WSD's stockholding in Northwestern National, George M. Chester, President and a Director of WSD and William R. Johnson and William D. Vogel, Directors of WSD, are members of the Boards of Directors of Northwestern National and Applicant. WSD will not receive any special inducement to accept the exchange offer.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered company any securities or other property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and with the general purposes of the Act.

Notice is further given that any interested person may, not later than July

22, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 68-8295; Filed, July 12, 1968; 8:45 a.m.]

[70-4645]

NATIONAL FUEL GAS CO. ET AL.

Notice of Proposed Issue and Sale of Debentures at Competitive Bidding and Long-Term Notes by Holding Company; Long-Term and Short-Term Notes to Holding Company and Short-Term Notes to Banks by Subsidiary Companies

JULY 8, 1968.

In the matter of National Fuel Gas Co., 30 Rockefeller Plaza, New York, N.Y. 10020; Iroquois Gas Corp., United Natural Gas Co., and Pennsylvania Gas Co.

Notice is hereby given that National Fuel Gas Co. ("National"), a registered holding company, and three of its gas utility subsidiary companies, Iroquois Gas Corp. ("Iroquois"), United Natural Gas Co. ("United"), and Pennsylvania Gas Co. ("Penn"), have filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43, 45, and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

National proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $15 million principal amount of ______ percent sinking fund debentures, series due August 15, 1993. The interest rate of the debentures (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to National (which shall be not less than 99 percent nor more than 102 percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued under an indenture to be dated as of August 15, 1968, between National and Manufacturers Hanover Trust Co. as trustee, and will be issued only in registered form.

National also proposes to issue and sell to The Chase Manhattan Bank (NA) ("Chase Bank") its unsecured promissory note in the amount of $12,400,000. The note will be dated December 31, 1968, will mature on December 31, 1970, and will bear interest, payable quarterly, at the prime commercial rate per annum in effect at the Chase Bank from time to time during the period from December 31, 1968, to December 31, 1969. During the year 1970, the interest rate shall be one-quarter percent in excess of such prime rate. The note will be prepayable, in whole or in part, at any time without penalty, except that a premium of three-eighths of 1 percent of the principal amount prepaid will be charged if the prepayment results from borrowings from a bank other than the Chase Bank.

National proposes to use the net proceeds from the sale of its note and debentures (1) to prepay its outstanding notes due to the Chase Bank amounting to $12,400,000 and maturing December 31, 1968, and (2) to acquire for cash $15 million principal amount of long-term notes from its three above-mentioned gas utility subsidiary companies. On the date National receives the proceeds from the sale of its debentures, Iroquois, United, and Penn propose to issue and sell and National proposes to acquire unsecured long-term promissory notes in the total aggregate principal amount of $15 million. Such notes will be issued and sold to National in the respective principal amounts of $9,200,000 by Iroquois, $3,600,000 by United, and $2,200,000 by Penn. The notes will be issued in series with the first note in each series maturing on December 15, 1972, and with each succeeding note in the applicable series maturing on the following December 15. The final note of each series will be payable on August 15, 1993. The notes will bear interest at a rate per annum equal to the effective cost of money incurred by National on its proposed sale of debentures, rounded to the next one-tenth of 1 percent and will be payable semiannually. Such notes will be prepayable at any time without premium. The net proceeds derived from the sale of these long-term notes, together with funds available from current operations, will be used by the applicant-declarant subsidiary companies to make additions to utility plant, including underground cushion gas in storage and to replenish working capital. The total cost of the 1968 expansion programs of the three subsidiary companies is estimated at $18,300,000.

Iroquois, United, and Penn, also propose to reissue unsecured promissory notes in the respective principal amounts of $8,700,000 for Iroquois, $2 million for Penn, and $1,700,000 for United. These notes will continue to be payable to National and, as extended, will mature December 31, 1970. Such notes will bear interest during the period January 1, 1969, to December 31, 1969, equivalent to the prime commercial rate in effect at the Chase Bank from time to time during said period, and during the period January 1, 1970, to December 31, 1970, equivalent to an annual rate of one-quarter percent above the prime commercial rate in effect at the Chase Bank from time to time. The notes payable to National may be prepaid at any time without premium or penalty.

