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Title 3—THE PRESIDENT

Proclamation 3948

AMENDING PROCLAMATION NO. 3044 WITH RESPECT TO DISPLAY OF THE FLAG OF THE UNITED STATES OF AMERICA AT HALF-STAFF UPON THE DEATH OF CERTAIN OFFICIALS AND FORMER OFFICIALS

By the President of the United States of America

A Proclamation

I, RICHARD NIXON, President of the United States of America and Commander in Chief of the armed forces of the United States, do hereby proclaim that Proclamation No. 3044 [1] of March 1, 1954, prescribing rules with respect to the display of the flag of the United States of America at half-staff upon the death of certain officials, is amended by substituting for subsection (c) of section 1 thereof the following:

"(c) An Associate Justice of the Supreme Court, a member of the Cabinet, a former Vice President, the President pro tempore of the Senate, the Majority Leader of the Senate, the Minority Leader of the Senate, the Majority Leader of the House of Representatives, or the Minority Leader of the House of Representatives: from the day of death until interment."

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of December, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

Richard Nixon

[F.R. Doc. 69-14914; Filed, Dec. 12, 1969; 1:30 p.m.]

[1] 3 CFR, 1954–1958 Comp., p. 4; 19 F.R. 1235.

Executive Order 11500

AMENDING EXECUTIVE ORDER NO. 11452, ESTABLISHING THE COUNCIL FOR URBAN AFFAIRS

By virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, subsection (c) of section 1 of Executive Order No. 11452 [1] of January 23, 1969, entitled "Establishing the Council for Urban Affairs" is amended by deleting the words "and such other heads of departments and agencies as the President may from time to time direct" and inserting in lieu thereof the following: "and such other heads of departments and agencies and others as the President may from time to time direct".

Richard Nixon

THE WHITE HOUSE,
December 12, 1969.

[F.R. Doc. 69-14965; Filed, Dec. 12, 1969; 4:55 p.m.]

[1] 34 F.R. 1223.

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[Amdt. 7]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1968 and Subsequent Years

AGENCIES TO PARTICIPATE IN DEVELOPMENT OF STATE PROGRAM

The regulations governing the National Agricultural Conservation Program for 1968 and subsequent years, 32 F.R. 11117, as amended, are further amended by revising paragraph (a) of § 701.4 to read as follows:

§ 701.4 Agencies to participate in development of State programs.

(a) A State agricultural conservation program (referred to in this subpart as "State program") shall be developed in each State in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made. The program shall be developed by the State ACP development group, which shall consist of the State committee (including the State director of extension), the State conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State, and, in States in the Appalachian region in which a program is developed under section 203 of Public Law 89-4 with the assistance of the State ACP development group upon request of the Governor of the State, a representative recommended by the Governor and designated by the Secretary. The chairman of the State committee shall invite the following persons, or their designees, to participate in the deliberations on the State program: the Governor of the State, the president of the land-grant college, the State director of the Farmers Home Administration, and the heads of the State soil conservation committee (board or commission), the State agricultural extension service, the State agency having responsibility for wildlife conservation, the State agency having responsibility for pollution control or general quality of the environment, and other State and Federal agricultural agencies. He may also invite others with conservation interests to participate in such deliberations.

* * * * *

(Sec. 4, 49 Stat. 164; 16 U.S.C. 590d)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 10th day of December, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-14886; Filed, Dec. 15, 1969; 8:48 a.m.]

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

[Navel Orange Reg. 186, Amdt. 1]

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

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(i) of § 907.486 (Navel Orange Reg. 186, 34 F.R. 19185) are hereby amended to read as follows:

§ 907.486 Navel Orange Regulation 186.

* * * * *

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

(i) District 1: 1,456,000 cartons.

* * * * *

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

Dated: December 10, 1969.

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

[F.R. Doc. 69-14847; Filed, Dec. 15, 1969; 8:45 a.m.]

[Lemon Reg. 404, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1), (i), (ii), and (iii) of § 910.704 (Lemon Reg. 404, 34 F.R. 19339) are hereby amended to read as follows:

§ 910.704 Lemon Regulation 404.

* * * * *

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

(i) District 1: 39,990 cartons;

(ii) District 2: 62,310 cartons;

(iii) District 3: 158,100 cartons.

* * * * *

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

Dated: December 11, 1969.

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

[F.R. Doc. 69-14846; Filed, Dec. 15, 1969; 8:45 a.m.]

[948.262; Area 1]

PART 948—IRISH POTATOES GROWN IN COLORADO

Approval of Expenses

Notice of rule making regarding proposed expenses and rate of assessment for Area No. 1 (Western Slope), to be effective under Marketing Agreement No. 97 and Order No. 948 (7 CFR Part 948), both as amended, was published in the November 8, 1969, issue of the FEDERAL REGISTER (34 F.R. 18094).

The notice afforded interested persons an opportunity to submit written data, views, or arguments, pertaining thereto not later than 30 days following publication in the FEDERAL REGISTER. None was received.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area Committee for Area No. 1, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 948.262 Expenses.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1970, will amount to $50.00.

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

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

Dated: December 11, 1969.

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

[F.R. Doc. 69–14845; Filed, Dec. 15, 1969; 8:45 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Miscellaneous Amendments

On November 21, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 18556) regarding a proposal to amend § 993.159 of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR Part 993). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Section 993.159 prescribes payments to handlers for costs incurred by them in connection with, but not limited to, inspection, receiving, storing, grading, and fumigation of reserve prunes, and other specified services. The proposal was unanimously recommended by the Prune Administrative Committee to authorize certain additional payments to handlers not now provided for by § 993.159. The proposed additional payments would be pursuant to § 993.59 to compensate handlers for expenses incurred when (1) at the direction of the Committee they move and dump containers of reserve prunes for inspection purposes and continue to hold the prunes following inspection, and (2) they hold reserve prunes for the account of the Committee beyond the end of the crop year in which such prunes were received from producers or dehydrators.

