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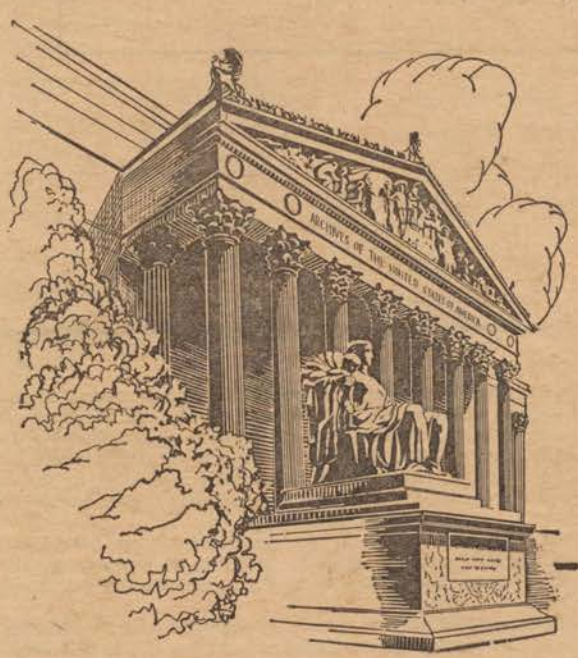

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 33—SPECIFIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL

On April 30, 1968, the Atomic Energy Commission published in the FEDERAL REGISTER (33 F.R. 6551) a proposed revision of 10 CFR Part 33 of its regulations which would, among other things, permit the wider use of specific licenses of broad scope ("broad licenses"). Three types of broad licenses, designated "Type A", "Type B", and "Type C" specific licenses of broad scope, would be provided. The "Type A" broad licenses would be essentially the same as the broad licenses described in the present Part 33. "Type B" and "Type C" broad licenses would provide similar flexibility for specially qualified applicants with intermediate or small-scale radioisotope programs.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed revision within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments and other factors involved, the Commission has adopted the proposed revision. The text of the revision set out below is essentially the same as that published April 30, 1968. Sections 33.13(c)(2) and 33.14(b)(1) have been modified to require the appointment of a radiological safety officer who is qualified by training and experience in radiation protection rather than to require that he be qualified to actually use the material. Section 33.17(a)(2) has been amended to specify those types of irradiators which are not to be licensed under licenses of broad scope as "devices containing 100,000 curies or more of byproduct material in sealed sources used for irradiation of materials." The title of the committee required by § 33.13(c)(1) has been changed from "isotope committee" to "radiation safety committee."

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following revision of Title 10, Chapter I, Code of Federal Regulations, Part 33, is published as a document subject to codification, to be effective 30 days after publication in the FEDERAL REGISTER.

10 CFR Part 33, "Specific Licenses of Broad Scope for Byproduct Material", is revised to read as follows:

AUTHORITY: The provisions of this Part 33 issued under sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201.

§ 33.1 Purpose and scope.

This part prescribes requirements for the issuance of specific licenses of broad scope for byproduct material ("broad licenses") and certain regulations governing holders of such licenses. The provisions and requirements of this part are in addition to, and not in substitution for, other requirements of this chapter. In particular, the provisions of Part 30 of this chapter apply to applications and licenses subject to this part.

SPECIFIC LICENSES OF BROAD SCOPE

§ 33.11 Types of specific licenses of broad scope.

(a) A "Type A specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use, transfer, and import of any chemical or physical form of the byproduct material specified in the license, but not exceeding quantities specified in the license, for purposes authorized by the Act. The quantities specified are usually in the multicurie range.

(b) A "Type B specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use, transfer, and import of any chemical or physical form of byproduct material specified in § 33.100, Schedule A, for purposes authorized by the Act. The possession limit for a Type B broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in § 33.100, Schedule A, Column I. If two or more radionuclides are possessed thereunder, the possession limit for each is determined as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in § 33.100, Schedule A, Column I, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

(c) A "Type C specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use, transfer, and import of any chemical or physical form of byproduct material specified in § 33.100, Schedule A, for purposes authorized by the Act. The possession limit for a Type C broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in § 33.100, Schedule A, Column II. If two or more radionuclides are possessed thereunder, the possession limit is determined for each as follows: For each radionuclide determine the ratio of the quantity possessed to the applicable quantity specified in § 33.100, Schedule A, Column II, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

§ 33.12 Applications for specific licenses of broad scope.

Applications for specific licenses of broad scope should be filed on Form AEC-313, "Application for Byproduct Material License," in accordance with the provisivons of § 30.32 of this chapter.

§ 33.13 Requirements for the issuance of a Type A specific license of broad scope.

An application for a Type A specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(b) The applicant has engaged in a reasonable number of activities involving the use of byproduct material; and

(c) The applicant has established administrative controls and provisions relating to organization and management, procedures, record keeping, material control, and accounting and management review that are necessary to assure safe operations, including:

(1) The establishment of a radiation safety committee composed of such persons as a radiological safety officer, a representative of management, and persons trained and experienced in the safe use of radioactive materials;

(2) The appointment of a radiological safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiological safety matters; and

(3) The establishment of appropriate administrative procedures to assure:

(i) Control of procurement and use of byproduct material;

(ii) Completion of safety evaluations of proposed uses of byproduct material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user, and the operating or handling procedures; and

(iii) Review, approval, and recording by the radiation safety committee of safety evaluations of proposed uses prepared in accordance with subdivision (ii) of this subparagraph (3) prior to use of the byproduct material.

§ 33.14 Requirements for the issuance of a Type B specific license of broad scope.

An application for a Type B specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter; and

(b) The applicant has established administrative controls and provisions relating to organization and management, procedures, record keeping, material control and accounting, and management review that are necessary to assure safe operations, including:

(1) The appointment of a radiological safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiological safety matters; and

(2) The establishment of appropriate administrative procedures to assure:

(i) Control of procurement and use of byproduct material;

(ii) Completion of safety evaluations of proposed uses of byproduct material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user, and the operating or handling procedures; and

(iii) Review, approval, and recording by the radiological safety officer of safety evaluations of proposed uses prepared in accordance with subdivision (ii) of this subparagraph (2) prior to use of the byproduct material.

§ 33.15 Requirements for the issuance of a Type C specific license of broad scope.

An application for a Type C specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter; and

(b) The applicant submits a statement that byproduct material will be used only by, or under the direct supervision of, individuals who have received:

(1) A college degree at the bachelor level, or equivalent training and experience, in the physical or biological sciences or in engineering; and

(2) At least 40 hours of training and experience in the safe handling of radioactive materials, and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection instrumentation, and biological hazards of exposure to radiation appropriate to the type and forms of byproduct material to be used; and

(c) The applicant has established administrative controls and provisions relating to procurement of byproduct material, procedures, record keeping, material control and accounting, and management review necessary to assure safe operations.

§ 33.16 Application for other specific licenses.

An application filed pursuant to Part 30 of this chapter for a specific license other than one of broad scope will be considered by the Commission as an application for a specific license of broad scope under this part if the requirements of the applicable sections of this part are satisfied.

§ 33.17 Conditions of specific licenses of broad scope.

(a) Unless specifically authorized pursuant to other parts of this chapter, persons licensed under this part shall not: (1) Conduct tracer studies in the environment involving direct release of byproduct material; (2) receive, acquire, own, possess, use, transfer, or import devices containing 100,000 curies or more of byproduct material in sealed sources used for irradiation of materials; (3) conduct activities for which a specific license issued by the Commission under Part 32, 34, or 35 of this chapter is required; or (4) add or cause the addition of byproduct material to any food, beverage, cosmetic, drug, or other product designed for ingestion or inhalation by, or application to, a human being.

(b) Each Type A specific license of broad scope issued under this part shall be subject to the condition that byproduct material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety committee.

(c) Each Type B specific license of broad scope issued under this part shall be subject to the condition that byproduct material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiological safety officer.

(d) Each Type C specific license of broad scope issued under this part shall be subject to the condition that byproduct material possessed under the license may only be used by, or under the direct supervision of, individuals who satisfy the requirements of § 33.15.

SCHEDULES

§ 33.100 Schedule A.

Byproduct material	Col. I curies	Col. II curies
Antimony-122	1	0.01
Antimony-124	1	.01
Antimony-125	1	.01
Arsenic-73	10	.1
Arsenic-74	1	.01
Arsenic-76	1	.01
Arsenic-77	10	.1
Barium-131	10	.1
Barium-140	1	.01
Bismuth-210	.1	.001
Bromine-82	10	.1
Cadmium-109	1	.01
Cadmium-115m	1	.01
Cadmium-115	10	.1
Calcium-45	1	.01
Calcium-47	10	.1
Carbon-14	100	1.
Cerium-141	10	.1
Cerium-143	10	.1
Cerium-144	.1	.001
Cesium-131	100	1.
Cesium-134m	100	1.
Cesium-134	.1	.001
Cesium-135	1	.01
Cesium-136	10	.1
Cesium-137	.1	.001
Chlorine-36	1	.01
Chlorine-38	100	1.
Chromium-51	100	1.
Cobalt-58m	100	1.
Cobalt-58	1	.01
Cobalt-60	.1	.001
Copper-64	10	.1
Dysprosium-165	100	1.
Dysprosium-166	10	.1
Erbium-169	10	.1
Erbium-171	10	.1
Europium-152 9.2 h	10	.1
Europium-152 13 y	.1	.001
Europium-154	.1	.001
Europium-155	1	.01
Fluorine-18	100	1.
Gadolinium-153	1	.01
Gadolinium-159	10	.1
Gallium-72	10	.1
Germanium-71	100	1.
Gold-198	10	.1
Gold-199	10	.1
Hafnium-181	1	.01
Holmium-166	10	.1
Hydrogen-3	100	1.
Indium-113m	100	1.
Indium-114m	1	.01
Indium-115m	100	1.
Indium-115	1	.01
Iodine-125	.1	.001
Iodine-126	.1	.001
Iodine-129	.1	.001
Iodine-131	.1	.001
Iodine-132	10	.1
Iodine-133	1	.01
Iodine-134	10	.1
Iodine-135	1	.01
Iridium-192	1	.01
Iridium-194	10	.1
Iron-55	10	.1
Iron-59	1	.01
Krypton-85	100	1.
Krypton-87	10	.1
Lanthanum-140	1	.01
Lutetium-177	10	.1
Manganese-52	1	.01
Manganese-54	1	.01
Manganese-56	10	.1
Mercury-197m	10	.1
Mercury-197	10	.1
Mercury-203	1	.01
Molybdenum-99	10	.1
Neodymium-147	10	.1
Neodymium-149	10	.1
Nickel-59	10	.1
Nickel-63	1	.01
Nickel-65	10	.1
Niobium-93m	1	.01
Niobium-95	1	.01
Niobium-97	100	1.
Osmium-185	1	.01
Osmium-191m	100	1.
Osmium-191	10	.1
Osmium-193	10	.1
Palladium-103	10	.1
Palladium-109	10	.1
Phosphorus-32	1	.01
Platinum-191	10	.1
Platinum-193m	100	1.
Platinum-193	10	.1
Platinum-197m	100	1.
Platinum-197	10	.1
Polonium-210	.01	.0001
Potassium-42	1	.01
Praseodymium-142	10	.1
Praseodymium-143	10	.1
Promethium-147	1	.01
Promethium-149	10	.1
Rhenium-186	10	.1
Rhenium-188	10	.1
Rhodium-103m	1,000	10.
Rhodium-105	10	.1
Rubidium-86	1	.01
Rubidium-87	1	.01
Ruthenium-97	100	1.
Ruthenium-103	1	.01
Ruthenium-105	10	.1
Ruthenium-106	.1	.001
Samarium-151	1	.01
Samarium-153	10	.1
Scandium-46	1	.01
Scandium-47	10	.1
Scandium-48	1	.01
Selenium-75	1	.01
Silicon-31	10	.1

Byproduct material	Col. I curies	Col. II curies
Silver-105	1	.01
Silver-110m	.1	.001
Silver-111	10	.1
Sodium-24	1	.01
Strontium-85m	1,000	10.
Strontium-85	1	.01
Strontium-89	1	.01
Strontium-90	.01	.0001
Strontium-91	10	.1
Strontium-92	10	.1
Sulphur-35	10	.1
Tantalum-182	1	.01
Technetium-96	10	.1
Technetium-97m	10	.1
Technetium-97	10	.1
Technetium-99m	100	1.
Technetium-99	1	.01
Tellurium-125m	1	.01
Tellurium-127m	1	.01
Tellurium-127	10	.1
Tellurium-129m	1	.01
Tellurium-129	100	1.
Tellurium-131m	10	.1
Tellurium-132	1	.01
Terbium-160	1	.01
Thallium-200	10	.1
Thallium-201	10	.1
Thallium-202	10	.1
Thallium-204	1	.01
Thulium-170	1	.01
Thulium-171	1	.01
Tin-113	1	.01
Tin-125	1	.01
Tungsten-181	1	.01
Tungsten-185	1	.01
Tungsten-187	10	.1
Vanadium-48	1	.01
Xenon-131m	1,000	10.
Xenon-133	100	1.
Xenon-135	100	1.
Ytterbium-175	10	.1
Yttrium-90	1	.01
Yttrium-91	1	.01
Yttrium-92	10	.1
Yttrium-93	1	.01
Zinc-65	1	.01
Zinc-69m	10	.1
Zinc-69	100	1.
Zirconium-93	1	.01
Zirconium-95	1	.01
Zirconium-97	1	.01
Any byproduct material other than alpha emitting byproduct material not listed above	.1	.001

Dated at Washington, D.C., this 17th day of September 1968.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 68-11706; Filed, Sept. 27, 1968; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that an additional position of Special Assistant to the Administrator is excepted under Schedule C. Effective on publication in the Federal Register, paragraph (h) of § 213.3332 is amended as set out below.

§ 213.3332 Small Business Administration.

* * * * *

(h) Four Special Assistants to the Administrator.

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

United States Civil Service Commission,
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-11823; Filed, Sept. 27, 1968; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Federal Deposit Insurance Corporation

Section 213.3333 is amended to show that the position of Assistant to the Board of Directors is no longer excepted under Schedule C. Effective on publication in the Federal Register, paragraph (g) of § 213.3333 is revoked.

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

United States Civil Service Commission,
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-11822; Filed, Sept. 27, 1968; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—LABORATORY ANIMAL WELFARE

PART 4—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE LABORATORY ANIMAL WELFARE ACT

Pursuant to the provisions of the Laboratory Animal Welfare Act (7 U.S.C. 2131 et seq.) a new Part 4 is added to Chapter I of Title 9 of the Code of Federal Regulations, reading as follows:

Subpart A—General

Authority: The provisions of this Part 4 issued under sec. 21, 80 Stat. 353, 7 U.S.C. 2151.

Subpart A—General

§ 4.1 Meaning of words.

As used in this part, words in the singular form shall be deemed to import the plural, and vice versa, as the case may require.

§ 4.2 Definitions.

For the purposes of this part the following terms shall be construed, respectively, to mean:

(a) The term "Act" means the Act of August 24, 1966 (Public Law 89-544, 7 U.S.C. 2131–2154), commonly known as the Laboratory Animal Welfare Act, and any legislation amendatory thereof.

(b) The term "regulations" means the regulations promulgated pursuant to the Act.

(c) The term "person" includes any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

(d) The term "commerce" means commerce between any State, territory, possession, or the District of Columbia, or the Commonwealth of Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, or the commonwealth of Puerto Rico, but through any place outside thereof; or within any territory, possession, or the District of Columbia.

(e) The term "dog" means any live dog (Canis familiaris).

(f) The term "cat" means any live cat (Felis catus).

(g) The term "research facility" means any school, institution, organization, or person that uses or intends to use dogs or cats in research, tests, or experiments, and that (1) purchases or transports dogs or cats in commerce, or (2) receives funds, under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments with animals.

(h) The term "dealer" means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells dogs or cats in commerce for research purposes.

(i) The term "animal" means any live dog, cat, nonhuman primate, guinea pig, hamster, or rabbit. "Nonhuman primate" means any nonhuman member of the highest order of mammals including prosimians, monkeys, and apes.

(j) The term "Hearing" means that part of the proceeding which involves the submission of evidence and means either an oral or written hearing.

