

[Docket No. C-1334]

PART 13—PROHIBITED TRADE PRACTICES**Division West Chinchilla Corp. et al.**

Subpart—Advertising falsely or misleadingly: § 13.60 *Earnings and profits*; § 13.225 *Services*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits*; § 13.1715 *Quality*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Division West Chinchilla Corp. et al., Omaha, Nebr., Docket C-1334, May 9, 1968]

In the Matter of Division West Chinchilla Corp., a Corporation, and Richard G. Wood and Craig Moody, Individually and as Officers of Said Corporation, and James R. Holyfield, Individually and as a Former Officer of Said Corporation

Consent order requiring an Omaha, Nebr., seller of chinchilla breeding stock to cease misrepresenting the profits to be made in chinchilla breeding, the fertility of its stock, and making other false claims.

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

It is ordered, That respondents Division West Chinchilla Corp., a corporation, and its officers, and Richard G. Wood and Craig Moody, individually and as officers of said corporation, and James R. Holyfield, individually and as a former officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

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

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

3. Chinchillas are hardy animals or are not susceptible to disease.

4. Purchasers of respondents' chinchilla breeding stock will receive select or choice quality chinchillas or any other grade or quality of chinchillas: *Provided*,

however, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that purchasers do actually receive chinchillas of the represented grade or quality.

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

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

7. The breeding stock of six females and one male chinchilla purchased from respondents will produce live offspring of 18 the first year, 33 the second year, 69 the third year, 144 the fourth year and 303 the fifth year.

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

9. Offspring of chinchilla breeding stock purchased from respondents will produce pelts selling for the average price of \$21.60 each.

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

11. A purchaser starting with six females and one male will have, from the sale of pelts, an annual income, earnings or profits of \$5,076 in the sixth year after purchase.

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

13. Purchasers of respondents' chinchilla breeding stock will receive service calls from respondents' service personnel four times a year for 2 successive years after purchase of the animals or at any other interval or frequency: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented number of service calls are actually furnished.

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

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

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

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

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: May 9, 1968.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-6475; Filed, May 31, 1968; 8:46 a.m.]

Title 19—CUSTOMS DUTIES**Chapter I—Bureau of Customs, Department of the Treasury**

[T.D. 68-149]

PART 16—LIQUIDATION OF DUTIES
Countervailing Duties; Steel Welded Wire Mesh From Italy

On October 6, 1967, there was published in the FEDERAL REGISTER a "Notice of Countervailing Duty Proceedings." That notice stated that as a result of the receipt of certain information, a determination would be made whether certain rebates or refunds granted by the Government of Italy on the exportation from Italy of steel welded wire mesh constitute the payment or bestowal of a bounty or grant within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303).

Pursuant to § 16.24(d) of the Customs Regulations (19 CFR 16.24(d)), interested parties were afforded 30 days from the date of the publication of that notice in the FEDERAL REGISTER to submit in writing any relevant data, views, or arguments with respect to the matter covered by the notice.

[T.D. 68-142]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Claims for Amounts Due Deceased or Incompetent Public Creditors

Section 24.70(c), Customs Regulations, relating to the submission of claims for amounts due deceased or incompetent public creditors, amended.

Section 24.70(c) of the Customs Regulations now provides that claims for refunds of excessive duties, or taxes, or for payment of drawback, and other similar amounts due deceased or incompetent public creditors shall be submitted by customs field officers to the Bureau of Customs, Accounting Section, for administrative examination and transmission to the General Accounting Office for direct settlement when unresolved questions of fact or law are involved. It has been decided that the regulation should be amended to provide that such claims shall be submitted to the appropriate regional commissioner of customs for settlement, or if there is a doubtful question of fact or law, through the regional commissioner to the Commissioner of Customs for settlement or for transmission to the General Accounting Office for consideration.

Accordingly, the second sentence of § 24.70(c) of the Customs Regulations is amended to read as follows:

Claims for refunds of excessive duties, or taxes, or for payment of drawback and other similar claims due deceased or incompetent public creditors shall be submitted to the appropriate regional commissioner of customs.

Further, the last sentence of § 24.70(c) is amended to read as follows:

The regional commissioner shall settle the claim unless there is a doubtful question of fact or law, in which case the claim shall be forwarded to the Assistant Director (Accounting), Division of Financial Management, Bureau of Customs, with originals or certified copies of any necessary documents and with an appropriate report and recommendation.