Interested parties were given seven days in which to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Prune Administrative Committee and other available information, it is found that the Subpart—Administrative Rules and Regulations should be amended as hereinafter set forth. The amendment is essentially as set forth in the notice.

Therefore, it is hereby ordered, That § 993.159 is amended as follows:

1. The first two sentences of paragraph (a) are revised to read as follows:

(a) *Rate of payment for necessary services.* Each handler shall, with respect to reserve prunes held by him for the account of the committee pursuant to § 993.57, be paid at the rate of $25 per ton (natural condition weight) for necessary services rendered by him in connection with such prunes so held during all or any part of the crop year in which the prunes were received from producers or dehydrators. Such amount shall, together with the additional payments, as applicable, provided in this section, be in full payment for the costs incurred in connection with but not being limited to, the following services: Inspection, receiving, storing, grading, and fumigation. * * *

2. The last sentence in paragraph (b) is revised to read: "The committee shall reimburse the handler for the actual costs of such insurance."

3. Paragraph (c) is redesignated as paragraph (d) and a new paragraph (c) added reading as follows:

(c) *Certain additional payments in connection with the holding of reserve prunes for the account of the Committee.* (1) Whenever a handler is directed by the committee to move and dump containers or reserve prunes held by him for the account of the committee for the purpose of causing an inspection to be made of the prunes, as provided in § 993.75, but without taking delivery of the prunes at that time, the handler shall be paid for such services at the rate of $2.50 per ton (natural condition weight).

(2) Commencing with 1968–69 crop year reserve prunes, each handler holding reserve prunes for the account of the committee beyond the end of the crop year in which such prunes were received from producers or dehydrators shall be paid as follows:

(i) For storage and necessary fumigation:

(*a*) $2 per ton during all or any part of the first 3 months of the succeeding crop year;

(*b*) $1 per ton during all or any part of the second 3 months of the succeeding crop year;

(*c*) 25 cents per ton during all or any part of the third 3 months of the succeeding crop year; and

(*d*) 25 cents per ton during all or any part of the fourth 3 months of the succeeding crop year.

(ii) $3 per ton for bin rental during all or any part of the succeeding crop year.

(iii) For insurance as prescribed in paragraph (b) of this section.

It is further found that good cause exists for making this amendment effective promptly and for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action requires payment to handlers for holding reserve prunes for the account of the Committee beyond the end of the crop year in which such prunes were received from producers or dehydrators; (2) handlers are currently holding reserve prunes carried over from the prior 1968–69 crop year and will continue to hold such prunes until relieved by the Committee of such responsibility, and therefore the payments for so holding such reserve prunes should be authorized as soon as practicable; (3) this action also provides for payment to handlers when, at the direction of the Committee, they move and dump containers of reserve prunes for inspection purposes and continue to hold the prunes following inspection, and such payments should also be authorized as soon as practicable; (4) this action imposes no restrictions on handlers; and (5) postponing the effective time of this action beyond the date of publication in the FEDERAL REGISTER would serve no useful purpose.

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

Dated December 10, 1969, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 69–14888; Filed, Dec. 15, 1969; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Reseal Loan Regs., 1965 and Subsequent Storage Periods, Amdt. 4]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Farm Storage Reseal Loan Program

LOSSES ASSUMED BY CCC

The regulations issued by Commodity Credit Corporation and published at 33 F.R. 5201, 9464 and 34 F.R. 1229 and 13077, which contain the regulations governing farm storage reseal loan programs for 1965 and subsequent storage periods, are hereby amended as follows:

§ 1421.3484 [Amended]

1. In paragraph (b) of § 1421.3484, the section reference in the next to last sentence is corrected to read § 1421.3488.

2. Section 1421.3496 is added to state a new basis for determining the quantity of a commodity under reseal loan on which CCC will assume a loss. The new section reads as follows:

§ 1421.3496 Loss or damage to the commodity.

Notwithstanding any other provision to the contrary in § 1421.65, if CCC is to assume a loss on the quantity of a commodity under a reseal loan pursuant to the provisions of such § 1421.65 and the quantity under loan has been measured the quantity on which CCC will assume such loss shall be based on the measured quantity determined to have been in the bin or crib at the time of the loss; if any quantity of the commodity has been redeemed or released, or both, or such quantity has not been measured, the quantity on which such loss shall be based shall be the quantity estimated by CCC to have been in the bin or crib at the time of the loss.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 (b), (c); 7 U.S.C. 1441, 1447, 1421, 1425)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 10, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-14887; Filed, Dec. 15, 1969; 8:48 a.m.]

SUBCHAPTER C—EXPORT PROGRAMS

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

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

The regulations governing the CCC Export Credit Sales Program as reissued and published in the FEDERAL REGISTER on July 31, 1969 (34 F.R. 12495–12503) are revised as follows, to also permit the financing of export credit sales involving delivery of the agricultural commodities by the exporter to the importer at a U.S. warehouse for delayed export. In addition, certain minor changes are made in the supplements hereto applicable to financing export credit sales of breeding cattle.

Sec.