(k) "Moving paper" means any formal complaint or other document by virtue of which a proceeding under the Act is instituted.

(l) "Complainant" means the party upon whose moving paper the proceeding is instituted.

(m) "Respondent" means the party proceeded against.

(n) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead, including the Judicial Officer.

(o) "Hearing Clerk" means the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250.

(p) "Examiner" means an examiner in the Office of Hearing Examiners, U.S. Department of Agriculture.

(q) "Examiner's Report" means the examiner's report to the Secretary with respect to proposed: (1) Findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, and (2) order.

(r) "Administrator" means the Administrator, Agricultural Research Service, U.S. Department of Agriculture, or any official or employee to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(s) "Proceeding" means any action arising under the Act, in which it is required by law that the order or other determination be made only after notice and opportunity for hearing, and if hearing be held, only upon the basis of a record made in the course of such hearing.

(t) "Summary action" means action taken by the Administrator to suspend a dealer's license temporarily pursuant to the Act.

(u) "Decision and Order" includes the Secretary's findings, conclusions, order, and rulings on motions, exceptions, statements of objections, and proposed findings, conclusions and orders submitted by the parties not theretofore ruled upon.

§ 4.3 Scope and applicability of this part.

The rules of practice in this part shall be applicable to the procedure governing proceedings and summary action for the suspension or revocation of the license of a person licensed as a dealer under the Act and the regulations, and governing proceedings for the issuance of cease and desist orders concerning such a person or research facility.

Subpart B—Rules Applicable to Proceedings and Summary Action

§ 4.10 Institution of proceeding; docket number.

(a) A proceeding under the Act is instituted upon the issuance by the Administrator of a moving paper and the filing of such document with the Hearing Clerk.

(b) Each proceeding, immediately following its institution, shall be assigned a docket number by the Hearing Clerk and thereafter the proceeding shall be referred to by such number.

§ 4.11 Moving paper.

§ 4.11–1 Filing and service.

If the Administrator has reason to believe that the Act or any of the rules, regulations, or orders issued or promulgated thereunder have been or are being violated, a moving paper may be filed with the Hearing Clerk, who promptly shall serve a true copy thereof upon each respondent, as provided in § 4.25.

§ 4.11–2 Contents.

The moving paper shall set forth briefly the nature of the violation or violations, including allegations of fact which constitute a basis for the proceeding. The moving paper shall offer respondent the opportunity to submit a specific written statement by way of answer and the right to request an oral hearing, and shall state the time within which answer by respondent must be made, which shall not be less than 10 days after service of the moving paper.

§ 4.11–3 Amendments.

At any time prior to the close of the hearing, the moving paper may be amended; but, in case of an amendment adding new provisions, the hearing shall, on the request of the respondent, be adjourned for a period not exceeding 15 days.

§ 4.12 Answer.

§ 4.12–1 Filing and service.

The respondent shall file an answer to the allegations of the moving paper, with the Hearing Clerk, signed by the respondent or his attorney, within the period of time for answering set forth in the moving paper.

§ 4.12–2 Contents.

The answer shall (a) contain a concise statement of the facts which constitute the grounds of defense, and shall specifically admit, deny, or explain each of the allegations of the moving paper unless the respondent is without knowledge, in which case the answer shall so state; (b) state that the respondent admits all of the facts alleged in the moving paper; or (c) state that the respondent admits the jurisdictional allegations of the moving paper and neither admits nor denies the remaining allegations and consents to the issuance of a specified order without further procedure. The answer may contain an express waiver of hearing.

§ 4.12–3 Failure to file.

Failure to file an answer to, or plead specifically to, any allegation of the moving paper, except as provided in § 4.12–2 (c), shall constitute an admission of such allegation.

§ 4.13 Motions and requests.

§ 4.13–1 General.

All motions and requests shall be filed with the Hearing Clerk, unless made during the course of an oral hearing, in which case they may be stated orally and made a part of the transcript. The Examiner is authorized to rule upon all motions and requests filed or made prior to the filing of his report with the Hearing Clerk as hereinafter provided. The Secretary will rule upon all motions and requests filed after that time.

§ 4.13–2 Motions entertained.

Any motion will be entertained except a motion to dismiss on the pleadings. All motions and requests concerning the sufficiency of the moving paper must be made within the time allowed for filing an answer.

§ 4.13–3 Contents.

All written motions and requests shall state the particular order, ruling, or action desired and the grounds therefor.

§ 4.13–4 Answers to motions and requests.

Within 15 days after service of any written motion or request, or within any longer period fixed by the Secretary or Examiner, the opposing party shall file an answer to the motion or request or shall be deemed to have no objection to the granting of the relief asked for in the motion or request. Unless permitted by the Secretary of Examiner, the moving party shall have no right to reply to the answer.

§ 4.13–5 **Certification to Secretary.**

The submission or certification of any motion, request, objection, or other question to the Secretary prior to the time when the Examiner's report is filed with the Hearing Clerk shall be in the discretion of the Examiner. The Examiner may either rule upon or certify the motion, request, objection, or other question, but not both.

§ 4.14 **Consent order.**

At any time after the institution of a proceeding, the respondent may file an answer or amended answer consenting to the order as set forth in § 4.12–2(c). Within 15 days after service of such an answer, the complainant shall file its recommendation. If the complainant recommends that the order consented to by the respondent be issued, the Secretary may, in his discretion, enter such order which shall have the same force and effect as other orders issued hereunder.

§ 4.15 **Procedure upon admission of facts.**

§ 4.15–1 **General.**

The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the moving paper shall constitute a waiver of oral hearing. Upon such admission of facts, the Examiner, without further procedure or hearing, shall issue his report, in which he shall adopt as his proposed findings of fact the material facts alleged in the moving paper. The Examiner's Report shall be served upon the parties in the manner provided in § 4.25.

§ 4.15–2 **Exceptions.**

Within 10 days after service of the Examiner's Report, the parties may take exception to any matter set out in such report, and in such case shall file exceptions in writing with the Hearing Clerk suggesting corrected findings of fact, conclusions, or order. A party may file a brief in support of any exceptions or objections which he may file. A party, if he files exceptions, shall state in writing whether he desires to make an oral argument thereon before the Secretary in the manner provided in § 4.20; otherwise he shall be deemed to have waived such oral argument.

§ 4.15–3 **Final order.**

As soon as practicable after the expiration of the period for filing exceptions and briefs, or, in case oral argument is had, as soon as practicable thereafter, the Secretary shall issue his final decision and order, including his ruling on any exceptions filed by the parties. The decision and order shall be served upon the parties in the manner provided in § 4.25.

§ 4.16 **Procedure upon failure to request an oral hearing or upon express waiver of oral hearing.**

§ 4.16–1 **General.**

Failure to request an oral hearing within the time allowed for the filing of the answer shall constitute a waiver of such hearing. Except as provided in § 4.15, upon such failure to request an oral hearing, or upon express waiver of such hearing, by the parties, the parties shall have a period of 20 days from the final date for filing the answer in which to file sworn statements or affidavits in support of their respective positions. Within a reasonable time thereafter, the Examiner shall issue his report which shall be served upon the parties in the manner provided in § 4.25: *Provided however,* That if such sworn statements or affidavits raise any material issue of fact, the Examiner may afford the parties an opportunity to submit sworn statements or affidavits in reply or supplemental thereto or he may set the matter down for an oral hearing with respect to such material issues of fact. In the event the matter is set down for oral hearing, the rules in § 4.19 shall be applicable.

§ 4.16–2 **Exceptions.**

Within 20 days after service of the Examiner's Report, the parties may take exception to any matter set out in such report, and in such case shall file exceptions in writing with the Hearing Clerk suggesting corrected findings of fact, conclusions, or order. A party may file a brief in support of any exceptions or objections which he may file. A party, if he files exceptions, shall state in writing whether he desires to make an oral argument thereon before the Secretary in the manner provided in § 4.20; otherwise he shall be deemed to have waived such oral argument.

§ 4.16–3 **Final order.**

As soon as practicable after the expiration of the period for filing exceptions and briefs, or, in case oral argument is had, as soon as practicable thereafter, the Secretary shall issue his final decision and order, including his ruling on any exceptions filed by the parties. The order shall be served upon the parties in the manner provided in § 4.25.

§ 4.17 **Prehearing conferences.**

In any proceeding in which it appears that such procedure will expedite the proceeding, the Examiner, at any time prior to the commencement of the oral hearing, may request the parties or their counsel to appear at a conference before him to consider (a) the simplification of issues; (b) the necessity or desirability of amendments to pleadings; (c) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; (d) the limitation of the number of experts or other witnesses; and (e) such other matters as may expedite and aid in the disposition of the proceeding. No transcript of such conference shall be made, but the Examiner shall prepare and file for the record a written summary of the action taken at the conference, which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference. If the circumstances are such that a conference is impracticable, the Examiner may request the parties to correspond with him for the purpose of accomplishing any of the objects set forth in this section. The Examiner shall forward copies of letters and document to the parties as the circumstances require. Correspondence in such negotiations shall not be a part of the record, but the Examiner shall submit a written summary for the record if any action is taken.

§ 4.18 **Examiners.**

§ 4.18–1 **Assignment.**

No examiner shall be assigned to serve in any proceeding who (a) has any pecuniary interest in any matter or business involved in the proceeding, (b) is related within the third degree by blood or marriage to any party to the proceeding, or (c) has participated in the investigation preceding the institution of the proceeding or in the determination that it should be instituted or in the preparation of the moving paper or in the development of the evidence to be introduced therein.

§ 4.18–2 **Disqualification of Examiner.**

(a) Any party may, by motion made to the Hearing Examiner, request that the Hearing Examiner disqualify himself and withdraw from the proceeding. The Hearing Examiner may then either rule upon or certify the motion to the Secretary, but not both.

(b) An Examiner shall withdraw from any proceeding in which he deems himself disqualified for any reason.

§ 4.18–3 **Conduct.**

The Examiner shall conduct the proceeding in a fair and impartial manner, and save to the extent required for the disposition of ex parte matters as authorized by law, he shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate.

§ 4.18–4 **Powers.**

Subject to review by the Secretary as provided elsewhere in this part, the Examiner, in any proceeding assigned to him, shall have power to:

(a) Rule upon motions and requests;

(b) Set the time and place of hearing, adjourn the hearing from time to time, and change the time and place of hearing;

(c) Administer oaths and affirmations and take affidavits;

(d) Examine witnesses;

(e) Admit or exclude evidence;

(f) Hear oral argument on facts or law; and

(g) Do all acts and take all measures necessary for the maintenance of order at the hearing and for the efficient, fair and impartial conduct of the proceeding.

§ 4.18–5 **Who may act in the absence of the Examiner.**

In case of the absence of the Examiner or his inability to act, the powers and duties to be performed by him under this part in connection with a proceeding assigned to him may, without abatement of the proceeding unless otherwise directed by the Secretary, be assigned to any other Examiner.

No. 190——2

§ 4.19 Procedure upon request for an oral hearing.

§ 4.19–1 Time and place of hearing.

If and when the proceeding has reached the stage where an oral hearing is to be held, the Examiner, giving careful consideration to the convenience of the parties, shall set a time and place of hearing and shall file with the Hearing Clerk a notice stating the time and place of hearing. If any change in the time or place of the hearing is made, the Examiner shall file with the Hearing Clerk a notice of such change, which notice shall be served upon the parties, unless it is made during the course of an oral hearing and made a part of the transcript.

§ 4.19–2 Appearances.

(a) *Representation.* The parties may appear in person or by counsel or other representative. Persons who appear as counsel or in a representative capacity must conform to the standards of ethical conduct required of practioners before the courts of the United States. Whenever the Secretary finds, after notice and opportunity for hearing, that a person, who is acting or has acted as counsel or representative for another person in any proceeding before the Secretary, is unfit to act as such representative or counsel, he will order that such person be precluded from acting as counsel or representative in any proceeding under the Act. The procedure in such case will be governed by the applicable provisions of this part.

(b) *Failure to appear.* If any party to the proceeding, after being duly notified, fails to appear at the hearing, he shall be deemed to have waived the right to an oral hearing in the proceeding. In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election whether to present his evidence, in whole or in part, in the form of affidavits or by oral testimony before the Examiner. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the Examiner's Report and to file exceptions and make oral argument before the Secretary with respect thereto, in the manner provided in §§ 4.19–8 and 4.20.

§ 4.19–3 Order of proceeding.

Except as may be determined otherwise by the Examiner, the moving party shall proceed first at the hearing.

§ 4.19–4 Evidence.

(a) *General.* The testimony of witnesses at the hearing shall be upon oath or affirmation and subject to cross-examination. Any witness may, in the discretion of the Examiner, be examined separately and apart from all other witnesses except those who may be parties to the proceeding. The Examiner shall admit all relevant and material evidence, except evidence which is unduly repetitious.

(b) *Objections.* If a party objects to the admission or rejection of any evidence or the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, whereupon an automatic exception will follow if the objection is overruled by the Examiner. The transcript shall not include argument or debate thereon, except as ordered by the Examiner. The ruling of the Examiner on any objection shall be a part of the transcript. Only objections made before the Examiner may be subsequently relied upon in the proceeding.

(c) *Records of the Department.* A true copy of every written entry in the records of the Department, made by an officer or employee thereof in the course of his official duty and relevant and material to the issues involved in the hearing, shall be admissible as prima facie evidence of the facts stated therein, without the production of such officer or employee.

(d) *Exhibits.* Except where the Examiner finds that the furnishing of copies is impracticable, copies of each exhibit, in addition to the original, shall be filed with the Examiner for the use of the other parties to the proceeding. A true copy of an exhibit may, in the discretion of the Examiner, be substituted for the original.

(e) *Official notice.* Official notice may be taken of the official publications of the Department and other Federal agencies, of such matters as are judicially noticed in the courts of the United States, and of any other matter of technical or scientific fact of established character: *Provided,* That the parties shall be given adequate notice, at the hearing or by reference in the Examiner's Report or otherwise, of matters so noticed, and shall be given adequate opportunity to show that such facts are erroneously noticed.

(f) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof for excluded oral testimony shall consist of a brief statement describing the nature of the evidence excluded. If the evidence consists of an exhibit, it shall be inserted in the record in toto. In the event the Secretary decides that the Examiner's ruling in excluding the evidence was erroneous and prejudicial, the hearing shall be reopened to permit the taking of such evidence.

§ 4.19–5 Transcripts.

(a) *Filing and certification.* Oral hearings shall be stenographically reported and transcribed. As soon as practicable after the close of the hearing, the Examiner shall transmit to the Hearing Clerk an original and two copies of the transcript of testimony and the original and copies of exhibits introduced in evidence at the hearing. He shall attach to the original transcript of the evidence a certificate stating that the transcript is a true transcript of the testimony offered or received at the hearing, except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits introduced at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of evidence.

(b) *Ordering copies.* Parties to the proceeding or other persons who desire a copy of the transcript of the hearing may place orders at the close of the hearing with the reporter who will furnish and deliver such copies directly to the purchaser upon payment therefor at the rate per page provided by the contract between the reporter and the purchaser.

§ 4.19–6 Proposed findings of fact, conclusions, and order.

Within such time as the Examiner may prescribe, each party may file with the Hearing Clerk proposed findings of fact, conclusions, and order, based solely on the record, and a brief in support thereof. A copy of each such document filed by a party shall be served upon the other party or parties by the Hearing Clerk.

§ 4.19–7 Examiner's Report.

The Examiner, within a reasonable time after the termination of the period allowed to the parties for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare on the basis of the record and shall file with the Hearing Clerk, his report, a copy of which shall be served upon each of the parties.

§ 4.19–8 Exceptions; objections; request for oral argument.

(a) Within 20 days after service of the Examiner's Report, the parties may take exception to any matter set out in such report, and in such case shall file exceptions in writing with the Hearing Clerk, referring to the relevant pages of the transcript, and suggesting corrected findings of fact, conclusions, or order. Within the same period of time, each party shall file with the Hearing Clerk a brief statement in writing concerning each of the objections taken to the action of the Examiner at the hearing, as set out in § 4.19–4(b), upon which the party wishes to rely, referring where relevant, to the pages of the transcript. A party may file a brief in support of any exceptions or objections which he may file.