Iroquois, United, and Penn also propose to issue and sell from time to time to the banks named below short-term promissory notes in the respective aggregate amounts of $7 million for Iroquois, $4 million for United, and $2,700,000 for Penn. Each such note will be dated as of the date of issue, will mature not later than 9 months thereafter, will bear interest at the prime commercial rate in effect at the lending bank on the issue date, and will be prepayable, in whole or in part, without penalty or premium. Such 9 month notes will aggregate about 5.8 percent of the principal amount and par value of Iroquois other securities as of March 31, 1968, 9.2 percent in respect of United and 11.1 percent in respect of Penn. Any amount of such notes aggregating together with all other such outstanding notes in excess of 5 percent of the principal amount and par value of the other securities of Iroquois, United, or Penn may be issued by these companies only pursuant to order of the Commission. The short-term notes to be issued to such banks exceed the 5 percent exemption limitation by $998,645 in respect of Iroquois, $1,827,497 in respect of United, and $1,480,825 in respect of Penn. The proceeds derived from the sale of such short-term note borrowings from banks will be used by Iroquois, United, and Penn to finance the cost of gas purchased and stored underground for current inventory purposes and it is stated that such borrowings are expected to be repaid in 1969 as gas is withdrawn from storage and sold.

In summary, National and its named subsidiary companies propose to issue and sell securities as shown below:

	To public debentures	To national		To banks	
		Long-term notes	2-year notes	2-year notes	Short-term notes
National	$15,000,000			[1] $12,400,000	
Iroquois		$9,200,000	$8,700,000		[2] $7,000,000
United		3,600,000	1,700,000		[3] 4,000,000
Penn		2,200,000	2,000,000		[4] 2,700,000
	15,000,000	15,000,000	12,400,000	12,400,000	13,700,000

[1] To be issued to The Chase Manhattan Bank (NA).

[2] To be issued to:

Marine Midland Trust Company of Western New York, Buffalo, N.Y	$3,290,000
Manufacturers & Traders Trust Co., Buffalo, N.Y	3,150,000
Liberty National Bank & Trust Co., Buffalo, N.Y	560,000
	7,000,000

[3] To be issued to:

Bradford National Bank, Bradford, Pa	$200,000
Du Bois Deposit National Bank, Du Bois, Pa	250,000
Emporium Trust Co., Emporium, Pa	150,000
Exchange Bank & Trust Co., Franklin, Pa	200,000
First National Bank of Mercer County, Greenville, Pa	150,000
First Seneca Bank & Trust Co., Oil City, Pa	750,000
McDowell National Bank, Sharon, Pa	400,000
Northwest Pennsylvania Bank & Trust Co., Oil City, Pa	500,000
The Pennsylvania Bank & Trust Co., Titusville, Pa	500,000
Producers Bank & Trust Co., Bradford, Pa	70,000
The St. Marys National Bank, St. Marys, Pa	160,000
Mellon National Bank & Trust Co., Pittsburgh, Pa	670,000
	4,000,000

[4] To be issued to:

Warren National Bank, Warren, Pa	$550,000
The First National Bank of Erie, Pa	900,000
Marine National Bank, Erie, Pa	400,000
Marine Midland Chautauqua National Bank, Jamestown, N.Y	500,000
The Pennsylvania Bank & Trust Co., Warren, Pa	350,000
	2,700,000

The estimated fees and expenses to be paid by National in connection with the proposed debentures are estimated to aggregate $48,000, including $9,250 for legal services. The fees and expenses of independent counsel for the underwriters, which are to be paid by the successful bidder, are estimated at $10,500. The fees and expenses in connection with the proposed notes are estimated at $1,000 for National, $3,320 for Iroquois, $1,010 for United, and $510 for Penn.

The proposed issue and sale of long-term notes by Iroquois are subject to the jurisdiction of the Public Service Commission of New York, the State commission of the State in which Iroquois is organized and doing business; the proposed issue and sale of long-term notes by United and Penn are subject to the jurisdiction of the Pennsylvania Public Utility Commission, the State commission of the State in which both United and Penn are organized and doing business. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 26, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Comisssion should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8294; Filed, July 12, 1968; 8:45 a.m.]

[812-2322]

NORTHWESTERN NATIONAL INSURANCE CO.

Notice of Filing of Application for Order Exempting Transaction Between Affiliated Persons

JULY 8, 1968.