AUTHORITY: The provisions of this Subpart A issued under sec. 5(f), 62 Stat. 1072; 15 U.S.C. 714c; sec. 407, 63 Stat. 1055, as amended, 7 U.S.C. 1427; sec. 4, 80 Stat. 1538, 7 U.S.C. 1707a.

§ 1488.1 General statement.

(a) Except as otherwise provided in this paragraph, the regulations contained in this subpart supersede Announcement GSM–3, Revision II, as amended, and set forth the terms and conditions governing the CCC Export Credit Sales Program (GSM–4). The maximum financing period shall be 3 years. GSM–3, Revision II, as amended, shall remain in effect for all transactions under credit approvals issued thereunder before April 27, 1967, the effective date of GSM–4.

(b) On approval by CCC of an application for financing under this program, an eligible exporter may, but will not be obligated to, make export sales of agricultural commodities from private stocks on a deferred payment basis in accordance with the applicable financing arrangement. After delivery, subject to the terms and conditions set forth in this subpart, CCC will purchase for cash the exporter's account receivable arising from such export sale.

(c) The provisions of Public Law 83–664 are not applicable to the exporter's shipments under this program.

(d) The regulations contained in this subpart may be supplemented by such additional terms and conditions, applicable to specified agricultural commodities, as may be set forth in supplements hereto, and, to the extent that they may be in conflict or inconsistent with any other provisions of this subpart, such additional terms and conditions shall prevail.

§ 1488.2 Definition of terms.

Terms used in this subpart are defined as follows:

(a) "Account receivable" means the contractual obligation of the foreign importer to the exporter for the portion of the port value of the commodity delivered for which the exporter is extending credit to the importer. The account receivable shall be evidenced by a promissory note or accepted draft in form and substance satisfactory to CCC, except that it may be evidenced by other documents, in form and substance satisfactory to CCC, evidencing the contractual obligation of the foreign importer when the account receivable is assured by an obligation issued by a U.S. bank or when the Vice President, CCC, or his designee, determines under special circumstances that it is in the interest of CCC. All such notes, accepted drafts and other documents evidencing the account receivable shall provide for (1) payment in U.S. dollars in the United States, (2) interest in accordance with § 1488.6, and (3) acceleration of payment thereunder in accordance with the terms and conditions of GSM–4. As used in GSM–4, "instrument" means a promissory note or accepted draft.

(b) "Agency or branch bank" means a foreign agency or branch bank supervised by New York State banking authorities or the banking authorities of any other State providing similar supervision, as approved by the Vice President, CCC, or his designee.

(c) "ASCS office" means the New Orleans Commodity Office of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(d) "Bank obligation" means an obligation, acceptable to CCC, of a U.S. bank, agency or branch bank, or foreign bank to pay to CCC in U.S. dollars the amount of the port value which is to be financed by CCC, plus interest in accordance with § 1488.6. The bank obligation shall be in the form of an irrevocable letter of credit issued, confirmed or advised by a U.S. bank or an agency or branch bank. The bank obligation shall provide for payment under the terms and conditions of the financing agreement and shall be payable not later than the date of expiration of the financing period or of the bank obligation, whichever occurs first, if payment is not received from other sources.

(e) "CCC" means the Commodity Credit Corporation, U.S. Department of Agriculture.

(f) "Commercial risk" means risk of loss due to any cause other than a political risk.

(g) (1) "Delivery" means the delivery, either before or at point of export, required by the export sale contract between the exporter and the foreign importer to transfer to the importer full or conditional title to the agricultural commodities. Delivery before export shall be at a warehouse in the United States acceptable to CCC. Delivery at point of export shall be f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border ports of

exit or, if transshipped through Canada via the Great Lakes, at ports on the St. Lawrence River.

(2) "Date of delivery" means the on-board date of the ocean bill of lading or, if exported by rail or truck, the date of entry shown on an authenticated landing certificate or similar document issued by an official of the government of the importing country, or, if delivery is before export, the date(s) of the warehouse receipts or other evidence of delivery, acceptable to CCC, of the commodity to a warehouse.

(h) "EMS" means the Export Marketing Service, U.S. Department of Agriculture.

(i) "Eligible commodities" means those agricultural commodities, including eligible cotton, which are produced in the United States and which are designated as eligible for export under CCC's Export Credit Sales Program in either the CCC Monthly Sales List or other announcement by CCC in effect for the calendar month in which the financing approval is issued. Commodities which have been purchased from CCC are eligible for export as private stocks. Commodities shall not be eligible for financing under this program if they are exported under a barter contract or arrangement.

(j) "Eligible cotton" means: (1) Extra long staple cotton grown in the United States of Grade No. 9 or better under the Official Cotton Standards of the United States for Grades of American-Egyptian Cotton (§ 28.501 et seq. of this title), or Grade No. 5 or better under the Official Cotton Standards of the United States for Grades of Sea Island Cotton (§ 28.551 et seq. of this title), and having a staple length of 1⅜ inches or longer: *Provided, however*, That, all (i) reginned or repacked cotton, as defined in regulations of the Department of Agriculture under the U.S. Cotton Standards Act (§ 28.40 of this title), and (ii) cotton which the exporter has any reason to believe may be shorter in staple length than 1⅜ inches or below grade, shall be eligible for export hereunder only if a Form A certificate or other classification record acceptable to CCC issued by a board of cotton examiners of the U.S. Department of Agriculture covering each such bale shows that all such cotton exported was 1⅜ inches or longer in staple length and of Grade No. 9 or better for American-Egyptian Cotton or Grade No. 5 or better for Sea Island Cotton. CCC's determination as to the eligibility of cotton hereunder shall be final. (2) Upland cotton grown in the United States, of a grade named in the Universal Standards for American Upland Cotton (§ 28.401 et seq. of this title), and having a staple length of 1⅛-inch or longer: *Provided, however*, That, all (i) reginned or repacked cotton, as defined in regulations of the U.S. Department of Agriculture under the U.S. Cotton Standards Act (§ 28.40 of this title), and (ii) cotton which the exporter has any reason to believe may be shorter in staple length than 1⅛-inch or below grade, shall be eligible for export hereunder only if a Form A, Form B, or Form M certificate or other classification record acceptable to CCC issued by a board of cotton examiners of the U.S. Department of Agriculture covering each such bale shows that all such cotton exported was 1⅛-inch or longer in staple and of a grade named in the Universal Standards for American Upland Cotton. (Reginned or repacked cotton, unless proof of export includes an acceptable classification record, cotton shorter in staple length than 1⅛-inch, below grade cotton, byproducts of cotton such as cotton mill waste, motes, and linters, and any cotton that contains any byproduct of cotton are not eligible for export hereunder.) CCC's determination as to the eligibility of cotton hereunder shall be final.