(b) A party, if he files exceptions or a statement of objections, shall state in writing, whether he desires to make an oral argument thereon before the Secretary; otherwise, he shall be deemed to have waived such oral argument.

§ 4.19–9 Final order.

As soon as practicable after the expiration of the period for filing exceptions, objections, and briefs, or, in case oral argument is had, as soon as practicable thereafter, the Secretary shall issue his final decision and order, including his ruling on any exceptions or objections filed by the parties.

§ 4.20 Argument before the Secretary.

§ 4.20–1 Request for oral argument; waiver.

Unless a party has included in his exceptions or objections a request for oral argument or has filed a separate request for argument prior to the expiration of the last date for filing such exceptions or objections, he shall be deemed to have waived his right to such oral argument.

§ 4.20–2 **Briefs.**

The parties may, with the consent of the Secretary, file written briefs either in addition to oral argument or in lieu thereof.

§ 4.20–3 **Scope of argument.**

Except where the Secretary determines that argument on additional issues would be helpful, argument, whether oral or on brief, shall be limited to the issues raised by the exceptions and statement of objections. If the Secretary determines that additional issues should be argued, counsel for the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate argument on all the issues to be argued.

§ 4.21 **Ex parte discussion of proceeding.**

At no stage of the proceeding between its institution and the issuance of the order shall the Secretary discuss ex parte the merits of the proceeding with any person who is connected with the proceeding in an advocative or in an investigative capacity, or with any representative of such person: *Provided*, That the Secretary may discuss the merits of the case with such a person if all parties to the proceeding, or their representatives, have been given an opportunity to be present. Any memorandum or other communication addressed to the Secretary, during the pendency of the proceeding, and relating to the merits thereof, by or on behalf of, any party shall be regarded as argument made in the proceeding and shall be filed with the Hearing Clerk, who shall serve a copy thereof upon the opposite party to the proceeding, and opportunity will be given the opposite party to file a reply thereto.

§ 4.22 **Applications for reopening hearings; for rehearing; or reargument of proceeding, or for reconsideration of order.**

§ 4.22–1 **Petitions requisite.**

(a) *Filing; service*. An application for reopening the hearing to take further evidence, or for rehearing or reargument of the proceeding, or for reconsideration of the order, must be made by petition to the Secretary filed with the Hearing Clerk, who shall serve a copy thereof upon the other party or parties to the proceeding. Every such petition must state specifically the grounds relied upon.

(b) *Petitions to reopen hearings*. A petition to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing.

(c) *Petitions to rehear or reargue proceedings, or to reconsider orders*. A petition to rehear or reargue the proceeding or to reconsider the order shall be filed within 15 days after the date of the service of the order. Every such petition must state specifically the matters claimed to have been erroneously decided and alleged errors must be briefly stated.

§ 4.22–2 **Procedure for disposition of petitions.**

Within 20 days following the service of any petition provided for in this section 4.22, the other party to the proceeding shall file with the Hearing Clerk an answer thereto. As soon as practicable thereafter, the Secretary shall announce his decision whether to grant or to deny the petition. Unless the Secretary shall determine otherwise, operation of the order shall not be stayed pending the decision to grant or to deny the petition. In the event that any such petition is granted by the Secretary, the applicable rules of practice, as set out elsewhere herein, shall be followed. A person filing a petition under this section shall be regarded as the moving party or complainant, although he shall be referred to as the complainant or respondent, depending upon his designation in the original proceeding.

§ 4.23 **Summary action.**

§ 4.23–1 **General.**

In any situation where the Administrator has reason to believe that any person licensed as a dealer has violated or is violating any provision of the act or regulations and he deems such action warranted under the circumstances, the Administrator may suspend such person's license temporarily, for a period not to exceed 21 days, effective, except as provided in § 4.23–2, upon written notification given to such person of the suspension of his license pursuant to § 4.25.

§ 4.23–2 **Actual or threatened physical harm to animals.**

In any case of actual or threatened physical harm to animals in violation of the act or regulations, by a person licensed as a dealer, the Administrator may suspend such person's license temporarily for a period not to exceed 21 days, effective upon oral or written notification, whichever is earlier. In the event of oral notification, a written confirmation shall be given to such person of the suspension of his license pursuant to § 4.25, as promptly as circumstances permit.

§ 4.23–3 **Additional sanctions.**

The temporary suspension of a license shall be in addition to any sanction which may be imposed against said dealer by the Secretary pursuant to the Act, after notice and opportunity for hearing pursuant to the applicable procedure in this subpart.

§ 4.24 **Filing; number of copies.**

All documents or papers required or authorized to be filed, except as provided otherwise in the rules in this subpart, shall be filed with the Hearing Clerk in triplicate: *Provided*, That, where there are more than two parties to the proceeding, a sufficient number of copies shall be filed so as to provide copies for service upon all parties to the proceeding.

§ 4.25 **Service; proof of service.**

Copies of all documents or papers required or authorized by the rules in this subpart to be served on any party to a proceeding shall be served by the Hearing Examiner, Hearing Clerk, or by some other employee of the United States. Except as is provided otherwise by the rules in this subpart, service shall be made either (a) by delivering a copy of the document or paper to the individual to be served or to a member of the partnership to be served or to the president, secretary, or other executive officer or any director of the corporation, organization, or association to be served, or to the attorney, or agent of record of such individual, partnership, corporation, organization, or association; (b) by leaving a copy of the document or paper at the principal office or place of business of such individual, partnership, corporation, organization, or association or of his or its attorney or agent of record; or (c) by registering or certifying and mailing a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known residence or principal office or place of business. Proof of service hereunder shall be made by the affidavit of the person who actually made the service: *Provided*, That if the service is made by registered or certified mail, proof of service shall be made by the return post office receipt. The affidavit or post office receipt contemplated hereby shall be filed with the Hearing Clerk and the fact of filing thereof shall be noted in the record of the proceeding.

§ 4.26 **Computation of time.**

Saturdays, Sundays, and holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided*, That, when such time expires on a Saturday, Sunday, or legal holiday, such period shall be extended to include the next following business day.

§ 4.27 **Extensions of time.**

The time for the filing of any document or paper required or authorized under the rules in this part to be filed may be extended by the Examiner (before the Examiner's Report is filed), or by the Secretary (after the Examiner's Report is filed), if request for such extension of time is made prior to or on the final date allowed for such filing, and if in the judgment of the Examiner or the Secretary, as the case may be, after notice to and consideration of the views of the other party, when practicable, there is good reason for the extension.

R. J. ANDERSON,
Acting Administrator.

SEPTEMBER 24, 1968.

[F.R. Doc. 68–11816; Filed, Sept. 27, 1968; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 22,129]

PART 526—LIMITATIONS ON RATE OF RETURN

Definition of Weighted Average Rate

SEPTEMBER 25, 1968.

Resolved that the Federal Home Loan Bank Board has reconsidered the amendment that added a new § 526.6 to the rules and regulations for the Federal Home Loan Bank System (12 CFR 526.6), adopted by such Board on August 30, 1968 (33 F.R. 12540) to become effective October 1, 1968, and has concluded that paragraph (a) of such section should be amended (1) to substitute a more suitable descriptive heading for such paragraph, (2) to relieve in part the restriction contained in such paragraph by altering the definition of the term "weighted average rate", and (3) to make certain technical changes;

Resolved further that, upon the basis of such reconsideration, the Federal Home Loan Bank Board hereby amends its action of August 30, 1968, by amending paragraph (a) of § 526.6 of the rules and regulations for the Federal Home Loan Bank System (12 CFR 526.6) as contained therein, to read as follows, effective October 1, 1968:

§ 526.6 Average rate limitation.

(a) *Advertising or paying rate of return on notice and certificate accounts.* A member institution may not advertise or pay a rate of return, higher than the maximum rate of return prescribed for regular accounts, on notice accounts or certificate accounts (other than such accounts which, after a prescribed period of at least 3 years, may receive a rate of return in excess of the rate of return applicable to regular accounts and other than such accounts for which the maximum rate of return is prescribed in subparagraph (2) of paragraph (c) of § 526.4) issued at a time when the institution's weighted average rate, as of the last day of the preceding calendar month, is more than 5 percent. For the purpose of this section, the term "weighted average rate" means the rate obtained by—

(1) Multiplying the total outstanding balance of each class of withdrawable accounts by the announced rate of return (not including any rate of return, which is applicable to certificate accounts with a prescribed qualifying period of at least 3 years, in excess of the announced rate of return on regular accounts) applicable to such class of accounts;

(2) Adding the products resulting from the calculations made pursuant to subparagraph (1) of this paragraph; and

(3) Dividing the amount obtained pursuant to subparagraph (2) of this paragraph by the total outstanding balance of all withdrawable accounts.

* * * * *

(Sec. 4, 80 Stat. 823, as amended; 12 U.S.C. 1425b)

Resolved further that, since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest for such amendments to become effective promptly, the Board hereby finds that notice and public procedure on said amendments are contrary to the public interest under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board or 5 U.S.C. 553(b), and publication of said amendments for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be contrary to the public interest for the same reason and the Board hereby so finds, and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 68-11834; Filed, Sept. 27, 1968; 8:49 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[22,130]

PART 569—LIMITATIONS ON RATE OF RETURN

Definition of Weighted Average Rate

SEPTEMBER 25, 1968.

Resolved that the Federal Home Loan Bank Board has reconsidered the amendment that added a new § 569.6 to the rules and regulations for Insurance of Accounts (12 CFR 569.6), adopted by such Board on August 30, 1968 (33 F.R. 12541) to become effective October 1, 1968, and has concluded that paragraph (a) of such section should be amended (1) to substitute a more suitable descriptive heading for such paragraph, (2) to relieve in part the restriction contained in such paragraph by altering the definition of the term "weighted average rate", and (3) to make certain technical changes;

Resolved further that, upon the basis of such reconsideration, the Federal Home Loan Bank Board hereby amends its action of August 30, 1968, by amending paragraph (a) of § 569.6 of the rules and regulations for Insurance of Accounts (12 CFR 569.6) as contained therein, to read as follows, effective October 1, 1968:

§ 569.6 Average rate limitation.

(a) *Advertising or paying rate of return on notice and certificate accounts.* An insured institution may not advertise or pay a rate of return, higher than the maximum rate of return prescribed for regular accounts, on notice accounts or certificate accounts (other than such accounts which, after a prescribed period of at least 3 years, may receive a rate of return in excess of the rate of return applicable to regular accounts and other than such accounts for which the maximum rate of return is prescribed in subparagraph (2) of paragraph (c) of § 569.4) issued at a time when the institution's weighted average rate, as of the last day of the preceding calendar month, is more than 5 percent. For the purpose of this section, the term "weighted average rate" means the rate obtained by—

(1) Multiplying the total outstanding balance of each class of withdrawable accounts by the announced rate of return (not including any rate of return, which is applicable to certificate accounts with a prescribed qualifying period of at least 3 years, in excess of the announced rate of return on regular accounts) applicable to such class of accounts;

(2) Adding the products resulting from the calculations made pursuant to subparagraph (1) of this paragraph; and

(3) Dividing the amount obtained pursuant to subparagraph (2) of this paragraph by the total outstanding balance of all withdrawable accounts.

* * * * *

(Sec. 4, 80 Stat. 823, as amended; 12 U.S.C. 1425b)

Resolved further that, since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest for such amendments to become effective promptly, the Board hereby finds that notice and public procedure on said amendments are contrary to the public interest under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board or 5 U.S.C. 553(b), and publication of said amendments for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board or 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be contrary to the public interest for the same reason and the Board hereby so finds, and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 68-11835; Filed, Sept. 27, 1968; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-CE-80]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Missoula, Mont., control zone.

Recently the name of Missoula County Airport was changed to Johnson-Bell Airport. Therefore it is necessary to alter the Missoula, Mont., control zone to reflect the new name of the airport. Action is taken herein to effect this change.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

MISSOULA, MONT.

Within a 5-mile radius of Johnson-Bell Airport (latitude 46°55'00" N., longitude 114°05'15" W.).

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

Issued at Kansas City, Mo., on September 9, 1968.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[F.R. Doc. 68-11795; Filed, Sept. 27, 1968; 8:46 a.m.]

[Airspace Docket No. 68-EA-93]

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

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations which will alter the Blackstone, Va., control zone.

A revision to the NDB (ADF)-1 standard instrument approach procedure for Blackstone AAF, and Blackstone, Va., permits deleting the control zone extension based on the 129° bearing from the Blackstone RBN.

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

In view of the foregoing, the amendment is hereby adopted effective 0901 G.m.t., November 14, 1968 as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Blackstone, Va., control zone the words "and within 2 miles each side of the 129° bearing from the Blackstone RBN, extending from the 4-mile radius zone to the RBN."

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on September 17, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-11796; Filed, Sept. 27, 1968; 8:46 a.m.]

[Airspace Docket No. 68-EA-26]

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

Alteration of Transition Area and Control Zones

On page 6938 of the FEDERAL REGISTER for May 8, 1968, the Federal Aviation Administration published a proposed rule which would alter the Old Town, Maine, and Bangor, Maine, control zones and Bangor, Maine, transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., November 14, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on September 17, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Bangor, Maine, control zone, "and within 2 miles each side of the Bangor VORTAC 053° radial extending from the VORTAC to the Old Town, Maine, control zone."

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to add in the description of the Old Town, Maine, control zone "; within 2 miles each side of the Bangor VORTAC 052° radial extending from the VORTAC to the 3-mile radius zone; within 2 miles each side of the Bangor VORTAC 050° radial extending from the 3-mile radius zone to 23 miles northeast of the VORTAC; and within 2 miles each side of a 028° bearing and a 208° bearing from the Old Town, Maine, RBN, 45°00'24" N., 68°38'02" W., extending from the 3-mile radius zone to 7 miles northeast of the RBN, excluding that portion which coincides with the Bangor, Maine, control zone."

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Bangor, Maine, 700-foot floor transition area "within a 4-mile" and insert in lieu thereof "within a 5-mile"; delete "053° radial extending from the Old Town Municipal Airport 4-mile radius area to the VORTAC" and insert in lieu thereof "052° radial extending from the Old Town Municipal Airport 5-mile radius area to the VORTAC; within 2 miles each side of the Bangor VORTAC 050° radial extending from the Old Town Municipal Airport 5-mile radius area to 25 miles northeast of the VORTAC; within 2 miles each side of a 028° bearing from the Old Town, Maine, RBN, 45°00'24" N., 68°38'02" W., extending from the Old Town Municipal Airport 5-mile radius area to 8 miles northeast of the RBN; within 2 miles each side of the Old Town Municipal Airport Runway 22 centerline extended from the Old Town Municipal Airport 5-mile radius area to 6 miles south of the end of the runway; within 2 miles each side of the Old Town Municipal Airport Runway 33 centerline extended from the Old Town Municipal Airport 5-mile radius area to 6 miles northwest of the end of the runway; within 2 miles each side of the Old Town Municipal Airport Runway 15 centerline extended from the Old Town Municipal Airport 5-mile radius area to 5 miles southeast of the end of the runway".

[F.R. Doc. 68-11797; Filed, Sept. 27, 1968; 8:46 a.m.]

[Airspace Docket No. 68-CE-57]

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

Designation of Transition Area

On page 10213 of the FEDERAL REGISTER dated July 17, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Butler, Mo.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following changes:

(1) The coordinates recited in the Butler, Mo., Memorial Airport transition area designation as "latitude 38°17'30" N., longitude 94°20'00" W." are changed to read "latitude 38°17'20" N., longitude 94°20'25" W.".

(2) The Butler, Mo., VORTAC radial as recited in line 6 of the transition area designation as "259°" is changed to read "079°".

This amendment shall be effective 0901 G.m.t., November 14, 1968.

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

Issued in Kansas City, Mo., on September 10, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

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

BUTLER, MO.

That airspace extending upward fom 700 feet above the surface within a 5-mile radius of Butler Memorial Airport (latitude 38°17'20" N., longitude 94°20'25" W.); and within

2 miles each side of the Butler, Mo., VORTAC 079° radial, extending from the 5-mile radius area to the VORTAC.

[F.R. Doc. 68-11798; Filed, Sept. 27, 1968; 8:46 a.m.]