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

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

Approved: May 22, 1968.

MATTHEW J. MARKS,
*Acting Assistant Secretary
of the Treasury.*

[F.R. Doc. 68-6502; Filed, May 31, 1968;
8:48 a.m.]

An investigation was conducted pursuant to § 16.24(d) of the Customs Regulations (19 CFR 16.24(d)).

After consideration of all information received including written submissions from interested parties, the Bureau is satisfied that exports of such steel welded wire mesh from Italy receive bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303).

Accordingly, notice is hereby given that steel welded wire mesh imported directly or indirectly from Italy, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of this notice in the Customs Bulletin, will be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the net amount of such bounty or grant under the information presently available has been ascertained and determined, or estimated, and such net amount is hereby declared to be 15.28 lire per kilo of the product. Effective on the 31st day after the date of publication of this notice in the Customs Bulletin, and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable steel welded wire mesh imported directly or indirectly from Italy, which benefit from such bounties or grants there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such steel welded wire mesh.

The table in § 16.24(f) of the Customs Regulations (19 CFR 16.24(f)), is amended by inserting after the last entry for Italy the words "Steel Welded Wire Mesh" in the column headed "Commodity," the number of this Treasury decision in the column headed "Treasury Decision," and the words "Bounty declared—Rate" in the column headed "Action."

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

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

Approved: May 29, 1968.

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

[F.R. Doc. 68-1597; Filed, May 31, 1968;
11:44 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 42—EGGS AND EGG PRODUCTS

Frozen Whole Eggs, Identity Standard; Order Listing Monopotassium Phosphate as Optional Color Preservative

In the matter of amending the standard of identity for frozen whole eggs (21 CFR 42.20) to list monopotassium phosphate as an optional color preservative:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of February 17, 1968 (33 F.R. 3139), and based on a petition filed by Frigid Food Products, Inc., 1599 Warren Avenue, Detroit, Mich. 48201.

Based on information furnished by the petitioner, and other relevant information, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposed amendment with the word "solution" changed wherever it appeared to "carrier" because of the difference in solubility between monosodium phosphate and monopotassium phosphate.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That § 42.20 (b) and (c) be revised to read as follows:

§ 42.20 Frozen eggs, frozen whole eggs, frozen mixed eggs; identity; label statement of optional ingredients.

(b) Monosodium phosphate or monopotassium phosphate may be added either directly or in a water carrier, but the amount added does not exceed 0.5 percent of the weight of the frozen eggs. If a water carrier is used, it shall contain not less than 50 percent by weight of such monosodium phosphate or monopotassium phosphate.

(c) When one of the optional ingredients specified in paragraph (b) of this section is used, the label shall bear the statement "Monosodium phosphate (or monopotassium phosphate) added to preserve color," or, in case the optional ingredient used is added in a water carrier, the statement shall be "Monosodium phosphate (or monopotassium phosphate), with _____ percent water as a carrier, added to preserve color," the blank being filled in to show the percent

by weight of water used in proportion to the weight of the finished food. The statement declaring the optional ingredient used shall appear on the principal display panel or panels with such prominence and conspicuousness as to render it likely to be read and understood under customary conditions of purchase.

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

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

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

Dated: May 23, 1968.

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

[F.R. Doc. 68-6488; Filed, May 31, 1968;
8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1450—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Miscellaneous Amendments

1. Section 1450.735-23 *Outside employment and other activity* is amended as follows:

a. The second sentence of paragraph (c) is deleted and the following is inserted in lieu thereof: "However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his employment by

the Board, except when that information has been made available to the general public or will be made available on request, or when the Board gives written authorization for the use of nonpublic information on the basis that the use is in the public interest."

b. Paragraph (d) is revoked.