(k) "Eligible exporter" or "exporter" means a person (1) who is regularly engaged in the business of buying or selling commodities and for this purpose maintains a bona fide business office in the United States, its territories or possessions, and has someone on whom service of judicial process may be had within the United States, (2) who is financially responsible, and (3) who is not suspended or debarred from contracting with or participating in any program financed by CCC on the date of issuance of his financing approval.

(l) "Eligible destination" means the country which is named in the financing approval and which meets the licensing requirements of the U.S. Department of Commerce.

(m) "Financing agreement" means the financing approval issued by either the Assistant Sales Manager for Export Credit, EMS, or the Director, ASCS office, including the terms and conditions of the regulations in this subpart and any amendments thereto in effect on the date of the issuance of the letter of credit.

(n) "Financing approval" means (1) the exporter's written application for financing as approved by the Assistant Sales Manager for Export Credit or by the Director, ASCS office, or (2) the written confirmation by the Director, ASCS office, of a telephonic application approved by the Director, ASCS office.

(o) "Financing period" means the number of months specified in the financing approval. Such period shall start on the date of delivery, or the weighted average delivery date, of the commodities to be exported under the financing agreement.

(p) "Foreign bank" means a bank which is neither a U.S. bank nor an agency or branch bank, and includes a foreign branch of a U.S. bank.

(q) "Foreign importer" or "importer" means the foreign buyer who purchases from the exporter the commodities to be exported under a financing agreement and who executes the instruments or other documents evidencing the account receivable assigned to CCC.

(r) "GSM-4" means the regulations contained in this subpart setting forth the terms and conditions governing the CCC Export Credit Sales Program.

(s) "Monthly Sales List" means the CCC Monthly Sales List which is published monthly in the FEDERAL REGISTER.

(t) "Political risk" means risk of loss due to (1) inability of the foreign bank through no fault of its own to convert foreign currency to dollars, or (2) nondelivery into the eligible destination of the commodity covered by a financing agreement through no fault of the foreign bank or importer or exporter because of the cancellation by the government of the eligible destination of previously issued valid authority to import such shipment into the eligible destination or because of the imposition of any law or of any order, decree, or regulation having the force of law which prevents the import of such shipment into the eligible destination, or (3) inability of the foreign bank to make payment due to war, hostilities, civil war, rebellion, revolution, insurrection, civil commotion, or other like disturbance occurring in the eligible destination, expropriation, confiscation, or other action by the government of the eligible destination.

(u) "Port value" means the net amount of the exporter's sales price of the commodity to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit or, if transshipped through Canada via the Great Lakes, at ports on the St. Lawrence River. The port value shall not include the ocean freight for a c. & f. sale or ocean freight and marine and war risk insurance for a c.i.f. sale. The net amount of the exporter's sales price means the contract price for the commodities less any payments made by the importer and less any discounts, credits, or allowances to the importer.

(v) "United States" means the 50 States, the District of Columbia, and Puerto Rico.

(w) "U.S. bank" means a bank organized under the laws of the United States, a State, or the District of Columbia.

(x) "Vice President, CCC" means the Vice President who is the General Sales Manager, Export Marketing Service.

§ 1488.3 Submission of applications for financing.

(a) An eligible exporter may submit an application for financing. Except as otherwise provided in this paragraph, all applications for financing shall be submitted to the Assistant Sales Manager for Export Credit, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. An application for financing export sales of cotton under which the financing period will not exceed 12 months, the amount of financing will not exceed $4 million, and the bank obligation will be issued by a U.S. bank may be submitted to the Director, ASCS office, as provided in paragraph (e) of this section.

(b) CCC reserves the right to reject any and all applications.

(c) Applications submitted to the Assistant Sales Manager for Export Credit shall be in writing and shall refer to

GSM–4, thereby incorporating by reference into the application all the terms and conditions of GSM–4. On approval, the Assistant Sales Manager for Export Credit shall assign a financing approval number and issue the financing approval. The following information shall be included in the exporter's application:

(1) The name of the commodity to be exported, the class, grade, or quality, as applicable, and the quantity.

(2) The country of destination.

(3) The approximate port value of the commodity to be exported.

(4) The financing period.

(5) Justification for a financing period in excess of 12 months.

(6) Whether the bank obligation assuring payment of the account receivable will be issued by a U.S. bank, an agency or branch bank, or a foreign bank, and if by a foreign bank or an agency or branch bank, its name and address.

(7) The name and address of the foreign importer.