[Airspace Docket No. 68-CE-58]

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

Designation of Transition Area

On page 10213 of the FEDERAL REGISTER dated July 17, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Neosho, Mo.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

The Neosho Memorial Airport coordinates recited in the Neosho, Mo., transition area designation as "latitude 36°48'40'' N., longitude 94°23'10'' W." are changed to read "latitude 36°48'35'' N., longitude 94°23'15'' W.".

This amendment shall be effective 0901 G.m.t., November 14, 1968.

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

Issued in Kansas City, Mo., on September 10, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

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

NEOSHO, MO.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Neosho Memorial Airport (latitude 36°48'-35'' N., longitude 94°23'15'' W.); and within 2 miles each side of the Neosho, Mo., VOR 308° radial, extending from the 5-mile radius area to 8 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the Neosho VOR 308° radial, extending from the VOR to 12 miles northwest of the VOR, excluding the portion which overlies the Joplin, Mo., transition area.

[F.R. Doc. 68-11799; Filed, Sept. 27, 1968; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1413]

PART 13—PROHIBITED TRADE PRACTICES

Frank G. Cornell et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act; 13.1212-90 Wool Products Labeling Act; § 13.1325 *Source or origin:* 13.1325-70 Place; 13.1325-70(a) Domestic product as imported. Subpart—Misrepresenting oneself and goods—Goods: § 13.1745 *Source of origin:* 13.-1745-70 Place; 13.1745-70(a) Domestic products as imported. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act; 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, secs. 2-5, 54 Stat. 1128-1130, 15 U.S.C. 45, 70, 68) [Cease and desist order Frank G. Cornell trading as Cornell of California, et al., Docket C-1413, Aug. 26, 1968]

In the Matter of Frank G. Cornell, an Individual Trading as Cornell of California, Dino Orsini and Ronne

Consent order requiring an Oakland, Calif., manufacturer of neckties to cease misbranding wool and textile fiber products, misrepresenting domestic textiles as foreign, furnishing false guarantees, and failing to maintain required records.

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

It is ordered, That respondent Frank G. Cornell, an individual trading as Cornell of Califonia, Dino Orsini and Ronne, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivering, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying any textile fiber product as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

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

It is further ordered, That respondent Frank G. Cornell, an individual trading as Cornell of California, Dino Orsini and Ronne, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced.

It is further ordered, That respondent Frank G. Cornell, an individual trading as Cornell of California, Dino Orsini and Ronne, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or in connection with the sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

A. Representing on labels affixed to wool products through the use of the terms "Dino Orsini," "Ronne," or any other words, terms, depictions, or symbols of similar import that such products are of foreign origin when such products were in fact manufactured in the United States.

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

It is further ordered, That respondent Frank G. Cornell, an individual trading as Cornell of California, Dino Orsini and Ronne, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of neckties or any other textile product, in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from:

A. Representing contrary to fact that any of such products are of foreign origin.

B. Representing through the use of the terms "Dino Orsini," "Ronne," or through the use of any words, terms, depictions, or symbols of similar import that domestically manufactured products are of foreign origin when such products were not manufactured outside of the United States.

C. Furnishing means and instrumentalities to others by and through which they may mislead the public in the manner or as to the things prohibited by this order.

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

Issued: August 26, 1968.

By the Commission.

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

[F.R. Doc. 68-11808; Filed, Sept. 27, 1968; 8:47 a.m.]

[Docket No. C-1414]

PART 13—PROHIBITED TRADE PRACTICES

Eagle Carpets, Inc., et al.

Subpart—Advertising falsely or misleadingly: §13.30 *Composition of goods:* 13.30-75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-90 Textile Fiber Products Identification Act. Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identificaton Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-70 Textile Fiber Products Identification Act; §13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Eagle Carpets, Inc., et al., Cartersville, Ga., Docket C-1414, Aug. 26, 1968]

In the Matter of Eagle Carpets, Inc., a Corporation, Also Trading as Eagle Carpet Mills and as Eagle Carpet Mills, Inc., and James M. Hodge and Kenneth D. Bryson, Individually and as Officers of Said Corporation

Consent order requiring a Cartersville, Ga., carpet mill to cease misbranding and falsely advertising and guaranteeing its textile fiber products, and failing to keep required records.

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

It is ordered, That respondents Eagle Carpets, Inc., a corporation, also trading as Eagle Carpet Mills and as Eagle Carpet Mills, Inc., or any other name or names, and its officers, and James M. Hodge and Kenneth D. Bryson, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

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

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Failing to disclose on labels the required fiber content information as to floor coverings, containing exempted backings, fillings, or paddings, in such manner as to indicate that it relates only to the face, pile, or outer surface of the floor covering and not to the exempted backing, filling, or padding.

4. Failing to set forth all parts of the required information conspicuously and separately on the same side of the label in such a manner as to be clearly legible and readily accessible to the prospective purchaser with all parts of the fiber content information appearing in type and lettering of equal size and conspicuousness.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of such textile fiber product unless the same information required to be shown on the stamp, tag, label, or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth in disclosing fiber content information as to floor coverings containing exempted backings, fillings, or paddings, that such disclosure relates only to the face, pile, or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

C. Failing to maintain and preserve proper records showing the fiber content of the textile fiber products manufactured by said respondents, as required by section 6 of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That respondents Eagle Carpets, Inc., a corporation, also trading as Eagle Carpet Mills and as Eagle Carpet Mills, Inc. or any other name or names, and its officers, and James M. Hodge and Kenneth D. Bryson, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

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

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

Issued: August 26, 1968.

By the Commission.

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

[F.R. Doc. 68-11807; Filed, Sept. 27, 1968; 8:47 a.m.]

[Docket No. C-1411]

PART 13—PROHIBITED TRADE PRACTICES

H. C. Bohack Co., Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets:* 13.5-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Cease and desist order, H. C. Bohack Co., Inc., Brooklyn, N.Y., Docket C-1411, Aug. 23, 1968]

Consent order requiring a Brooklyn, N.Y., grocery store chain to divest itself of four of eight stores listed herein and refrain from acquiring other grocery stores of specified size for the next 10 years without Commission approval.

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

I. *It is ordered*, That respondent H. C. Bohack Co., Inc., a corporation, and its officers, directors, agents, representatives, and employees shall divest, absolutely and in good faith a total of four (4) of the eight (8) following listed retail grocery stores to a purchaser, or purchasers, approved in advance by the Federal Trade Commission, with said purchaser, or purchasers, having the option to purchase one or the other, but not both, of the two retail grocery stores in each of the four (4) localities listed below. Said divestiture shall include all property leaseholds, leasehold improvements, furniture, fixtures, improvements, and other assets necessary to continue a going retail grocery store business, but not including trade names.

1. Packer's store located at 31–11 Broadway, Astoria, N.Y.; or Bohack store No. 2233, 29–10 Broadway, Astoria, N.Y.

2. Packer's store located at 222–51 Jamaica Avenue, Queens, N.Y.; or Bohack store No. 2122, 220–34 Jamaica Avenue, Queens, N.Y.

3. Packer's store located at 1408–14 Newkirk Avenue, Brooklyn, N.Y.; or Bohack store No. 2232, 1419–25 Newkirk Avenue, Brooklyn, N.Y.

4. Packer's store located at 9738 Seaview Avenue, Brooklyn, N.Y.; or Bohack store No. 2200, 1772 Rockaway Parkway, Brooklyn, N.Y.

II. *It is further ordered*, That respondent, Bohack, and its officers, directors, agents, representatives, and employees, within thirty (30) days after the effective date of this order, begin to offer, and to continue to make good faith efforts to complete the divestiture required by section I of this order, to the end that said divestiture shall be fully completed no later than one (1) year from the effective date of this order.

If Bohack is unable to dispose of its interest in the retail grocery stores divested, entirely for cash, nothing in this order shall be deemed to prohibit Bohack from retaining, accepting, and enforcing in good faith any security interest therein for the sole purpose of securing to Bohack full payment of the price, with interest, at which the said interest is disposed of or sold: *Provided*, That such security arrangement shall be on terms and conditions approved by the Federal Trade Commission: *And further provided*, That if, after a good faith divestiture of the said interest, the buyer fails to perform his obligation and Bohack regains ownership or control over its said interest, Bohack shall redivest itself of said interest within one (1) year in the same manner as provided for herein.

III. *It is further ordered*, That, pending divestiture, respondent shall not make any changes in any of the aforesaid assets which would impair their capacity for the retail sale of food or grocery products, or their market value; however, respondent may remove existing names and signs from the divested premises and may exercise good faith business judgment with respect to the operation and management of said assets pending divestiture.

IV. *It is further ordered*, That, for a period of ten (10) years following the effective date of this order, respondent shall not (a) merge with or acquire, directly or indirectly, through subsidiaries, or in any other manner, except with the prior approval of the Commission upon written application, the whole or any part of any grocery store (an establishment classified in Industry No. 5411, Standard Industrial Classification Manual, 1967 revision), or a grocery department in a nonfood store, where such acquisition or merger involves (1) five (5) or more grocery stores, (2) annual grocery store sales of more than five million dollars ($5,000,000), or (3) combined (respondent and the grocery stores to be acquired or merged) grocery store sales of more than five percent (5%) of total grocery or food store sales in any city or county in the United States; and (b) without sixty (60) days prior notification to the Commission, merge with or acquire, directly or indirectly, through subsidiaries or in any other manner, any grocery store establishment for which prior approval is not required pursuant to subsection (a) above.

V. *It is further ordered*, That, within thirty (30) days from the effective date of this order, and annually thereafter until it has fully complied with this order, respondent shall submit a verified written report to the Federal Trade Commission setting forth in detail the manner and form in which it intends to comply, is complying, or has complied with this order.

VI. The effective date of this order shall be the date upon which Bohack acquires the stock of the Packer's Super Markets, or the date upon which the Federal Trade Commission enters this order, whichever is later.

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

Issued: August 23, 1968.

By the Commission.

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

[F.R. Doc. 68-11810; Filed, Sept. 27, 1968; 8:47 a.m.]

[Docket No. C-1412]

PART 13—PROHIBITED TRADE PRACTICES

Harrich, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act; 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–70 Textile Fiber Products Identification Act; 13.1845–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, secs. 2–5, 54 Stat. 1128–1130, 15 U.S.C. 45, 70, 68) [Cease and desist order, Harrich, Inc., et al., Los Angeles, Calif., Docket C-1412, Aug. 26, 1968]

In the Matter of Harrich, Inc., a Corporation, and Richard J. Greenberg and Sidney S. Levine, Individually and as Officers of Said Corporation

Consent order requiring a Los Angeles, Calif., wholesaler of men's and boys' hosiery to cease misbranding and falsely advertising its textile fiber products and misbranding its wool products.

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

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

A. Misbranding textile fiber products by:

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

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Failing to keep nonrequired information or representations, set forth on the label or elsewhere on the product, separate and apart from the required information, so as not to interefere with, minimize, detract from, or conflict with such required information.

4. Using a generic name or fiber trademark, whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the Act and the rules and regulations thereunder the first time such generic name or fiber trademark appears on the said label.

5. Failing to show the percentage of a superimposed or added fiber in relation to the total weight of the principal fiber or blends of fibers in the textile fiber product and the area or section which contained the superimposed or added fiber, when an election is made

under Rule 23 of the rules and regulations to show on labels the principal fiber or blends of fibers of said textile fiber product, with an exception which names the superimposed or added fiber.

B. Falsely or deceptively advertising textile fiber products by making any representations, by disclosure or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

It is further ordered, That respondents Harrich, Inc., a corporation, and its officers, and Richard J. Greenberg and Sidney S. Levine, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

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

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

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

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

Issued: August 26, 1968.

By the Commission.

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

[F.R. Doc. 68-11809; Filed, Sept. 27, 1968; 8:47 a.m.]

[Docket No. C-1410]

PART 13—PROHIBITED TRADE PRACTICES

Stow & Davis Furniture Co.

Subpart—Discriminating in price under section 2, Clayton Act—Price discriminating under 2(a): § 13.730 *Customer classification.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Stow & Davis Furniture Co., Grand Rapids, Mich., Docket C-1410, Aug. 23, 1968]

Consent order requiring a Grand Rapids, Mich., furniture manufacturer to cease discriminating in price between competiting resellers of its furniture.

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

It is ordered, That respondent Stow & Davis Furniture Co., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in, or in connection with, the offering for sale, sale or distribution of furniture or furniture products in commerce, as "commerce" is defined in the Clayton Act, do, on and after December 31, 1968, forthwith cease and desist from: Discriminating, directly or indirectly, in the price of such products of like grade and quality by selling to any purchaser at net prices higher than the net prices charged any other purchaser who in fact competes in the resale or distribution of such products with the purchaser paying the higher price.

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

It is further ordered, That respondent shall, on or before December 31, 1968, file with the Commission a report in writing setting forth in detail the manner and form in which it will comply with this order.

Issued: August 23, 1968.

By the Commission.

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

[F.R. Doc. 68-11811; Filed, Sept. 27, 1968; 8:47 a.m.]

[Docket No. C-1409]

PART 13—PROHIBITED TRADE PRACTICES

Vulcan Materials Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets:* 13.5-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Cease and desist order, Vulcan Materials Co., Birmingham, Ala., Docket C-1409, Aug. 22, 1968]

Consent order requiring a Birmingham, Ala., processor and seller of construction aggregates and ready-mixed concrete to divest itself of one of two quarry and ready-mix concrete plants in the Chicago, Ill., area and refrain from acquiring any such plant in the States of Wisconsin, Illinois, or Indiana for a period of 10 years.

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

I. *It is ordered,* That respondent, Vulcan Materials Co., and its officers, directors, agents, representatives, and employees shall within one (1) year from the date this order becomes final, divest itself absolutely and in good faith of all of the assets, properties, rights, and privileges, including all properties, plants, machinery, equipment, raw material reserves, contract rights, and customer lists owned by respondent at McCook-Hodgkins, Ill., specifically including all of the assets at said location acquired from Dolese & Shepard Co., plus all of the assets at said location which respondent owned prior to the acquisition of Dolese & Shepard Co., but not including respondent's concrete pipe plant and the land on which it is situated adjacent to the McCook-Hodgkins Quarry site. Said divestiture shall be made in such manner that a going concern and a viable competitor in the production, distribution and sale of construction aggregates and ready-mixed concrete will be established at the McCook-Hodgkins Quarry site.

II. *It is further ordered,* In the alternative, that in lieu of the divestiture required by paragraph I of this order, respondent, Vulcan Materials Co., and its officers, directors, agents, representatives, and employees shall within one (1) year from the date this order becomes final divest itself absolutely and in good faith of all of the assets, properties, rights, and privileges, including all properties, plants, machinery, equipment, raw material reserves, contract rights, and customer lists owned by respondent at Bellwood, Ill.: *Provided, however,* That respondent shall retain or sell separately, at its option, dumping rights on quarry land from which all saleable construction aggregates have been extracted. Said divestiture shall be made in such manner that a going concern and viable competitor in the production, distribution and sale of construction aggregates and ready-mixed concrete will be established at the Bellwood Quarry site.

III. *It is further ordered,* That pending divestiture, respondent shall not make any changes or permit any deterioration in any of the plants, machinery, buildings, equipment, or other property or assets described in paragraphs I and II of this order which may impair the market value of the McCook-Hodgkins Quarry site or the Bellwood Quarry site or which may reduce the capacity at either of said quarry sites for the manufacture, sale, or distribution of construction aggregates or ready-mixed concrete: *Provided, however,* That Vulcan shall not be prohibited from eliminating duplicate facilities for the production of construction aggregates and ready-mixed concrete at the McCook-Hodgkins Quarry site or making other modifications or alterations designed to unify and increase the efficiency of the operations at the McCook-Hodgkins Quarry site so long as Vulcan maintains the capacity for production of construction aggregates and ready-mixed concrete at the McCook-Hodgkins Quarry site at or above the volume of production of such products at the McCook Hodgkins Quarry site by both Vulcan and Dolese & Shepard Co. during the calendar year 1967.

IV. *It is further ordered*, That pending divestiture, respondent shall not make, allow, or permit, outside of the ordinary course of its day-to-day business, any depletion or transfer of the inventory, stock pile, or raw material reserves at the locations described in paragraphs I and II of this order.