2. Section 1450.735-26 *Misuse of information* is amended by changing "§ 1450.735-22(c)" to read "§ 1450.735-23(c)".

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. 1219)

Dated: May 29, 1968.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 68-6544; Filed, May 31, 1968;
8:49 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGFR 68-63]

DRYDOCK AND TAILSHAFT EXAMINATIONS

Ocean and Coastwise Cargo and Tank Vessels

1. The purpose of the amendments in this document is to revise the requirements regarding drydock and tailshaft examinations of ocean and coastwise cargo and tank vessels by providing that such vessels may be drydocked every 24 months rather than every 18 months, and by providing for their tailshaft drawing every 48 months rather than 36 months. Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of February 29, 1968 (33 F.R. 3564-3570), and the Merchant Marine Council Public Hearing Agenda dated March 25, 1968 (CG-249), the Merchant Marine Council held a Public Hearing on March 25, 1968, for the purpose of receiving comments, views, and data. The proposed changes included changes in the drydock and tailshaft examination requirements, which were identified as Item PH 7-68 (CG-249, pages 245-248, inclusive). All comments received were favorable to these proposals. As recommended by the Merchant Marine Council, these proposals are approved.

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, United States Code, and the delegation of authority of the Secretary of Transportation in 49 CFR 1.4(a) (2) to promulgate regulations in accordance with the laws cited with the regulations below, the following amendments in this document are prescribed and shall be effective on and after July 1, 1968: *Provided*, That the regulatory amendments in this document may be complied with during the interim period prior to the effective date specified in lieu of existing requirements at the option of the owners of cargo and tank vessels.

SUBCHAPTER D—TANK VESSELS

PART 31—INSPECTION AND CERTIFICATION

Subpart 31.10—Inspections

3. Section 31.10-20(a) (1) is amended to read as follows:

§ 31.10-20 Drydocking or hauling out—TB/ALL.

(a) * * *

(1) Each tank vessel shall be drydocked or hauled out at intervals not to exceed 24 months if it operates in salt water an aggregate of more than 12 months in the 24-month period since it was last drydocked or hauled out.

§ 31.10-23 [Deleted]

4. Section 31.10-23 *Examination of tailshaft—T/OC* is deleted and the revised requirements are now in § 61.15-15 of this chapter (Subchapter F—Marine Engineering).

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended, sec. 6(b) (1), 80 Stat. 938; 46 U.S.C. 375, 391a, 416, 49 U.S.C. 1655(b); 49 CFR 1.4(a) (2). Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp.)

SUBCHAPTER F—MARINE ENGINEERING

PART 61—INSTALLATIONS, TESTS, INSPECTIONS, MARKINGS, AND OFFICIAL FORMS

Subpart 61.15—Tests and Inspections of Machinery and Equipment

5. Section 61.15-15 is amended to read as follows:

§ 61.15-15 Tailshaft survey.

(a) The requirements in this section apply only to ocean and coastwise vessels.

(b) Tailshafts shall be drawn at least once in every 2 years except as follows:

(1) Vessels fitted with a single tailshaft fabricated of materials resistant to corrosion by sea water, or fitted with a continuous liner or with a sealing gland which effectively prevents sea water from contacting the steel shaft, shall be drawn at least once in every 3 years; or,

(2) Vessels fitted with multiple tailshafts which meet the requirements of subparagraph (1) of this paragraph shall be drawn at least once in every 4 years; or,

(3) Vessels fitted with a single tailshaft, which in addition to meeting the requirements of subparagraph (1) of this paragraph have a tailshaft and keyway specifically designed to reduce stress concentrations in accordance with the standards established by the American Bureau of Shipping, shall be drawn at least once in every 4 years: *Provided*, That on each drawing the tailshaft is, in addition to the visual examination, checked by an effective nondestructive testing method from the after edge of the liner to a point one third of the length of the cone from the large end.

(c) Where the propelling machinery is located amidships, the after stern tube bearing of the sea water lubricated type shall be rebushed when it is worn down

to 1/4-inch clearance for shafts of 9 inches or less in diameter, 1/16-inch clearance for shafts exceeding 9 inches but not exceeding 12 inches in diameter, and 3/16-inch clearance for shafts exceeding 12 inches in diameter. Where the propelling machinery is located aft, the maximum clearance shall be one-sixteenth inch less than the applicable above clearance for propelling machinery located amidships.

(d) Where circumstances warrant it, the District Commander may extend the tailshaft drawing interval to the next regular drydocking period, but not to exceed 4 months. When it is shown that a vessel has had a long period of lay up, the Officer in Charge, Marine Inspection, may grant an extension equal to the time the vessel has been laid up, but in no case shall the extension exceed 1 year. (R.S. 4405, as amended, 4462, as amended, sec. 6(b) (1), 80 Stat. 938; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b); 49 CFR 1.4(a) (2). Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426-4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404-409, 411, 412, 435, 481, 489, 366, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp.)