(8) If delivery of the commodity to be exported is before export, the name and address of the warehouse to which delivery is to be made.

(9) If delivery of the commodity to be exported is before export, the period for export.

(d) A financing period in excess of 12 months but not in excess of 36 months may be approved by the Assistant Sales Manager for Export Credit when such longer period will achieve one or more of the following results:

(1) Permit U.S. exporters to meet credit terms offered by competitors from other Free World countries.

(2) Prevent a loss or decline in established U.S. commercial export sales caused by noncommercial factors.

(3) Permit U.S. exporters to establish or retain U.S. markets in the face of penetration by Communist suppliers.

(4) Substitute commercial dollar sales for sales for local currencies and sales on long-term credits.

(5) Result in a new use of the imported agricultural commodities in the importing country.

(6) Permit expanded consumption of agricultural commodities in an importing country and thereby increase total commercial sales of agricultural commodities to the importing country by the United States and other exporting countries.

In considering applications involving export of commodities to countries in a good financial and balance of payments situation, principal reliance will be placed on subparagraphs (1), (2), and (3) of this paragraph.

(e) Applications submitted to the ASCS office shall designate that the commodity is cotton and shall specify the financing period, the country of destination, the approximate port value of the commodity and the name and address of the foreign importer. Application may be made by phone or in writing. On approval of an application, the ASCS office shall assign a financing approval number and issue the financing approval which shall refer to GSM–4, thereby incorporating by reference into the approval all the terms and conditions of GSM–4. For financing approvals issued by the ASCS office, bank obligations must be irrevocable letters of credit. Obligations issued by foreign banks or by agency or branch banks are not acceptable under this paragraph.

(f) If the Assistant Sales Manager for Export Credit or the ASCS office requires additional information, the applicant shall furnish it on request.

(g) The financing approval may contain such terms and conditions as the Assistant Sales Manager for Export Credit or the ASCS office deems in the interest of CCC not inconsistent with GSM–4.

(h) The official who approved the financing application may, on written application of the exporter, amend the financing approval provided the provisions of such amendment are in conformity with the regulations in this subpart at the time of such amendment and are determined by such official to be in the interest of CCC. Such amendments may include an extension of the period for delivery required by § 1488.7(a) provided the exporter furnishes to CCC acceptable evidence of an export sale contract requiring deliveries during a longer period, as well as an extension of the period for export. CCC may prescribe such additional conditions to such extensions as it determines to be in its interests. A new or amended bank obligation may be required by CCC if the financing approval is amended after the issuance of the related bank obligation.

§ 1488.4 Coverage of bank obligations.

(a) U.S. banks and agency or branch banks shall be liable without regard to risks for payment of bank obligations issued by them.

(b) If the obligation is issued by a foreign bank, it must be confirmed and advised as provided in paragraphs (c), (d), and (e) of this section.

(c) A U.S. bank must confirm the full account of an obligation issued by its foreign branch. CCC will look to the U.S. bank for payment without regard to risks.

(d) If an agency or branch bank confirms an obligation issued by a bank in the country in which the home office of the agency or branch bank is located, it must confirm the full amount thereof. CCC will look to the agency or branch bank for payment without regard to risks.

(e) Except as provided above in paragraphs (c) and (d) of this section, if a U.S. bank or an agency or branch bank confirms an obligation issued by a foreign bank, it must confirm at least 10 percent pro rata and must advise the remainder of the foreign bank obligation. For the confirmed amount, CCC will hold the U.S. bank or the agency or branch bank liable for commercial risks but not for political risks. For the advised amount, CCC will not hold the U.S. bank or the agency or branch bank liable for commercial or political risks. CCC will hold the foreign bank liable without regard to risks for all amounts not recovered from the U.S. bank or the agency or branch bank.

(f) Under special circumstances, on application in writing, the Vice President, CCC, may reduce or waive the requirement for 10 percent confirmation by a U.S. bank or agency or branch bank, but a bank will not be relieved from an obligation once it has been undertaken.

(g) Any bank obligation which provides for a bank acceptance of a time draft drawn by CCC (banker's acceptance) shall not be acceptable to CCC.

(h) CCC will consent to cancellation or reduction of a bank obligation to the extent that it receives payment from other sources of amounts otherwise payable under such bank obligation.

(i) Collection of accounts receivable purchased under this program will be effected through the issuance by CCC of sight drafts against the bank obligations, but this method of collection shall not be exclusive of any other collection procedures or rights available to CCC.

§ 1488.5 CCC drafts.

Under those bank obligations which are partially confirmed, CCC will draw separate drafts for the amounts confirmed and the amounts not confirmed, to which CCC will attach any related instruments evidencing the account receivable, endorsed to the U.S. bank or agency or branch bank. If a CCC draft is dishonored, the U.S. bank or agency or branch bank shall return the dishonored draft together with any related instruments and its statement of the reasons for nonpayment. For confirmed amounts, a U.S. bank or agency or branch bank may request refund from CCC of the amount paid if it certifies to CCC that it is unable to recover funds from the foreign bank due to a stipulated political risk which existed on the date payment was made to CCC under the draft. On approval by CCC of such request, the refund shall be promptly made, together with interest at the Federal Reserve Bank of New York discount rate from the date payment was originally made to CCC to but not including the date of refund by CCC, and any related instruments shall be returned to CCC. For unconfirmed amounts, remittance to CCC shall be considered final, and the U.S. bank or agency or branch bank shall not thereafter have recourse to CCC.

§ 1488.6 Interest charges.