V. *It is further ordered*, That, in accomplishing the aforesaid divestiture, respondent shall not sell or transfer the assets, property rights or privileges described in paragraphs I and II of this order, directly or indirectly, to any person who, immediately following such divestiture, shall be a stockholder of the respondent, an officer, director, employee, or agent of, or otherwise directly or indirectly connected with or under the control of, the respondent or any corporation controlled by the respondent, or to any purchaser who is not approved in advance by the Federal Trade Commission.

VI. *It is further ordered*, That, if the consideration received for the divestiture required to be made pursuant to this order is not entirely cash, nothing in this order shall be deemed to prohibit respondent or any of its subsidiaries from accepting and enforcing a lien, mortgage, pledge, deed of trust, or other security interest for the purpose of securing to respondent full payment of the price, with interest received by respondent in connection with the divestiture: *Provided, however*, That after bona fide divestiture including any disposal of any of the assets, in accordance with the the provisions of this order, respondent, by enforcement of such security interest regains direct or indirect ownership or control of any substantial portion of the assets, said ownership or control regained shall be redivested subject to the provisions of this order within such reasonable period as is granted by the Commission for this purpose.

VII. *It is further ordered*, That for a period of ten (10) years from the date this order becomes final, respondent shall cease and desist from entering into any arrangement with another party by which respondent obtains, in the States of Wisconsin, Illinois, or Indiana, directly or indirectly, through subsidiaries or otherwise, the market share in whole or in part or (except for nonoperating quarry-site land or mineral reserves) the whole or any part of the share capital or assets [valued in excess of Twenty-five Thousand Dollars ($25,000)] of any concern, corporate or noncorporate, engaged in the production, distribution, or sale of construction aggregates or ready-mixed concrete, without the prior approval of the Federal Trade Commission.

VIII. *It is further ordered*, That for a period of ten (10) years from the date this order becomes final, respondent shall notify the Commission sixty (60) days in advance before acquiring, in any area of the United States, directly or indirectly, through subsidiaries or otherwise, the market share in whole or in part or (except for nonoperating quarry-site land or mineral reserves) the whole or any part of the share capital or assets [valued in excess of Twenty-five Thousand Dollars ($25,000)] of any concern, corporate or noncorporate, engaged in the production, distribution or sale of construction aggregates or ready-mixed concrete, if respondent and the seller are engaged in competition in selling said products in such area.

IX. *It is further ordered*, That respondent shall, within sixty (60) days after the date of service of this order, and every sixty (60) days thereafter until respondent has fully complied with the provisions of paragraphs I and II of this order, submit in writing to the Federal Trade Commission a report setting forth in detail the manner and form in which respondent intends to comply, is complying, or has complied with paragraphs I and II of this order. All compliance reports shall include, among other things that are from time to time required, a summary of all discussions and negotiations with potential purchasers of the specified assets and properties, the identity of all such potential purchasers, and copies of all written communications to and from such potential purchasers as well as all reports and recommendations concerning divestiture.

X. *It is further ordered*, That within sixty (60) days after this order becomes final, and annually thereafter, respondent shall furnish to the Federal Trade Commission a verified written report setting forth the manner and form in which it intends to comply, is complying, or has complied with paragraph VII of this order.

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

Issued: August 22, 1968.

By the Commission.

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

[F.R. Doc. 68-11812; Filed, Sept. 27, 1968; 8:47 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-348; Order 369]

PART 8—RECREATIONAL OPPORTUNITIES AND DEVELOPMENT AT LICENSED PROJECTS

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Inventory of Recreation Facilities at Licensed Hydroelectric Projects

SEPTEMBER 20, 1968.

By order No. 330, issued December 12, 1966 (31 F.R. 16201, Dec. 17, 1966), the Commission amended Subchapter B, Part 8 of Regulations Under the Federal Power Act, and Subchapter D, Part 141—Statements and Reports, Chapter I, Title 18 of the Code of Federal Regulations by adding thereto §§ 8.11 (a) and (b), and 141.14, respectively, prescribing the biennial filing of Licensed Projects Recreation Report, FPC Form No. 80, by licensees of hydroelectric projects licensed by the Commission pursuant to the Federal Power Act.

Our review and analysis of the information supplied in the initial filing of the prescribed recreation inventory forms disclosed a need for its revision for purposes of clarification. During the processing of the forms it was necessary in a significant number of instances to return forms to licensees for completion and correction. The revisions to FPC Form No. 80 provided herein, will facilitate reporting by licensees and are desirable in order to provide a more accurate and complete inventory of recreational use and development at licensed projects.

The Commission is adding three questions to the form. One is on watercraft waste disposal facilities, inasmuch as 27 States have laws or regulations relating specifically thereto.[1] The other two questions relate to the recreational use of project lands and waters for fishing and hunting and will provide a specific breakdown of information on these matters in Part 9 of the form. These changes do not substantially alter the form and their adoption will not materially increase the reporting burden. Moreover, the additional information gained will be of significant public interest and benefit.

In processing the initial filings of Form No. 80 it has been determined that slightly over 12 percent of the developments have been reported as having no recreational use or potential. These generally are small projects without reservoir or project lands suitable for recreational use. In order to further lighten the reporting burden of licensees who have such projects, we are adding paragraph (c) to § 8.11, Part 8 of Commission regulations under the Federal Power Act to enable certain licensees to request exemption from further filing after the initial filing of Form 80.

The Commission finds:

(1) The revisions to FPC Form No. 80 prescribed herein are primarily for the purpose of interpretation or clarification; and, since they do not represent a substantial departure from the original form or impose any significant further reporting burden on licensees, compliance with the notice, public procedure and effective date provisions of 5 U.S.C. 553, is unnecessary.

(2) Since the amendment of § 8.11 of the regulations under the Federal Power Act to provide for exemption from other than initial filings of FPC Form No. 80 by licensees of projects or developments thereof, which do not have recreational use or potential, will reduce the reporting burden upon those licensees, and inasmuch as the amendment relates to matters of agency practice and procedure

[1] S. Doc. 48, 90th Cong., first sess. Aug. 7, 1967.

and is necessary and appropriate for the administration of the Federal Power Act, compliance with the notice, public procedure and effective date provisions of 5 U.S.C. 553, is unnecessary.

(3) Since the amendment of § 8.11 of the regulations under the Federal Power Act herein ordered and the revisions of FPC Form No. 80 prescribed herein are for use during the year 1968, good cause exists for making the amendments effective forthwith.

The Commission, acting pursuant to the provisions of the Federal Power Act, and particularly sections 4(g), 10, 304, 309, and 311 thereof (41 Stat. 1065, 1068, 49 Stat. 839, 942, 855, 858, 859; 16 U.S.C. 797, 803, 825c, 825h, 825j), orders:

A. Effective upon the issuance of this order, Part 8, § 8.11, Subchapter B of Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding thereto a new paragraph (c) as follows:

§ 8.11 Information respecting use and development of public recreational opportunities.

* * * * *

(c) A licensee may request an exemption from any further filing of Form 80, for a project or any development thereof which has no recreational use or potential, by submitting a statement not later than 6 months prior to the due date for the second filing, stating that Form 80 has been filed previously for the project or development thereof and setting out the basis for believing that the project has no recreational use or potential.

B. Effective upon the issuance of this order, FPC Form No. 80, Licensed Projects Recreation Report, required in § 141.14, Part 141, Subchapter D of Chapter I, Title 18 of the Code of Federal Regulations, as revised herein, is approved and prescribed for use as provided in § 8.11 of this chapter.

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

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-11792; Filed, Sept. 27, 1968; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68-239]

PART 22—DRAWBACK

Abstracts of Records Covering Manufacturing Periods of Sugar Refiners

Section 22.6(f)(14) of the Customs Regulations provides that a sugar refiner operating under the drawback law shall file an abstract of its manufacturing records covering manufacturing periods of not less than 28 nor more than 35 days, unless a different period has been authorized.

An approved employee suggestion has pointed out that it would be to the advantage of both the refiner and the Government to provide for acceptance of manufacturing abstracts covering periods up to 3 months in length.

Accordingly, the first sentence of § 22.6(f)(14) of the Customs Regulations is amended to read as follows:

§ 22.6 General drawback rates in effect; approval of drawback statements by the Bureau and by collectors.

* * * * *

(f) * * *

(14) An abstract from the foregoing records covering manufacturing periods of not less than 1 month nor more than 3 months, unless a different period shall have been authorized, shall be filed when drawback is to be claimed on any part of the refined sugar or sirup manufactured during such period. * * *

* * * * *

(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U.S.C. 1313, 1624)

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

Approved: September 20, 1968.

JOSEPH M. BOWMAN, *Assistant Secretary of the Treasury.*

[F.R. Doc. 68-11819; Filed, Sept. 27, 1968; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter VI—United States Arms Control and Disarmament Agency

PART 604—ADMINISTRATIVE CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT

Sec.

AUTHORITY: The provisions of this Part 604 issued under 28 U.S.C. sec. 2672; 28 CFR 14.11.

§ 604.1 Definitions.

Agency. Agency means the United States Arms Control and Disarmament Agency.

Act. Act means Federal Tort Claims Act, as amended, codified in title 28 of the United States Code, sections 2671 to 2680.

Attorney. Attorney means any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia (Representation Before Federal Agencies, 5 U.S.C. section 500(b)).

Employee. Employee includes anyone serving in the Agency as:

(1) A person appointed by the President and confirmed by the Senate to a position in the Agency.

(2) A person appointed by the Director or by his designee to a position in the Agency.

(3) A special Government employee appointed by the Director or his designee to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full time or intermittent basis (18 U.S.C. section 202).

Federal agency. Federal agency includes the executive departments, the military departments, independent establishments of the United States, and corporations primarily acting as instrumentalities or agencies of the United States, but does not include any contractor with the United States.

State. State means a State, a territory or possession of the United States including a Commonwealth, or the District of Columbia.

§ 604.2 Scope of regulations.

The regulations in this part shall apply only to claims asserted under the Federal Tort Claims Act, as amended, for money damages against the United States for injury, or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Agency while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

§ 604.3 Exceptions.

As provided in section 2680 of the Act, claims not compensable hereunder include:

(a) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government, whether or not the discretion involved be abused.

(b) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(c) Any claim arising in a foreign country.

§ 604.4 Administrative claim; when presented.

(a) For the purposes of the provisions of section 2672 of the Act and of this part, a claim shall be deemed to have been presented when the Agency receives, in the office designated in paragraph (b) of this section, an executed "Claim for Damage or Injury", Standard Form 95, or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, personal injury or death alleged to have occurred by reason of the incident. The claimant may, if he desires, file a brief with his claim setting forth the law or other arguments in support of his claim. In cases involving claims by more than one person arising from a single accident or incident, individual claim forms shall be used. A claim which should have been presented to the Agency, but which was mistakenly addressed to or filed with another Federal agency, shall be deemed to have been presented to the Agency as of the date the claim is received by the Agency. If a claim is mistakenly addressed to or filed with the Agency, the Agency shall transfer it forthwith to the appropriate agency.

(b) A claimant shall mail, or deliver his claim to the Office of the General Counsel, United States Arms Control and Disarmament Agency, State Department Building, 320 21st Street NW., Washington, D.C. 20451.

§ 604.5 Administrative claim; who may file.

(a) A claim for injury to or loss of property may be presented by the owner of the property, his duly authorized agent or legal representative.

(b) A claim for personal injury may be presented by the injured person, his duly authorized agent, or legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate, or by any other person legally entitled to assert such a claim in accordance with applicable State law.

(d) A claim for loss wholly compensable by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the insurer or insured individually, as their respective interests appear, or jointly. When an insurer presents a claim asserting the rights of a subrogee, he shall present with his claim appropriate evidence that he has the rights of a subrogee.

(e) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, attorney, or other representative.

§ 604.6 Administrative claim; evidence and information to be submitted.

(a) *Death.* In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation.

(3) Full names, addresses, birth dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent for support upon the decedent at the time of his death.

(4) Degree of support afforded by the decedent to each survivor dependent upon him for support at the time of his death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payment for such expenses.

(7) If damages for pain and suffering prior to death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or the damages claimed.

(b) *Personal injury.* In support of a claim for personal injury, including pain and suffering, the claimant may be required to submit the following evidence or information:

(1) A written report by his attending physician or dentist setting forth the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed by the agency or another Federal agency. A copy of the report of the examining physician shall be made available to the claimant upon the claimant's written request provided that he has, upon request, furnished the report referred to in the first sentence of this subparagraph and has made or agrees to make available to the Agency any other physician's reports previously or thereafter made of the physical or mental condition which is the subject matter of his claim.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from his employer showing actual time lost from employment, whether he is a full or part-time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(c) *Property damage.* In support of a claim for injury to or loss of property, real or personal, the claimant may be required to submit the following evidence or information:

(1) Proof of ownership.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs; or in the case of unrepaired property, not less than two itemized written estimates of the cost of such repairs signed by reliable and disinterested persons who specialize in such work.

(4) Corroborative statements from two reliable, qualified and disinterested persons with respect to the cost, age of property, and salvage value, where repair is not economical.

(5) Any other evidence or information which may have a bearing on either the responsibility of the United States for the injury to or loss of property or the damages claimed.

(d) *Time limit.* All evidence or information required to be submitted by this section shall be furnished by the claimant, his duly authorized agent or legal representative within a reasonable time. Failure of the claimant, his duly authorized agent or legal representative, to furnish evidence or information necessary to a determination of his claim within 2 months after a request therefor has been mailed to the last known address of such claimant, agent or representative, may be deemed an abandonment of the claim which may thereupon be disallowed.

§ 604.7 Authority to adjust, determine, compromise and settle.

The General Counsel of the Agency, or his designee, is delegated authority to consider, ascertain, adjust, determine, compromise, and settle claims asserted under the provisions of section 2672 of the Act and under this part.

§ 604.8 Limitation on Agency authority.

(a) An award, compromise, or settlement of a claim by the Agency under the provisions of section 2672 of the Act, in excess of $25,000, shall be effected only with the prior written approval of the Attorney General or his designee. For the purposes of this paragraph, a principal claim and any derivative claim shall be treated as a single claim.

(b) An administrative claim may be adjusted, determined, compromised, or settled by the Agency under the provisions of section 2672 of the Act, only after consultation with the Department of Justice, when, in the opinion of the Agency:

(1) A new precedent or a new point of law is involved; or

(2) A question of policy is or may be involved; or

(3) The United States is or may be entitled to indemnity or contribution from a third party and the Agency is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of related claim in which the amount to be paid may exceed $25,000.

(c) An administrative claim may be adjusted, determined, compromised, or settled by the Agency under the provisions of section 2672 of the Act, only after consultation with the Department of Justice when the Agency is informed or is otherwise aware that the United States or an employee, agent or cost-plus contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

§ 604.9 Referral to Department of Justice.

When Department of Justice approval or consultation is required under § 604.8, or the advice of the Department of Justice is otherwise to be requested, the referral or request of the Agency shall be transmitted in writing to the Assistant Attorney General, Civil Division, Department of Justice by the General Counsel of the Agency or his designee.

§ 604.10 Investigation and examination.

The Agency may request any other Federal agency to investigate a claim filed under section 2672 of the Act, or to conduct a physical or mental examination of the claimant and provide a report of such examination.

§ 604.11 Limitations.

(a) Pursuant to the provisions of section 2401(b) of title 28 of the United States Code, a tort claim against the United States shall be forever barred unless presented in writing to the Agency within two (2) years after such claim accrues.

(b) A suit may not be filed until the claim shall have been finally denied by the Agency. Failure of the Agency to make final disposition of the claim within six (6) months after it has been presented shall, at the option of the claimant any time thereafter, be deemed a final denial of the claim for purposes of the Act and of this part.

(c) A suit shall not be filed for a sum greater than the amount of the claim presented to the Agency, except where the increased amount is based upon newly discovered evidence not reasonable discoverable at the time of presenting the claim to the Agency, or upon allegation and proof of intervening facts, relating to amount of the claim.

§ 604.12 Signatures.

The claim and all other papers requiring the signature of the claimant shall be signed by the claimant personally or, where appropriate, by a duly authorized agent or legal representative.

§ 604.13 Penalties.