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 91—INSPECTION AND CERTIFICATION

Subpart 91.40—Drydocking

6. Section 91.40-1(a)(1) is amended to read as follows:

§ 91.40-1 When required.

(a) * * *

(1) Each vessel shall be drydocked or hauled out at intervals not to exceed 24 months if it operates in salt water an aggregate of more than 12 months in the 24-month period since it was last drydocked or hauled out.

(R.S. 4405, as amended, 4462, as amended, sec. 6(b) (1), 80 Stat. 938; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b); 49 CFR 1.4(a) (2). Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 392, 404, 405, 411, 435, 481, 366, 395, 363, 367, 526p, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR 1965 Supp.)

Dated: May 28, 1968.

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

[F.R. Doc. 68-6501; Filed, May 31, 1968; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 68-542]

PART 0—COMMISSION ORGANIZATION

Staff Actions and Correspondence

1. The Commission has recently completed a review of practices relating to routine correspondence and to actions taken under delegated authority and has determined to alter certain of these practices. The practices, as revised, are outlined in a new § 0.204 of the rules and regulations, which is set out in the attached appendix.

2. Section 0.204(a) contains a pro forma statement of the authority of Commission officials to whom authority is delegated to issue orders pursuant to that authority and to enter into correspondence concerning matters for which they are responsible. Section 0.204(b) provides that such authority to issue orders or to enter into correspondence may be exercised by the official to whom authority is delegated or by subordinate officials acting for him. Section 0.204(c) deals with the signature of staff documents and correspondence and provides, in effect, that the official giving final approval of their contents shall sign (or be identified in) documents and letters. Section 0.204 (d) and (e) deals generally with the form or orders issued under delegated authority and the form of minute entries.

3. The principal changes are in the provision for action by subordinate members of the staff and for the signature of action documents and correspondence by the official giving final approval of their contents. Heretofore, it has been the practice for most correspondence and documents to be signed by the Secretary of the Commission. The revised practices will be beneficial to the public, in that the responsible official and the level at which action has been taken will appear clearly from the document, and should also enhance the efficiency of Commission operations.

4. Changes in the remaining sections set out in the appendix involve the clarification or deletion of provisions providing for the signature of correspondence and documents by the Secretary, and the deletion of particular provisions now dealt with generally in § 0.204.

5. Authority for the amendments set forth in the attached appendix is contained in sections 4 (i) and (j), 5, and 303(r) of the Communications Act of 1934 as amended, 47 U.S.C. 154 (i) and (j), 155, and 303(r), and the Public Information Act of 1966, 5 U.S.C. 552. Because the amendments are procedural in nature and pertain to internal Commission practices, the procedural and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are inapplicable.

Accordingly, it is ordered, Effective June 4, 1968, that Part 0 of the rules

and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303, 5 U.S.C. 552)

Adopted: May 15, 1968.

Released: May 28, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,¹
BEN F. WAPLE,
Secretary.

In Chapter I of Title 47 of the Code of Federal Regulations, Part 0 is amended as follows:

1. In § 0.5(b), subparagraph (5) is revised to read as follows:

§ 0.5 General description of Commission organization and operations.

(b) * * *

(5) *The Secretary.* With minor exceptions, the Secretary signs all correspondence and documents adopted by the Commission. He is custodian of the Commission's seal and records. He maintains records of Commission actions and the dockets of hearing proceedings, and is responsible for their accuracy, authenticity, and completeness. Except as otherwise provided in this chapter, he is the proper addressee and recipient of papers filed with the Commission.

2. In § 0.51, paragraph (a) is revised to read as follows:

§ 0.51 Functions of the Office.

(a) To maintain minutes and records of official Commission actions and, with minor exceptions, to sign all correspondence and documents adopted by the Commission.

3. Section 0.204 is added to read as follows:

§ 0.204 The exercise of delegated authority.

(a) *Authority to issue orders and to enter into correspondence.* Any official (or group of officials) to whom authority is delegated in this subpart is authorized to issue orders (including rulings, decisions, or other action documents) pursuant to such authority and to enter into general correspondence concerning any matter for which he is responsible under this subpart or subpart A of this part.