The account receivable assigned to CCC and the related bank obligation(s) shall bear interest until paid. The Vice President, CCC, or his designee, shall from time to time establish rates of interest applicable to financing agreements, which shall be announced in the CCC Monthly Sales List. The interest rate applicable to a particular financing agreement shall be specified in the financing approval. The interest rate applicable to that portion of an account receivable, the payment of which is assured by a bank obligation issued by a U.S. bank or an

agency or branch bank, or by a pro rata confirmation of a U.S. bank or an agency or branch bank, shall be 1 percent lower than the interest rate established for the remainder of the account receivable. The criteria to be used in determining the rate of interest will be those established on consultation with and after approval by the National Advisory Council on International Monetary and Financial Policies. Interest shall accrue on the account receivable and the related bank obligation(s) from the date of delivery, or the weighted average delivery date, of the agricultural commodities delivered under the financing agreement to the date of expiration of the financing period or of the bank obligation, whichever occurs first, and shall be payable as specified in the financing approval. Thereafter, interest shall accrue on any unpaid part of both the principal and interest due as of such expiration date.

§ 1488.7 Expiration of period for delivery and export.

(a) Unless delivery by the exporter to the importer is made within such period as may be provided in the financing approval or in any amendment thereof, or under paragraph (b) of this section, or, if no such period is so provided, within a period of 90 days from the date of the financing approval, the financing approval will no longer be valid.

(b) If the Vice President, CCC, or his designee, determines that delay in delivery was due solely to causes without the fault or negligence of the exporter, the period of delivery may be extended by CCC to include the period of such delay.

(c) If delivery is made before export under the terms of the financing agreement, failure to export within the period specified therefor in the financing approval shall constitute a breach of the financing agreement, the account receivable and the bank obligation assuring the account receivable shall, at the option of CCC, become immediately due and payable if full payment thereunder has not been received, and liquidated damages shall be payable in accordance with § 1488.13.

§ 1488.8 Advance payment.

If, before expiration of the financing period, the exporter or the U.S. bank or the agency or branch bank accepts payment from or on behalf of the foreign importer of any part of the account receivable, it shall be remitted promptly to CCC. Such prepayment shall be applied first to interest on the unpaid balance of the account receivable to the date CCC receives such prepayment and then to the principal.

§ 1488.9 Documents required after delivery.

(a) Within 45 days after date of delivery of the commodities exported or to be exported under the financing agreement, the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation, Washington, D.C. 20250, telephone number DU 8-4042:

(1) A written application for disbursement, showing the financing approval number and the port value of the commodity delivered.

(2) An assignment of the account receivable arising from the export sale, in form and substance acceptable to CCC. When the account receivable is evidenced by documents other than instruments, in accordance with § 1488.2(a), such documents shall be submitted with the assignment.

(3) A copy of the sales invoice to the foreign importer.

(4) If delivery is at point of export, a copy of the document evidencing export as provided in § 1488.10, and, if the consignee is other than the foreign importer, such additional information as CCC may request to show that export was made in accordance with the instructions of, or the export sale contract with, the foreign importer. If delivery is before export, documents acceptable to CCC evidencing delivery of the commodity to the importer or his agent.

(5) A certification by the exporter that the agricultural commodities of the grade, quality, and quantity called for in the exporter's sale to the foreign importer have been delivered and that the exporter knows of no defenses to the account receivable assigned to CCC.

(6) A bank obligation or obligations in accordance with § 1488.4, paragraphs (d), (e), and (f) of this section, and § 1488.11, payable to CCC, in form and substance acceptable to CCC, covering the financing agreement and including interest in accordance with § 1488.6.

(7) When the account receivable is evidenced by instruments, in accordance with § 1488.2(a), two (2) separate instruments evidencing the account receivable, one for the confirmed amount and one for the unconfirmed amount. If installment payments under the bank obligation are required by the financing approval, there shall be furnished two (2) such separate instruments for each such installment. Each instrument evidencing all or a part of the account receivable shall provide that it is assignable free of defenses and that in event of default by the importer or of the bankruptcy, insolvency, or other inability of the importer to meet its obligations or to continue in business on an unrestricted basis, the account receivable shall become immediately due and payable.

(b) On timely receipt of the documents described in paragraph (a) (1) through (6) of this section, the Treasurer, CCC, will pay promptly to the exporter the port value of the commodity delivered, or 110 percent of the amount specified in the financing approval, whichever is the lesser.

(c) If an acceptable application for disbursement and the supporting documents described in paragraph (a) (1) through (6) of this section have not been received by CCC within 45 days from the date of delivery, or any extension thereof approved by the Treasurer, CCC, or his designee, the financing agreement shall be void.

(d) If the instruments described in paragraph (a)(7) of this section are not received by CCC within 60 days after date of delivery, and payment has been made by CCC, the account receivable and the bank obligation assuring the account receivable shall at the option of CCC become due and payable. However, if the use of a weighted average delivery date has been approved for starting the financing period, the 60 days will begin with the date of the last delivery.

(e) If, under the financing agreement, delivery is made before export, documents evidencing export as provided in paragraph (a)(4) of this § 1488.9 shall be submitted to CCC within 20 days after delivery to export carrier.

(f) If for any reason a draft drawn under a foreign bank obligation is dishonored or if the issuing bank is insolvent, is in bankruptcy, receivership, or liquidation, has made an assignment for the benefit of creditors, or for any other reason discontinues or suspends payments to depositors or creditors or otherwise ceases to operate on an unrestricted basis, the obligation issued by that bank to CCC shall become immediately due and payable, and any balance due on the account receivable assured by the obligation issued by such bank shall, at the option of CCC, become immediately due and payable. CCC may permit the substitution of another acceptable foreign bank obligation covering such balance due and confirmed in accordance with § 1488.4.