Section 287 of title 18, United States Code, imposes a fine of not more than $10,000 and imprisonment for not more than 5 years, or both, for presenting false claims against the Government. Section 1001 of title 18, United States Code, imposes a fine of $10,000 and imprisonment for not more than 5 years, or both, for making or using false, fictitious, or fraudulent statements or representations in connection with a claim against the Government. Under section 231 of title 31, United States Code, a civil penalty of forfeiture of $2,000 plus double the amount of damages sustained by the United States (together with the costs of suit) is provided for presenting false or fraudulent claims.

§ 604.14 Attorney fees.

Subject to the penalties imposed by section 2678 of the Act, no attorney shall charge, demand, receive, or collect for services rendered, fees in excess of 20 per centum of any award, compromise, or settlement made pursuant to section 2672 of the Act.

§ 604.15 Disclosure of information.

Unless otherwise authorized by law or this part, no copy of the contents of any claim file within the control of the Agency shall be furnished to any person except in the course of duty to other Federal agencies.

§ 604.16 Final denial of claim.

Final denial of an administrative claim shall be made by the General Counsel, or his designee, in writing and sent to the claimant, his attorney, or legal representative by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with the Agency action, he may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

§ 604.17 Action on approved claims.

(a) Payment of a claim approved under this part is contingent on claimant's execution of (1) a "Claim for Damage or Injury", Standard Form 95, (2) a claims settlement agreement, and (3) a "Voucher for Payment", Standard Form 1145, as appropriate. When a claimant is represented by an attorney, the voucher shall designate both the claimant and his attorney as payees, and the check shall be delivered to the attorney whose address shall appear on the voucher.

(b) Acceptance by the claimant, his agent, or legal representative, of an award, compromise, or settlement made under section 2672 or 2677 of the Act, is final and conclusive on the claimant, his agent or legal representative, and any other person on whose behalf or for whose benefit the claim has been presented, and constitutes a complete release of any claim against the United States and against any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

This Part 604 of Title 22 of the Code of Federal Regulations is approved and shall become effective as of the date of publication in the FEDERAL REGISTER.

Dated: September 23, 1968.

WILLIAM C. FOSTER,
Director.

[F.R. Doc. 68-11783; Filed, Sept. 27, 1968; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 530—RHODESIAN SANCTIONS REGULATIONS

Miscellaneous Amendments

The Rhodesian Sanctions Regulations are being amended in the following ways:

Section 530.201(a)(4) is being amended to state more clearly that the Regulations prohibit all unlicensed transfers from Rhodesian accounts in the United States.

Sections 530.311 and 530.312 are being added to define the terms "free account" and "suspense account."

Sections 530.405, 530.406, 530.407, 530.408, 530.409, 530.410 are being added to publish a number of interpretations of the Regulations as applied to certain business transactions.

Section 530.510 is being amended by deleting the second sentence thereof. The effect is to permit remittances to be made to Rhodesia without specific license in payment for publications and documentary or news films of Rhodesian origin exported to the United States.

Section 530.512, a general license authorizing transfers from one suspense account to another under certain conditions, is being added.

Section 530.513, a general license authorizing certain transactions in connection with patents, trademarks and copyrights in Southern Rhodesia, is being added.

Section 530.514, a general license authorizing payment of certain instruments dated prior to July 29, 1968 is being added.

Section 530.515, a general license authorizing remittances to U.S. citizens in Southern Rhodesia under certain conditions, is being added.

Sections 530.516 and 530.517 are being added to inform interested persons of licensing policy with regard to certain types of remittances between persons in the United States and persons in Rhodesia.

Section 530.201(a)(4) is hereby amended to read as follows:

§ 530.201 **Prohibitions.**

(a) * * *

(4) Other transfers of property to or on behalf of or for the benefit of any person in Southern Rhodesia (including the authorities thereof);

* * * * *

Sections 530.311, 530.312, 530.405, 530.406, 530.407, 530.408, 530.409, 530.410, 530.512, 530.513, 530.514, 530.515, 530.516, and 530.517 are hereby added to the Rhodesian Sanctions Regulations. Section 530.510 is hereby amended by deletion of the second sentence thereof. The added sections and § 530.510 as amended are as follows:

§ 530.311 **Free account.**

A free account is a licensed account held by a domestic bank for a person in Southern Rhodesian. Credits to free accounts may only be made in accordance with a general or specific license. Debits to free accounts may be made without further license, provided that the debit is not for a transfer prohibited under any other part of this chapter.

§ 530.312 **Suspense account.**

A suspense account is an account (other than a free account) held by a domestic bank for a person in Southern Rhodesia. Transfers to or from suspense accounts may only be made in accordance with a general or specific license.

§ 530.405 **Transactions by persons in Southern Rhodesia.**

Section 530.201 prohibits persons who directly or indirectly own or control any person in Southern Rhodesia from authorizing or permitting the latter to engage in any transfer of property prohibited by § 530.201.

§ 530.406 **Alterations of letters of credit.**

Section 530.201 prohibits the renewal, amendment, extension or other alteration of irrevocable letters of credit issued or confirmed by domestic banks prior to July 29, 1968 except in accordance with a specific license.

§ 530.407 **Proceeds of insurance policies held by persons in Southern Rhodesia.**

Payments by domestic insurance companies to or on behalf of or for the benefit of persons in Southern Rhodesia are prohibited by § 530.201. Section 530.512 authorizes such payments to be made into suspense accounts.

§ 530.408 **Insurance operations in Southern Rhodesia.**

(a) Section 530.201 prohibits domestic insurance companies from insuring or reinsuring:

(1) Merchandise in Southern Rhodesia produced there in whole or in part for export;

(2) Merchandise of any origin shipped to or from Southern Rhodesia unless the shipment has been generally or specifically licensed by the Office of Foreign Assets Control;

(3) Property in Southern Rhodesia which facilitates the export of merchandise from Southern Rhodesia, e.g., a factory or a mine whose output is chiefly for export purposes.

(b) Section 530.201 does not prohibit domestic insurance companies from insuring or reinsuring lives of persons in Southern Rhodesia, or property in Southern Rhodesia which is not related to import or export of or carriage of merchandise. Payments under such policies to persons in Southern Rhodesia may only be made by payment into a suspense account.

§ 530.409 **Business activities in Southern Rhodesia.**

(a) Section 530.201 prohibits persons subject to the jurisdiction of the United States from conducting business activities in Southern Rhodesia except that:

(1) Activities in Southern Rhodesia in no way related to import or export of or carriage of merchandise are not prohibited; and

(2) Licenses may be issued for business activities related to shipment or carriage of merchandise to or from Southern Rhodesia when the shipment or carriage has been licensed by the Office of Foreign Assets Control. Remittances to Southern Rhodesia connected with these business activities will not in general be authorized.

§ 530.410 **Transfers of property in Southern Rhodesia.**

(a) Section 530.201 does not prohibit transfers of property in Southern Rhodesia by a person subject to the jurisdiction of the United States to any other person if the property is in no way related to either:

(1) The conduct of prohibited business activities in Southern Rhodesia; or

(2) The shipment or carriage of merchandise to or from Southern Rhodesia.

§ 530.510 **Publications and films of Southern Rhodesian origin.**

All transactions incidental to the importation into the United States of publications and documentary or news films of Southern Rhodesian origin are hereby authorized.

§ 530.512 **Payments to suspense accounts.**

(a) Any payment or other transfer of property to a suspense account is hereby authorized provided such payment or transfer shall not be made from any other suspense account if such payment or transfer represents, directly or indirectly, a transfer of the interest of a person in Southern Rhodesia to any other person.

(b) This section does not authorize any payment or transfer from a suspense account in a domestic bank to a suspense account held under any name or designation which differs from the name or designation of the suspense account from which the payment or transfer is made.

§ 530.513 **Certain transactions with respect to patents, trademarks, and copyrights.**

(a) The following transactions are herewith authorized:

(1) The filing and prosecution of any application for a Southern Rhodesian patent, trademark or copyright, or for the renewal thereof;

(2) The receipt of any Southern Rhodesian patent, trademark or copyright;

(3) The filing and prosecution of opposition or infringement proceedings with respect to any Southern Rhodesian patent, trademark, or copyright, and the prosecution of a defense to any such proceedings;

(4) The payment of fees currently due, either directly or through an attorney or representative, in connection with any of the transactions authorized by subparagraphs (1), (2), and (3) of this paragraph or for the maintenance of any Southern Rhodesian patent, trademark or copyright; and

(5) The payment of reasonable and customary fees currently due to attorneys or representatives in Southern Rhodesia incurred in connection with any of the transactions authorized by subparagraph (1), (2), (3) or (4) of this paragraph.

(b) Payments effected pursuant to the terms of paragraph (a) (4) and (5) of this section may not be made from any suspense account.

§ 530.514 **Checks, etc., dated prior to July 29, 1968.**

(a) Payment of any check, draft or acceptance issued by a person in Southern Rhodesia and drawn on a domestic bank is hereby authorized, provided that the individual item is in an amount of $500 or less and is dated prior to July 29, 1968.

(b) Payment of any such check, draft or acceptance dated prior to July 29, 1968 which exceeds $500 is also authorized, provided the item was in the United States in the process of collection by a domestic bank prior to July 29, 1968.

§ 530.515 **Certain remittances for necessary living expenses.**

(a) Remittances by any person through any domestic bank to any individual who is a citizen of the United States in Southern Rhodesia are hereby authorized on the following terms and conditions:

(1) Such remittances do not exceed $1,000 in any one calendar month to any payee and his household and are made only for the necessary living and traveling expenses of the payee and his household, except that an additional sum not exceeding $1,000 may be remitted once to such payee if such sum will be used for the purpose of enabling the payee or his household to return to the United States;

(2) Such remittances are not made from a suspense account other than from an account in a domestic bank in the name of, or in which the beneficial interest is held by, the payee or members of his household; and,

(3) Such remittances are not made directly or indirectly to any person if either the payee or a member of his household is engaged in business activities in Southern Rhodesia.

(b) As used in this section, the term "household" means:

(1) Those individuals sharing a common dwelling as a family; or

(2) Any individual not sharing a common dwelling with others as a family.

§ 530.516 **Letters of credit.**

Blanket licenses will in general be issued authorizing domestic banks to pay drafts drawn under irrevocable letters of credit issued or confirmed by domestic banks prior to July 29, 1968.

§ 530.517 **Remittances from Rhodesia to persons in United States.**

Specific licenses will in general be issued authorizing debits to suspense accounts for remittances from persons in Southern Rhodesia to persons in the United States when the remittance is for any of the following purposes:

(a) Payment of a legacy;

(b) Payment of principal or interest on a loan made prior to July 29, 1968, provided the loan was not renewed or extended thereafter;

(c) Educational and medical expenses of dependents in the United States of persons in Southern Rhodesia;

(d) Maintenance of relatives in the United States of persons in Southern Rhodesia;

(e) Pensions;

(f) Pension contributions in appropriate cases;

(g) Other personal remittances in appropriate cases;

(h) Travel and subsistence in the United States of Rhodesian nationals;

(i) Personal insurance premiums;

(j) Taxes or fees payable to the United States or to any state or other political subdivision.

[SEAL] MARGARET W. SCHWARTZ,
Director, Office of Foreign Assets Control, Department of the Treasury.

[F.R. Doc. 68-11820; Filed, Sept. 27, 1968; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 105—General Services Administration

PART 105-735—STANDARDS OF CONDUCT

Subpart 105-735.2—Standards of Conduct for Employees

MISCELLANEOUS AMENDMENTS

The regulations on outside employment of GSA employees with a State or local government are simplified, and prohibitions on lecturing and related activities of Presidential appointees are added.

The table of contents for Part 105-735 is amended by deleting and reserving the caption of § 105-735.203-4 as follows:

Sec.
105-735.203-4 [Reserved]

1. Section 105-735.203-3 is revised to read as follows:

§ 105-735.203-3 **Teaching, lecturing, and writing.**

Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, Executive Order 11222 of May 8, 1965, Civil Service Commission regulations, or the provisions of this part. However, an employee shall not, either with or without compensation, engage in teaching, lecturing, or writing, that depends on information obtained as a result of his Government employment, except when the information has been made available to the general public or will be made available on request, or when the Administrator gives written authorization for use of nonpublic information on the basis that the use is in the public interest. This prohibition includes teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Commission or Board of Examiners for the Foreign Service. In addition, an employee who is a Presidential appointee covered by section 401(a) of Executive Order 11222 shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his agency, or which draws substantially on official data or ideas which have not become part of the body of public information.

§ 105-735.203-4 **[Deleted]**

2. Section 105-735.203-4 *Employment by State or local government*, is deleted, and the section number is reserved.

(E.O. 11222, 3 CFR, 1964-1965 Comp; 5 CFR 735.104)

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: September 24, 1968.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 68-11827; Filed, Sept. 27, 1968; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Lacreek National Wildlife Refuge, S. Dak., and Shiawassee National Wildlife Refuge, Mich.

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

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

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Lacreek National Wildlife Refuge, S. Dak., is permitted from October 5 through October 22, 1968, and from November 11 through November 28, 1968, and the hunting of geese is permitted from October 5 through December 18, 1968, but only on the area designated by signs as open to hunting. This open area, comprising 310 acres is delineated on a map available at the refuge headquarters, Martin, S. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, coots, and geese.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 18, 1968.

MICHIGAN

SHIAWASSEE NATIONAL WILDLIFE REFUGE

Public hunting of geese on the Shiawassee National Wildlife Refuge, Mich., is permitted from waterfowl opening hour to 12 noon each day from October 22, through November 14, 1968, but only on the areas designated by signs as open to hunting. This open area comprising approximately 500 acres is delineated on maps located at the refuge headquarters, Saginaw, Mich., and at the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese subject to the following special conditions:

(1) Hunting shall be by Federal permit and only from assigned blinds.

(2) A fee of $2 per hunter will be charged for the privilege of hunting.

(3) Two hunters will be permitted in each blind.

(4) Only shotguns 16 gauge or larger may be used with shells loaded with No. 4 shot or larger.

(5) Applications for hunting must be postmarked not later than October 1, 1968.

(6) Assignment of blinds will be at random by the refuge manager, and only successful applicants will be notified.

(7) After completion of the days hunt, all hunters must proceed to refuge headquarters for check-out and the submission of geese for examination.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 14, 1968.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 20, 1968.

[F.R. Doc. 68-11794; Filed, Sept. 27, 1968; 8:45 a.m.]

Title 7—AGRICULTURE

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

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

Subpart—U.S. Standards for Grades of Processed Raisins

WORKSHEET; CORRECTION

In the amendments to the U.S. Standards for Grades of Processed Raisins, published in the FEDERAL REGISTER of August 16, 1968 (33 F.R. 11629), a revised worksheet for processed raisins was inadvertently omitted. Section 52.1852 is changed to show the revised allowances for undeveloped Thompson Seedless Raisins in U.S. Grades A, B, and C, provided in the now effective amendments.

The corrected § 52.1852 is:

§ 52.1852 Worksheet for processed raisins.

Size and kind of packages and/or cases____________________
Markings____________________
Label or brand____________________
Net weight____________________
Type____________________
Size or sizes____________________
Moisture content____________________

Flavor	A	B	C
Defects	Maximum		
Pieces of stem:			
Thompson Seedless	1 per 96 oz	2 per 96 oz	4 per 96 oz
Other types	1 per 32 oz	2 per 32 oz	3 per 32 oz
	Maximum (per 16 ounces)		
Capstems:[1]			
Thompson Seedless	15	25	35
Muscat	10	15	20
Sultana	25	45	65
Seeds in Muscat Seeded only[1]	12	15	20
Loose capstems: Muscat, uncapstemmed	20	20	20
	Maximum (by weight) (percent)		
Undeveloped:			
Thompson Seedless	All sizes—1	Small size—2 Other sizes—1	Small size—2. Other sizes—1.
All other raisins	1	2	2
Damaged:			
Thompson Seedless and Sultana	2	3	5
Muscat	3	4	5
Sugared (all raisin types)	5	10	15
	Maximum (by count) (percent)		
Moldy (all raisin types)	2	3	4
Shattered (or loose) individual berries and small clusters of 2 or 3 berries each.	Practically free	Reasonably free	
Damaged by fermentation (all raisin types). Affecting appearance or edibility.	Not affected	No more than slightly affected.	Not materially affected.
Grit, sand, or silt (all raisin types). Affecting appearance or edibility.	None of any consequence.	None of any consequence.	Not more than a trace.