Notice is hereby given that Northwestern National Insurance Co. ("Applicant"), 731 North Jackson Street, Milwaukee, Wis. 53201, a Wisconsin corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed purchase by Applicant from ISI Trust Fund, formerly named Insurance Securities Trust Fund ("Trust Fund"), a registered open-end diversified investment company, of 85,000 shares of Applicant's capital stock at a price of $41 per share. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Trust Fund owns 85,000 shares, or 9.57 percent, of the outstanding capital stock of Applicant; therefore Applicant is an affiliated person of Trust Fund within the meaning of section 2(a)(3) of the Act.

Section 17(a) of the Act as here pertinent, makes it unlawful for an affiliated person of a registered investment company to purchase from such investment company any security or other property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and with the general purposes of the Act.

Applicant is in the process of a reorganization whereby a newly created Delaware corporation, NN Corporation, created to become Applicant's parent, is offering one share of its common stock in exchange for each outstanding share of Applicant's capital stock. A registration statement under the Securities Act of 1933 with respect to such exchange offer was filed with the Commission on March 29, 1968.

The agreement between Applicant and Trust Fund with respect to the proposed purchase by Applicant of Trust Fund's holdings of Applicant's capital stock is embodied in a letter signed by Trust Fund on May 3, 1968, and accepted by Applicant on May 6, 1968. The price of Applicant's capital stock in the over-the-counter market on May 3, 1968, as published in The Wall Street Journal on Monday, May 6, 1968, was 40½ bid, 42 asked.

The board of directors of Applicant has determined that, upon the purchase of said 85,000 shares of Applicant's capital stock from Trust Fund, said shares will be retired and restored to authorized and unissued shares.

Notice is further given that any interested person may, not later than July 22, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8296; Filed, July 12, 1968; 8:45 a.m.]

[70-4647]

PENNSYLVANIA ELECTRIC CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds

JULY 9, 1968.

Notice is hereby given that Pennsylvania Electric Co. ("Penelec"), 1001 Broad Street, Johnstown, Pa. 15907, an electric utility subsidiary company of General Public Utilities Corp. ("GPU"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Penelec proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $38 million principal amount of First Mortgage Bonds, ---- percent Series due August 1, 1998. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof), will be determined by the competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust dated January 1, 1942, between Penelec and Bankers Trust Co., Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated August 1, 1968.

The proceeds from the sale of the bonds will be used for the purpose of financing its business as a public utility, including the reimbursement of its treasury for expenditure therefrom prior to January 1, 1968, for construction purposes and the payment of its short-term bank loans outstanding at the time of the sale of the bonds. Such bank notes are expected to aggregate $30 million at that time. Any premium realized from the sale of the bonds will be used for financing the business of Penelec, including the payment of expenses of its 1968 financing program. The 1968 construction program is estimated to cost $76 million, part of which is to be financed by the sale of the bonds, by funds generated internally, by capital contributions to be received from GPU aggregating $31 million and by short-term bank loans.

Fees and expenses relating to the proposed transaction are estimated at $96,000, including legal fees of $26,000 and accountant's fees of $5,500. A statement of the fee of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale of bonds by Penelec. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 1, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail of the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8321; Filed, July 12, 1968; 8:47 a.m.]

PLANET OIL AND MINERAL CORP.

Order Suspending Trading

JULY 9, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Planet Oil and Mineral Corp., 700 Fidelity Union Tower, Dallas, Tex. 75201, 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 July 10, 1968, through July 19, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8322; Filed, July 12, 1968; 8:47 a.m.]

ROVER SHOE CO.

Order Suspending Trading

JULY 9, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rover Shoe Co., Bushnell, Fla., and stock purchase warrants of Rover Shoe Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 10, 1968, through July 19, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8323; Filed, July 12, 1968; 8:47 a.m.]

[File 1-2879]

ROYSTON COALITION MINES, LTD.

Order Suspending Trading

JULY 9, 1968.

The capital stock 1-cent par value, of Royston Coalition Mines, Ltd., being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Royston Coalition Mines, Ltd., being traded otherwise than on a national securities exchange; and

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

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 10, 1968, through July 19, 1968, both dates inclusive.

By the Commission.

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

[F.R. Doc. 68-8324; Filed, July 12, 1968; 8:48 a.m.]

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