§ 1488.10 Evidence of export and warranty.

(a) If the commodity is exported by rail or truck, the exporter shall furnish the Treasurer, CCC, a copy of the bill of lading, certified by the exporter as being a true copy, under which the commodity is exported, and an authenticated landing certificate or similar document issued by an official of the Government of the country to which the commodity is exported, showing the quantity, the place and date of entry, the gross landed weight of the commodity, and the name and address of both the exporter and the importer.

(b) If the commodity is exported by ocean carrier, the exporter shall furnish the Treasurer, CCC, a nonnegotiable copy or photocopy or other type of copy of either (1) an on-board ocean bill of lading or (2) an ocean bill of lading with an on-board endorsement dated and signed or initialed on behalf of the carrier. The bill of lading must be certified by the exporter as being a true copy and must show the quantity, the date and place of loading the commodity, the name of the vessel, the destination of the commodity, and the name and address of both the exporter and the importer. If the exporter is unable to supply documentary evidence of export as specified in this paragraph he shall submit such other documentary evidence as may be acceptable to CCC.

(c) By submitting documents evidencing export, the exporter represents and warrants that the commodity covered by such documents was not exported to, and has not been and will not be transshipped or caused to be transshipped by

the exporter to, any country or area for which an export license is required under the regulations issued by the Bureau of International Commerce, U.S. Department of Commerce, unless a license for such export or transshipment thereto has been obtained from such Bureau.[1]

(d) For commodities transshipped through Canada via the Great Lakes, the exporter shall certify that the commodity transshipped was produced in the United States.

§ 1488.11 Evidence of entry into country of destination.

For a financing agreement under which the financing period is in excess of 12 months, within 90 days, or such extension of time as may be granted by the Assistant Sales Manager for Export Credit in writing, following shipment from the United States of any agricultural commodity exported under the financing agreement, the exporter shall furnish to the Assistant Sales Manager for Export Credit documentary evidence satisfactory to the Assistant Sales Manager for Export Credit verifying entry of the commodity into the country of destination specified in the financing agreement. The documentary evidence must (a) identify the agricultural commodity (or permit identification through supplementary documents which are furnished to the Assistant Sales Manager for Export Credit) as that exported under the financing agreement, (b) state the quantity and date of entry of the commodity into the destination country, and (c) be signed by (1) a customs official of the destination country, or (2) the importer, or (3) a representative of an independent superintending or controlling firm. In those instances where the commodity enters the country of destination in bond, a statement by the importer will be acceptable which (i) identifies the commodity as that exported under the financing agreement, (ii) states the quantity of the commodity entered under bond and date of entry into the destination country and (iii) certifies that the commodity will be withdrawn from bonded storage at a later date for consumption in the destination country. If the evidence of importation is in other than the English language, the exporter shall also provide the Assistant Sales Manager for Export Credit with an English translation thereof. Within 20 days, or such extension of time as may be granted in writing by the Assistant Sales Manager for Export Credit, following shipment from the United States of any agricultural commodity exported under the financing agreement, the exporter shall also furnish to the Assistant Sales Manager for Export Credit nonnegotiable copies or photocopies or other types of copies of all applicable bills of lading properly identified with the financing approval number. If such evidence is not furnished within the time specified, the financing agreement may be terminated by the Assistant Sales Manager for Export Credit and on such termination, if payment under the bank obligation or account receivable has not yet been received, at the option of CCC the bank obligation and the account receivable shall become due and payable. Failure to furnish, within the time specified, evidence of entry of the commodity into the country of destination shall constitute prima facie evidence of failure to enter or cause the entry of the commodity into such country as required. The remedy herein provided shall not be exclusive of other rights available to the Federal Government as a result of the entry of a commodity, exported under a financing agreement, into a country other than that specified in the financing agreement.

§ 1488.12 Liability for payment.

If delivery is made within the coverage of the bank obligation(s) submitted in accordance with § 1488.5, CCC will look to the obligating bank or banks and the foreign importer, rather than to the exporter, for payment of all amounts due at maturity of the instruments or other documents evidencing the account receivable and of the bank obligation(s), but the exporter shall remain liable for any loss arising from breach of any certification or warranty made by him, any amounts not covered by the bank obligation which are owing to CCC, and any remittance or refund required by §§ 1488.8 and 1488.15, together with interest thereon at the face rate of the related instruments or other documents evidencing the account receivable, as well as for any liquidated damages provided for in § 1488.13. The liability of the bank and the importer under their respective obligations shall be several.

§ 1488.13 Liquidated damages.

Failure of the exporter to export or cause to be exported, within the period provided therefor, any agricultural commodity financed, when delivery is made before export under the terms of the financing agreement, or failure of the exporter to enter or cause the entry of such commodity into the country of destination, shall constitute a breach of the financing agreement which will result in serious and substantial damage to CCC and to its programs. Since it will be difficult, if not impossible, to prove the exact amount of such damage, the exporter shall pay to CCC promptly on demand, as reasonable compensation and not as a penalty, liquidated damages in lieu of probable actual damages, as follows: (a) For each week of delay in exportation after the final date for exportation, 1 percent of the amount financed under the financing agreement for the commodity not exported; (b) for failure to export or cause exportation, 5 percent of the amount financed under the financing agreement for the commodity not exported; and (c) for failure, after exportation, to enter or cause the entry of the commodity into the country of destination, at the rate of 5 percent a year of the amount financed under the financing agreement for such commodity from the start of the financing period until payment to CCC of the amount financed: *Provided*, That the aggregate of any amounts assessed under this § 1488.13 with respect to the same commodity shall not exceed 5 percent of the amount financed for such commodity. Liquidated damages shall not be assessed under paragraph (a) of this section to the extent that the Assistant Sales Manager for Export Credit, or his designee, determines that the delay was due to such causes as acts of God or government or the public enemy, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, or unusually severe weather. Liquidated damages shall not be assessed under paragraph (b) or (c) of this section if the Assistant Sales Manager for Export Credit, or his designee, determines that failure to export was due to loss, damage, destruction or deterioration of the commodity or that failure to enter or cause the entry of the commodity into country of destination was due to loss or destruction of the commodity or act of government.