Color	Maximum by weight (percent)	
Thompson Seedless:		
Sulfur bleached and golden:		
Well-bleached (Extra Fancy)	½	Definitely dark berries.
Reasonably well-bleached (Fancy)	3	
Fairly well-bleached (Extra Choice)	6	
Sulfur bleached: Bleached (Choice)	15	
Golden: Bleached (Choice)	20	
Muscat: Soda dipped unseeded and seeded: Grade A	10	Dark reddish brown berries.
Grade B	15	
Grade C	20	

Grade____________________

[1] Not applicable to layer (or cluster) or uncapstemmed muscat raisins.

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: September 25, 1968.

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

[F.R. Doc. 68-11818; Filed, Sept. 27, 1968; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—1968 Crop of Peanuts; Acreage Allotments and Marketing Quotas

NORMAL YIELDS; CORRECTION

Basis and purpose. The purpose of this document is to correct errors in the determination of the 1968 Jefferson County, Ga., and Roosevelt County, N. Mex., normal yields published in § 729.1815 (33 F.R. 12671).

Producers are now marketing their 1968 crop of peanuts and since county normal yields are used in the determination of farm normal yields which are used in determining the amount of penalty on excess peanuts marketed from certain farms, it is essential that these corrections of the county normal yields for Jefferson County, Ga., and Roosevelt County, N. Mex., become effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, these corrections shall be effective upon publication in the FEDERAL REGISTER.

In F.R. Doc. 68-10811 published at page 12671 in the issue of Friday, September 6, 1968, § 729.1815 is corrected as follows:

1. The normal yield entry for Jefferson County, Ga., is changed to read "1,447".
2. The normal yield entry for Roosevelt County, N. Mex., is changed to read "2,093".

(Sec. 301, 375, 52 Stat. 38, as amended, 66, as amended, 7 U.S.C. 1301, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 23, 1968.

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

[F.R. Doc. 68-11817; Filed, Sept. 27, 1968; 8:47 a.m.]

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

[Lemon Reg. 340]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.640 Lemon Regulation 340.

(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 September 24, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period September 29, 1968, through October 5, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 106,950 cartons;
(iii) District 3: 97,650 cartons.

(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: September 26, 1968.

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

[F.R. Doc. 68-11869; Filed, Sept. 27, 1968; 8:49 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 40]

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

Order Amending Order

§ 1040.0 Findings and determinations.

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 the aforesaid order 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.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) 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 said marketing area, and the minimum prices specified in the order as hereby 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

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than October 1, 1968. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued August 29, 1968, and the decision of the Secretary containing all amendment provisions of this order, was issued September 23, 1968. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective October 1, 1968, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

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

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southern Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. In § 1040.16 paragraph (b) is revised to read as follows:

§ 1040.16 Pool plant.

* * * * *

(b) A supply plant which during the month meets one of the performance requirements specified in subparagraphs (1), (2), or (3) of this paragraph and any applicable call percentage: *Provided,* That all supply plants which are operated by one handler, or all the supply plants for which a handler is responsible for meeting the performance requirements of this paragraph (b) under a marketing agreement certified to the market administrator by both parties, may be considered as a unit for the purpose of meeting the performance requirements of subparagraphs (1), (2), or (3) of this paragraph upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice and notice of any change in designation, shall be furnished on or before the fifth working day following the month to which the notice applies. In any months of April through September a unit shall not contain any plant which was not qualified under this paragraph either individually or as a member of a unit during the previous October through March.

(1) A plant from which the milk moved during the month to a distributing plant(s) qualified under paragraph (a) of this section is not less than 40 percent or the call percentage, whichever is higher, in any month October through March, and 30 percent or the call percentage, whichever is higher, in any month April through September, of the following net quantity: subtract from the monthly receipts of Grade A milk at the plant (including receipts for which a cooperative association is the handler pursuant to § 1040.7(c)), (i) any receipts by transfer or diversion from another plant, and (ii) any milk utilized by the handler operating the plant qualifying pursuant to this paragraph for his own Class I disposition in consumer packages. If such plant has met the required percentage during each of the months of October through March, it shall remain qualified under this subparagraph for each of the following months of April through September during which it meets any announced call percentage.

(2) A plant operated by a cooperative association which supplies distributing plants qualified under paragraph (a) of this section, either by shipment from such supply plant or by direct delivery from the farm, (i) not less than one-half of its total member producer milk in the current month, or (ii) if such plant were qualified under this subparagraph in each of the preceding 13 months, not less than one-half of its total member producers' milk for the second through the 13th preceding months, except that in either case an announced call percentage exceeding 50 percent in the current month must be met.

(3) A plant located in the marketing area operated by a cooperative association, which plant has been a pool plant for 12 consecutive months but is not otherwise qualified under this paragraph, on meeting the following conditions:

(i) The cooperative has a marketing agreement with another cooperative whose members deliver at least 50 percent of their milk during the month directly to distributing plant(s) qualified under paragraph (a) of this section; and

(ii) The aggregate monthly quantity supplied by both such cooperatives to such distributing plants either by shipment from the cooperative's plant or by direct delivery from farms is not less than 50 percent or the call percentage, whichever is higher, of the combined total of their member producer milk deliveries during the month.

(4) On written request by the handler or cooperative for the nonpool status of any plant automatically qualified as a pool plant under this paragraph April through September, made to the market administrator prior to the beginning of any month during such period, the plant shall be a nonpool plant for such month and thereafter until it requalifies under subparagraph (1) of this paragraph on the basis of actual shipments therefrom. To requalify as a pool plant under subparagraph (2) or (3) of this paragraph or on a unit basis, such plant must first have met the shipping requirements of subparagraph (1) of this paragraph for 6 consecutive months.

2. Section 1040.17 is revised to read as follows:

§ 1040.17 Call percentage.

"Call percentage" means the monthly percentage computed by the market administrator as follows:

(a) Estimate the aggregate pounds of Class I milk utilization for the month including an additional 15 percent thereof as an operating margin, at pool distributing plants;

(b) Subtract therefrom the estimated pounds of milk which will be received at pool distributing plants during the month directly from producers' farms and from cooperative associations pursuant to § 1040.7(c); and

(c) Divide any plus balance of estimated Class I milk remaining by the estimated receipts of producer milk for the month at the supply plants.

(d) The announcement of the call percentage shall be made on or before the 1st day of the month to which it applies and shall set forth the data on which the estimates of Class I utilization and producer milk supplies are based, together with appropriate explanatory comments on the computations involved; and

(e) The market administrator may reduce the call percentage at any time during the month if he determines that more milk than is needed for Class I use is being delivered to pool distributing plants. Any such reduction shall not result in a percentage requirement less than 40 in any month October through March.

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

Effective date: October 1, 1968.

Signed at Washington, D.C., on September 25, 1968.

John A. Schnittker,
Under Secretary.

[F.R. Doc. 68–11838; Filed, Sept. 27, 1968; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

AIR QUALITY CONTROL REGIONS

Notice of Proposed Designation of Metropolitan Chicago Interstate Air Quality Control Region (Indiana-Illinois); Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Chicago Interstate Air Quality Control Region (Indiana-Illinois) as set forth in the following new § 81.14 which would be added to Part 81 of Title 42, Code of Federal Regulations. (This new part has been proposed in 33 F.R. 10882.) It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Indiana and Illinois, and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the Federal Office Building, Ceremonial Courtroom, Room 2525, 219 South Dearborn Street, Chicago, Ill. 60604, beginning at 10 a.m., October 21, 1968.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203, of such intention by October 11, 1968.

A report prepared for the consultation, entitled "Report for Consultation on the Metropolitan Chicago Interstate Air Quality Control Region (Indiana-Illinois)," is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.14 is proposed to be added to read as follows:

§ 81.14 Metropolitan Chicago Interstate Air Quality Control Region (Indiana-Illinois).

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

In the State of Illinois:

McHenry County.
Lake County.
Kane County.
Cook County.
Du Page County.
Will County.

In the State of Indiana:

Lake County.
Porter County.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: September 25, 1968.

John T. Middleton,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 68-11824; Filed, Sept. 27, 1968; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-CE-78]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Terre Haute, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

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

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace in the Terre Haute, Ind., terminal area for protection of IFR air traffic into and out of Hulman Field, the criteria for designation of this airspace has been changed. In addition, some of the instrument approach procedures for this airport have been modified and are not completely protected by controlled airspace. Therefore, it is necessary to alter the Terre Haute control zone and transition area to protect aircraft using the modified procedures and to provide the latest controlled airspace designation criteria.

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

(1) In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

Terre Haute, Ind.

Within a 5-mile radius of Hulman Field (latitude 39°27'00" N., longitude 87°18'40" W.); within 2 miles each side of the Terre Haute ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Terre Haute VORTAC 051° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC; and within 2 miles each side of the Terre Haute VORTAC 230° radial, extending from the 5-mile radius zone to 19 miles southwest of the VORTAC.

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

Terre Haute, Ind.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hulman Field (latitude 39°27'00" N., longitude 87°18'40" W.); within 5 miles southeast and 9 miles northwest of the Terre Haute VORTAC 051° radial, extending from the VORTAC to 13 miles northeast of the VORTAC; and within 7 miles southeast and 8 miles northwest of the Terre Haute VORTAC 230° radial, extending from the VORTAC to 23 miles southwest of the VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on September 9, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-11800; Filed, Sept. 27, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket 68-EA-94]

TRANSITION AREA

Proposed Alteration

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

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

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

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

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

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

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

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center 40°16'35" N., 79°23'56" W. of Westmoreland-Latrobe Airport, Latrobe, Pa.; within 5 miles Southeast and 8 miles Northwest of the 046° bearing from the Latrobe RBN 40°22'32" N., 79°16'19" W., extending from the RBN to 12 miles Northeast of the RBN and within 5 miles Southeast and 7 miles Northwest of the 226° bearing from the Latrobe RBN extending from the RBN to 6 miles Southwest of the RBN.

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

Issued in Jamaica, N.Y., on September 17, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-11801; Filed, Sept. 27, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-79]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a control zone and alter the transition area at Hays, Kans.

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

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

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Hays, Kans., Municipal Airport, utilizing an FAA VOR located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace for the protection of aircraft executing this new approach procedure by designating a control zone and altering the transition area at Hays, Kans. The new approach procedure will become effective concurrently with the designation of the control zone and the alteration of the transition area. When the new procedure is authorized, the present special instrument approach procedure for Frontier Airlines will be cancelled.

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

(1) In § 71.171 (33 F.R. 2058) the following control zone is added:

HAYS, KANS.

Within a 5-mile radius of Hays Municipal Airport (latitude 38°51'00" N., longitude 99°16'30" W.); and within 2 miles each side of the Hays, Kans., VOR 162° radial, extending from the 5-mile radius zone to 8 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

HAYS, KANS.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Hays Municipal Airport (latitude 38°51'00" N., longitude 99°16'30" W.); and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the Hays, Kans., VOR 162° radial, extending from the VOR to 14 miles south of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on September 9, 1968.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[F.R. Doc. 68-11802; Filed, Sept. 27, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-75]

TRANSITION AREA

Proposed Designation

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

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

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

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Earl Fields Memorial Airport, Poplar Bluff, Mo., utilizing a city-owned radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace for the protection of aircraft executing this new approach procedure by designating a transition area at Poplar Bluff, Mo. The new procedure will become effective concurrently with the designation of the transition area. Instrument traffic into and out of this location will be controlled by the Memphis Air Route Traffic Control Center through the Malden, Mo., VOR.

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

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

POPLAR BLUFF, MO.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Earl Fields Memorial Airport (latitude 36°46'20" N., longitude 90°19'20" W.); and within 2 miles each side of the 355° bearing from Earl Fields Memorial Airport, extending from the 6-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 355° bearing from Earl Fields Memorial Airport, extending from the airport to 12 miles north of the airport; and within 5 miles each side of the 075° bearing from Earl Fields Memorial Airport, extending from the airport to V-9.

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

Issued at Kansas City, Mo., on September 10, 1968.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[F.R. Doc. 68-11803; Filed, Sept. 27, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket 68-EA-95]

TRANSITION AREA

Proposed Designation

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

The VOR instrument approach procedure authorized for Ebensburg Airport, Ebensburg, Pa., requires designation of a 700-foot transition area at Ebensburg, Pa., to provide airspace protection for aircraft executing the approach and departure procedures.

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

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

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

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

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

EBENSBURG, PA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°27'40" N., 78°46'25" W., of Ebensburg Airport, Ebensburg, Pa.; within 2 miles each side of the Runway 24 centerline extended from the 6-mile radius area to 6 miles southwest of the end of the runway; within 2 miles each side of the Runway 28 centerline extended from the 6-mile radius area to 7 miles west of the end of the runway and within 2 miles each side of the Carrolltown, Pa., VORTAC 014° and 194° radials extending from the 6-mile radius area to 12 miles north of the VORTAC, excluding the portion that coincides with the Johnstown, Pa., transition area.

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

Issued in Jamaica, N.Y., on September 17, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-11804; Filed, Sept. 27, 1968; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 83, 85]

[Docket No. 18271]

TRANSITION OF SHIP AND COAST STATIONS FROM DOUBLE SIDEBAND TO SINGLE SIDEBAND RADIOTELEPHONY

Order Extending Time for Filing Comments

In the matter of amendments of Parts 2, 81, 83, and 85 to effect orderly shifts from present double sideband (DSB) and/or single sideband (SSB) to new (replacement) frequencies; to establish a revised schedule of dates, technical standards, frequencies, and other requirements for the transition of ship and coast stations from DSB to SSB radiotelephony on frequencies within the revised frequency allotments adopted by the World Administrative Radio Conference, Geneva—1967, for the exclusive HF maritime mobile service bands between 4 and 23 Mc/s; Docket No. 18271.

1. A notice of proposed rulemaking was released in this proceeding on August 8, 1968. It provided for the filing of comments by September 16, 1968, and reply comments by September 27, 1968. Raytheon Co. in its comments, which were received September 16, 1968, requested that the dates for filing comments and reply comments be extended.

2. Raytheon requests the additional time so that it may consider the amendments proposed in Docket 18307 pertaining to the use of single sideband radiotelephony on frequencies below 4000 kc/s in the Maritime Services. The rulemaking in Docket 18307 was released September 12, 1968.

3. It is recognized that the release date in Docket 18307 and closing of comments in this proceeding left little, if any, time to consider the two items in relationship to each other. While the items are independent they are related so that knowledge of both proposals could be of assistance in the preparation of comments.

4. In view of the foregoing and inasmuch as the brief additional time will not have an adverse effect upon this proceeding: *It is ordered,* That the time for filing comments and reply comments is extended to October 16, 1968, and October 28, 1968, respectively.

5. This action is taken pursuant to authority contained in sections 4(i) and 5(d)(1) of the Communications Act of 1934, as amended, and § 331(b)(4) of the Commission's rules.

Adopted: September 23, 1968.

Released: September 24, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[F.R. Doc. 68-11825; Filed, Sept. 27, 1968; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

EMMETT A. VAUGHEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) Sold: Husky Oil Co. of Canada. Sold: Grumman Aircraft Corp.
(3) None.
(4) None.

This statement is made as of September 15, 1968.

Dated: September 20, 1968.

E. A. VAUGHEY.

[F.R. Doc. 68-11813; Filed, Sept. 27, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

GRAIN STANDARDS

Inspection Points in Louisiana

Statement of considerations. On August 21, 1968, there was published in the FEDERAL REGISTER (33 F.R. 11839) a notice of proposed rule making proposing that the authorization to the Louisiana Department of Agriculture to station licensed grain inspectors at Ama, St. Charles Parish, and Reserve, St. John the Baptist Parish, be rescinded without prejudice; that the South Louisiana Port Inspection and Weighing Board, Inc., Hahnville, La., be authorized to station licensed grain inspectors at Ama, St. Charles Parish; and that the Destrehan Board of Trade, Destrehan, La., be authorized to station licensed grain inspectors at Reserve, St. John the Baptist Parish. It was proposed that this action, if taken, be made effective on or about October 1, 1968.

Opportunity was afforded interested parties to submit written data, views, or arguments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by September 10, 1968. Seventeen responses were received from inspection agencies, grain trade organizations, producers, and other interested parties. Twelve of the responses favored the proposal. Five of the responses opposed the proposal, including two petitions signed by a total of 43 grain producers.