(b) *Authority of subordinate officials.* Authority delegated to any official to issue orders or to enter into correspondence under paragraph (a) of this section may be exercised by that official or by appropriate subordinate officials acting for him.

(c) *Signature.* (1) A final decision of the Review Board is signed by the Board member responsible for its preparation.

(2) Other orders made by a committee, board or panel identify the body and are signed by the Secretary.

¹ Commissioners Hyde, Chairman; and Loevinger absent.

(3) Upon signing an order, the Secretary affixes the Commission's seal.

(4) General correspondence by a committee or board is signed by the committee or board chairman.

(5) All other orders and letters are signed by the official who has given final approval of their contents.

(6) With the exception of certain license forms also signed by the issuing Engineer in Charge, license forms bear only the signature of the Secretary and the seal of the Commission.

(d) *Form of orders.* Orders may be issued in any appropriate form (e.g., as captioned orders, letters, telegrams) and may, if appropriate, be issued orally. Orders issued orally shall, if practicable, be confirmed promptly in writing.

(e) *Minutes entries.* Except as otherwise provided in this subpart, actions taken as provided in paragraph (d) of this section shall be recorded in writing and filed in the official minutes of the Commission.

§ 0.214 [Amended]

4. In § 0.214, paragraph (b) is deleted, and the paragraph designator for paragraph (a) is deleted.

§ 0.215 [Amended]

5. In § 0.215, paragraph (b) is deleted, and the paragraph designator for paragraph (a) is deleted.

6. Section 0.247 is revised to read as follows:

§ 0.247 Record of actions taken.

The application and authorization files and other appropriate files of the Office of the Chief Engineer are designated as the official minute entries of actions taken pursuant to §§ 0.241 and 0.243.

§ 0.257 [Deleted]

7. Section 0.257 is deleted.

§ 0.261 [Amended]

8. In § 0.261, paragraph (c) is deleted.

9. Section 0.287 is revised to read as follows:

§ 0.287 Record of actions taken.

The history card, the station file, and other appropriate files are designated to be the official record of the action taken by the Chief of the Broadcast Bureau.

10. In § 0.289, paragraph (b) is revised to read as follows:

§ 0.289 Authority delegated.

(b) All minutes of actions taken by the Chief of the CATV Task Force pursuant to the authority delegated in this section shall be maintained for public inspection by the CATV Task Force.

§ 0.305 [Deleted]

11. Section 0.305 is deleted.

12. Section 0.307 is revised to read as follows:

§ 0.307 Record of actions taken.

The application and authorization files in the License Branch and the appropriate central files of the Common Carrier Bureau are designated as the Commission's official records of actions by the Chief of the Bureau pursuant to authority delegated to him. In the case of joint authority exercised by the Chief, Common Carrier Bureau, and the Chief, Safety and Special Radio Services Bureau, § 0.337 applies.

§ 0.313 [Deleted]

13. Section 0.313 is deleted.

14. Section 0.337 is revised to read as follows:

§ 0.337 Record of actions taken.

The history card pertaining to a certain station is designated to be the official record of the action taken by the Chief, Safety and Special Radio Services Bureau, in pursuance of the authority delegated to him in §§ 0.331 and 0.332 or jointly to him and the Chief, Common

Carrier Bureau, in § 0.333. In cases where no history card is prepared, the application and authorization file pertaining to the station in question is designated to be the official record of the action taken by the Chief of the Bureau, or by him jointly with the Chief of the Common Carrier Bureau.

§ 0.357 [Deleted]

15. Section 0.357 is deleted.

§ 0.361 [Amended]

16. In § 0.361, paragraph (h) is deleted.

17. Section 0.371 is revised to read as follows:

§ 0.371 Authority delegated.

The Chief, Opinions and Review, is delegated authority to act upon the following matters in hearing proceedings which are pending before the Commission en banc:

(a) Motions or petitions for extension of time.

(b) Pleadings which are moot.

(c) To dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.

(d) To issue orders, in accordance with Commission instructions, specifying or changing the day or hour of oral argument.

18. Section 0.381 is revised to read as follows:

§ 0.381 Defense Commissioner.

The authority delegated to the Commission under Executive Order 11092 is redelegated to the Defense Commissioner.

§ 0.383 [Amended]

19. Section 0.383(d) is deleted.

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