After reviewing and considering the comments, it was decided that the proposal be adopted. Therefore, pursuant to the authority contained in section 8 of the U.S. Grain Standards Act, as amended (7 U.S.C. 84), authorization to the Louisiana Department of Agriculture to station licensed grain inspectors at Ama and Reserve, La., is rescinded without prejudice; the South Louisiana Port Inspection and Weighing Board, Inc., is authorized to station licensed grain inspectors at Ama; and the Destrehan Board of Trade is authorized to station licensed grain inspectors at Reserve.

It is essential that the inspection agencies which are to provide the grain inspection service at these two locations be authorized to do so as soon as possible so that they make necessary arrangements to have trained inspectors and equipment available when the grain elevators being constructed at these locations are completed. Therefore, good cause is found for making this action effective less than 30 days after publication in the FEDERAL REGISTER.

This action shall become effective October 1, 1968.

(Sec. 8, 39 Stat. 485; 7 U.S.C. 84)

Done at Washington, D.C., this 25th day of September 1968.

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

[F.R. Doc. 68-11837; Filed, Sept. 27, 1968; 8:49 a.m.]

Packers and Stockyards Administration

FARMERS' AND RANCHERS' LIVESTOCK MARKET ET AL.

Proposed Posting of Stockyards

The Acting Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Farmers' and Ranchers' Livestock Market, Uniontown, Ala.
Livestock Exchange, Inc., Brush, Colo.
South Florida Horse Auction, Hialeah, Fla.
Thomas County Stockyards, Inc., Thomasville, Ga.
Hillsdale County Sales Pavilion, Jonesville, Mich.
Alcorn County Stockyard, Corinth, Miss.
East Winfield Livestock Market, West Winfield, N.Y.

Notice is hereby given, therefore, that the said Acting Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Acting Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 24th day of September 1968.

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

[F.R. Doc. 68-11839; Filed, Sept. 27, 1968; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to continue or initiate the annual surveys listed below for the year 1968 and for each year thereafter, under the authority of Title 13, United States Code, sections 181, 224, and 225. These surveys, most of which have been conducted for many years, are significant in the manufacturing area and on the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public and industry and are not available from nongovernmental or other governmental sources.

The establishments covered by these surveys directly account for the bulk of all manufacturing employment. The information to be developed from these surveys is necessary to an adequate measurement of total industrial production. Government agencies need data on the output of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have all requested such data in the interest of business efficiency and stability.

Such surveys, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys. The surveys have been arranged under major group headings shown in the revised Standard Industrial Classification Manual (1967 edition) promulgated by the Bureau of the Budget for the use of Federal statistical agencies.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Stocks of wool.
Cotton and synthetic woven goods finished.
Narrow fabrics.
Knit cloth.
Woolen and worsted machinery activity.
Yarn production.
Rugs, carpets, and carpeting.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.
Apparel.
Brassieres, corsets, and allied garments.
Sheets, pillowcases, and towels.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.
Softwood plywood.
Lumber.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.
Industrial gases.
Inorganic chemicals.
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Consummer, scientific, technical, and industrial glassware.
Fibrous glass.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Commercial steel forgings.
Steel mill products.
Insulated wire and cable.
Magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Steel power boilers.
Heating and cooking equipment.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Fans, blowers, and unit heaters.
Internal combustion engines.
Tractors.
Farm machines and equipment.
Mining machinery and equipment.
Air-conditioning and refrigeration equipment.
Office, computing, and accounting machines.
Pumps and compressors.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, television, and phonographs.
Motors and generators.
Wiring devices and supplies.
Switchgear, switchboard apparatus, relays, and industrial controls.
Selected electronic and associated products.
Electric housewares and fans.
Electric lighting fixtures.
Major household appliances.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft propellers.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products.
Atomic energy products and services.

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports except for construction machinery which will additionally call for data on shipments of power cranes and shovels, concrete mixers, and attachments for contractors' off-highway type tractors. Also, reports on man-made fiber, silk, woolen, and worsted fabrics, on finishing plants, and on piece goods inventories listed below will call for information relating to the monthly fluctuations of stocks and unfilled orders for woven fabrics in addition to the annual production data.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.
Confectionery products.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Man-made fiber, silk, woolen, and worsted fabrics.
Finishing plant report—broad woven fabrics.
Piece goods inventories and orders.
Broad woven goods (cotton, wool, silk, and synthetic).
Consumption of wool and other fibers, and production of tops and noils.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Consumers of wood pulp.
Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Superphosphates.
Paint, varnish, and lacquer.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Plastics bottles.
Rubber.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Flat glass.
Glass containers.
Refractories.
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.
Iron and steel foundries.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.
Steel shipping barrels, drums, and pails.
Closures for containers.
Metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.
Metalworking machinery.
Typewriters.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.
Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.
Complete aircraft.
Backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts.
Truck trailers.

Also, the Annual Survey of Manufactures will be conducted and will call for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, gross book value of fixed assets, rental payments, supplemental labor costs, etc., in addition to information on value of products shipped and quantity data for selected classes of products. This survey, while conducted on a sample basis, will cover all manufacturing industries. Data on employment and payrolls for auxiliary establishments of manufacturing companies such as central administrative offices, warehouses, etc. will be included, as well as data on plants under construction but not in operation.

A survey of research and development costs will be conducted also. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company.

In addition, a survey on shipments to, or receipts for work done for, Federal Government agencies and their contractors and suppliers is planned. This survey was conducted for the years 1963, 1965, 1966, and 1967. It is designed to provide information on the impact of Federal procurement on selected industries and on the economy of States, standard metropolitan statistical areas, and geographic regions.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writting to the Director of the Census within 30 days after the date of this publication and will receive consideration.

A. ROSS ECKLER,
Director.

[F.R. Doc. 68-11785; Filed, Sept. 27, 1968; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Nos. 32406, 32406 (Sub. No. 1)]

POWER OR TRAIN BRAKES AND EQUIPMENT

Rules, Standards, and Instructions for Installation, Inspection, Testing, Maintenance, and Repair

SEPTEMBER 25, 1968.

The Federal Railroad Administrator at his office in Washington, D.C. on the 23d day of September A.D. 1968.

These proceedings were transferred to the Federal Railroad Administration from the Interstate Commerce Commission pursuant to the provisions of the Department of Transportation Act (49 U.S.C. secs. 1652, 1655).

Upon consideration of the record in these proceedings, including the Interstate Commerce Commission's order of October 18, 1966, served October 28, 1966, which reopened these proceedings for further reconsideration, the Commission's Report on Further Reconsideration of February 24, 1967 (329 ICC 442), served March 2, 1967, the Petition for Reconsideration, Reargument and Rehearing filed by the Railway Labor Executives' Association and the Brotherhood of Locomotive Engineers on March 29, 1967, and the Reply to this petition filed by the Association of American Railroads on March 30, 1967;

It appearing, that the Commission's Report on Further Reconsideration of February 24, 1967, correctly interpreted the legislative intent of Congress when it added the proviso to the Power Brake Act of 1958 (49 U.S.C. sec. 9, as amended), which requires that rules adopted under this Act and any changes in these rules "be promulgated solely for the purpose of achieving safety"; the legislative history clearly indicates that this proviso was specifically inserted by Congress for the express purpose of allaying the fear of the railroads that the real purpose of this legislation was not safety, but rather to provide a means for imposing limitations on the length of trains in order to create more jobs. (See 104 Cong. Rec. 6132–6140 and House Report No. 1205 (85th Cong., 2d Sess. 1958) published in 2 U.S. Code Cong. & Ad. News 2343–2347);

It further appearing, that the Commission's Report on Further Reconsideration of February 24, 1967, is in accord with the declared purpose of the Department of Transportation Act (49 U.S.C. secs. 1651–1659) of developing policies and programs "conducive to the provisions of fast, safe, efficient, and convenient transportation at the lowest cost consistent therewith * * *";

I find, that the record considered in the light of the Petition for Reconsideration, Reargument and Rehearing and the Reply thereto does not show any material error of fact or law and does not warrant a result different from that reached by the Interstate Commerce Commission in its Report on Further Reconsideration of February 24, 1967; that the petitioners and the parties to these proceedings were duly served notice of the Commission's order to reopen said proceedings for reconsideration; that said petitioners have suffered no legal wrong nor have they been adversely affected by the Commission's Report on Further Reconsideration which was proper and duly issued; and, accordingly:

It is ordered, That the Petition for Reconsideration, Reargument and Rehearing of the Interstate Commerce Commission's Report of February 24, 1967, be and is hereby denied;

It is further ordered, That these proceedings be, and they are hereby discontinued;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy in the Office of the Administrator and by filing it with the Director, Office of the Federal Register.

A. SCHEFFER LANG,
Administrator.

[F.R. Doc. 68-11832; Filed, Sept. 27, 1968; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

TRITIUM AND POLONIUM-210

Price Changes

On August 14, 1968, the Commission published a notice of proposed price changes on tritium and polonium-210 and provided 30 days for submission by interested persons of written comments. No public comment having been received, the following prices are effective upon publication of this notice in the FEDERAL REGISTER:

	Quantity	Price
Tritium [1]	0–1,000 Ci	\$2.00/Ci.[2]
	1,001–10,000 Ci	1.50/Ci.
	10,001–25,000 Ci	1.00/Ci.
	Over 25,000 Ci	0.75/Ci.
Polonium 210 [3]	1 gram (4,500 Ci) to 1½ grams (6,750 Ci).	8.50/Ci.
	1½ grams (6,750 Ci) to 2 grams (9,000 Ci).	8.25/Ci.
	2 grams (9,000 Ci) and over	8.10/Ci.

[1] Plus $30 packaging charge.
[2] Minimum order $25.
[3] Plated metal.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 23d day of September 1968.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 68-11784; Filed, Sept. 27, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17726, etc.]

GULF STATES-MIDWEST POINTS SERVICE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled investigation will be held at 10 a.m., e.d.t., beginning on October 23, 1968, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 24, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-11829; Filed, Sept. 27, 1968; 8:48 a.m.]

[Docket No. 19192]

HOUSTON-CLEVELAND NONSTOP INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 29, 1968, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William F. Cusick.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before October 21, 1968, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., September 25, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-11830; Filed, Sept. 27, 1968; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

WESTINGHOUSE ELECTRIC CORP.

Notice of Receipt of Application for Permission To Acquire Control of Columbia Savings and Loan Association

SEPTEMBER 25, 1968.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Westinghouse Electric Corp., Pittsburgh, Pa., for permission to acquire control of Columbia Savings and Loan Association, Denver, Colo. The proposed acquisition of control is to be effected by the acquisition of MCA, Inc., which controls the Columbia Savings and Loan Association, an insured institution, by Westinghouse Electric Corp. The proposed transaction will include a merger of West-Del Corp., a wholly owned subsidiary of Westinghouse Electric Corp., into MCA, Inc. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20052, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 68-11836; Filed, Sept. 27, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68-86]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

SEPTEMBER 23, 1968.

Take notice that on September 11, 1968, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP68-86 a petition to amend the order issued in said docket on December 19, 1967, by requesting a waiver of the $500,000 per project limitation, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued December 19, 1967, Petitioner was granted "budget-type" authorization to construct during the calendar year 1968 and operate various routine field facilities which included the installation of additional compressor horsepower as might be required to compensate for declining reservoir pressures of existing gas sources. Petitioner states that it is now necessary to reduce the operating pressure on certain portions of its Jal area gathering system in Lea County, Tex., from an operating pressure of some 170 to 200 p.s.i. to an operating pressure of some 115 p.s.i. In order to accomplish this pressure reduction, Petitioner proposes to install one 2,700 horsepower reciprocating compressor unit at its existing Jal No. 3 Compressor Station at an estimated cost of $837,000.

Petitioner requests, in view of the cost of the installation of the aforementioned compressor unit, that the $500,000 per unit cost limitation in the order of December 19, 1967, in the instant docket be waived in order that Jal No. 3 Compressor Station may be upgraded by a 2,700 compressor unit at a cost of $837,000. Petitioner states that the total cost of all the facilities to be installed under the authorization granted in the aforementioned order will not exceed the $2 million cost limitation stated therein.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (§ 157.10) on or before October 21, 1968.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-11788; Filed, Sept. 27, 1968; 8:45 a.m.]

[Docket No. CP62-154]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

SEPTEMBER 23, 1968.

Take notice that on September 13, 1968, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP62-154 a petition to amend the order issued in said docket on October 12, 1962 (28 FPC 614), as amended, by authorizing the continued sale and delivery of up to 100,000 Mcf per day of natural gas to Southern California Gas Co. and Southern Counties Gas Company of California (jointly "Southern"), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued May 2, 1967, amending the order issued October 17, 1962, as amended, in the instant docket, Petitioner was authorized to sell and deliver to Southern, pursuant to its Rate Schedule G-X-2, FPC Gas Tariff, Original Volume No. 1, an average daily quantity of natural gas not to exceed 100,000 Mcf for a period continuing through October 31, 1968.

Specifically, Petitioner requests, pending the outcome of the consolidated proceedings in Docket No. CP67-187, et al., that the aforementioned order of October 17, 1962, as amended, be further amended so as to authorize the continuance of the sale and delivery, on an interruptible, best efforts basis, of an average daily quantity of 100,000 Mcf of natural gas to Southern for the limited term commencing November 1, 1968, and continuing until the earlier of May 1, 1969, or the effective date, as designated by the Commission, of the aforementioned G-X-2 service.

Petitioner states that the proposed deliveries will be made by use of existing facilities and that the deliveries will not exceed an average daily quantity of 100,000 Mcf during the limited term.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 21, 1968.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-11789; Filed, Sept. 27, 1968; 8:45 a.m.]

[Docket No. CP69-71]

TENNESSEE GAS PIPELINE CO.

Notice of Application

SEPTEMBER 23, 1968.

Take notice that on September 13, 1968, Tennessee Gas Pipeline Co. (Applicant), a Division of Tenneco Inc., Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP69-71 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing increased natural gas service, commencing with the 1968-69 winter, to seven of its Contractual Demand Customers, 15 of its General Service Customers and two of its Storage Service Customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the design day pipeline capacity assignment required to render the proposed increased service is 49,302 Mcf per day. The application further states that the proposed increased service can be rendered from the 67,966 Mcf of unallocated pipeline capacity which is presently available on Applicant's system. Therefore, Applicant states the proposed service can be rendered on a long term basis with presently authorized facilities.

The additional service proposed by this application may be briefly summarized as follows:

Proposed additional service	Proposed additional maximum contract quantity (Mcf at 14.73 p.s.i.a.)	Design day requirements (Mcf at 14.73 p.s.i.a.)
General service customers	9,703	1,770
Contract demand customers	47,532	47,532
Storage service customers:		
Daily storage customers	15,300	
Winter storage quantity	1,224,000	

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 21, 1968.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-11790; Filed, Sept. 27, 1968; 8:45 a.m.]

[Docket No. CP-69-64]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

SEPTEMBER 23, 1968.

Take notice that Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP69-64 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a sales meter station and appurtenant equipment near Moore, Spartanburg County, S.C., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate a sales meter station and appurtenant equipment at its Compressor Station 140 (milepost 1,205.89 on Applicant's transmission system) approximately 1.5 miles northwest of Moore, Spartanburg County, S.C. The proposed facilities are to be used as an additional delivery point for natural gas service to Carolina Pipeline Co. (Carolina Pipe), an existing resale customer.

Total estimated cost of the proposed facilities is $102,955, which cost is to be financed initially by Applicant with available company funds and subsequently reimbursed by Carolina Pipe.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act on or before October 21, 1968.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-11791; Filed, Sept. 27, 1968; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-24]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a natural gas rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Oklahoma Corporation Commission in a proceeding involving proposed rate increases of the Oklahoma Natural Gas Co. for natural gas service (Cause No. 23882).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

SEPTEMBER 24, 1968.

[F.R. Doc. 68-11793; Filed, Sept. 27, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

PARAMOUNT GENERAL CORP.

Order Suspending Trading

SEPTEMBER 24, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Paramount General Corp., Los Angeles, Calif., and all other securities of Paramount General Corp. 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 September 25, 1968, through October 4, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-11814; Filed, Sept. 27, 1968; 8:47 a.m.]

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