§ 1488.14 Assignment.

The exporter shall not assign any claim or rights to any amounts payable under the financing agreement, in whole or in part, without written approval of the Vice President, CCC, or his designee.

§ 1488.15 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure the financing agreement on an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the exporter for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right, without limitation on any other rights it may have, to annul the financing agreement without liability to CCC. Should the financing agreement be annulled, CCC will promptly consent to the reduction or cancellation of related bank obligations except for amounts outstanding under a financing agreement. Such outstanding amounts shall, on demand, be refunded to CCC by the exporter.

§ 1488.16 Shipment of commodities on vessels calling at Cuban and North Vietnamese ports.

Any commodity exported under the CCC financing agreement shall not be shipped from the United States on a vessel which has called at a Cuban port on or after January 1, 1963, or at a North Vietnamese port on or after January 25, 1966.

[1] Information to exporters: The Department of Commerce regulations prohibit exportation or reexportation by anyone, including a foreign exporter, of the commodity exported pursuant to the terms of these regulations, to prohibited countries and areas. The attention of the exporter is invited to the "Notice to Exporters" which accompanies these regulations.

§ 1488.17 Officials not to benefit.

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

§ 1488.18 Exporter's records and accounts.

The Vice President, CCC, and his designees, shall have access to and the right to examine any directly pertinent books, documents, papers, and records of the exporter involving transactions related to contracts between the exporter and the importer until the expiration of 3 years after maturity of the related financing agreement.

§ 1488.19 Communications.

Unless otherwise provided, any written requests, notifications, or communications by the applicant pertaining to the financing agreement shall be addressed to the Assistant Sales Manager for Export Credit, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

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

SUPPLEMENT I—BEEF BREEDING CATTLE

A. *Additional definitions.* 1. "Port value" means the net amount of the exporter's sales price for beef breeding cattle to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. points of flight if transported by air freight. The point of exportation for animals shall be designated by the Agricultural Research Service, U.S. Department of Agriculture. The port value shall not include the ocean freight for a c. & f. sale or ocean freight and marine and war risk insurance for a c.i.f. sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer. Such net amount shall not exceed (a) for registered bulls, $1,200 each or, with prior approval of the Assistant Sales Manager for Export Credit, $2,500 if performance has been superior to the performance records specified in Exhibit II to this supplement; (b) for registered females, $600 each or, with prior approval of the Assistant Sales Manager for Export Credit, $1,000 if performance has been superior to the performance records specified in Exhibit I to this supplement; (c) for nonregistered females, an average, for the sale, of $450 each or, with prior approval of the Assistant Sales Manager for Export Credit, $650 if performance has been superior to the performance records specified in said Exhibit I. The difference, if any, between the maximum net amount specified in (a), (b), or (c) of this paragraph A.1. and the contract price for the individual animal, if registered, or the average contract price for the individual animal, if nonregistered, shall not be included as part of the port value.

2. "Producer" means the person holding legal title to the animal at time of birth and who has had continuous ownership of such animal until sold for export under an approved financing agreement.

3. "Bred female" means either a bred heifer or bred cow as set forth in Exhibit I, Option B, which has been certified to as pregnant at the time of inspection.

4. "Breeder" means the person holding legal title to the female animal at the time she was served to qualify such animal hereunder as a bred female.

5. "Eligible animal" means an animal which meets all the following requirements:

(a) The animal must be the progeny of a nationally recognized beef cattle breed (Exhibits I and II);

(b) The animal must have been owned by a person who had continuous title to such animal for a period of at least 90 days immediately before acquisition by the exporter, unless the exporter is the producer of the animal;

(c) The animal must, at the time of export, have an eartag, a legible ear tattoo symbol, or a firebrand and ranch holding brand symbol acceptable to USDA testing authority as an authentic identifynig symbol for such animal. The terms "eartag number(s)", "eartag identification number", and "identification number(s)" as used herein shall also include ear tattoo symbol and firebrand and ranch holding brand symbol.

(d) The animal must qualify under the specifications of Exhibit I for females and Exhibit II for bulls.

6. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered or otherwise classified as a purebred animal of that breed. Such animal must be marked with a legible tatto or brand which corresponds with the number shown in the certificate of registration or other official document issued by the appropriate national breed association.

7. "Nonregistered animal" means an eligible animal, whether or not purebred, which is predominantly of the color characteristics and body conformation of the beef breed stated in the contract between the exporter and the importer. (See Exhibits I and II.)

B. Submission of applications for financing. 1. In addition to the information required by § 1488.3(c) (2) through (7), applications for financing export credit sales of beef breeding cattle shall include the following:

(a) A general description by breed of the animals to be exported, separately describing the animals under the following classes:

(1) Registered bulls;
(2) Registered bred females;
(3) Registered unbred females;
(4) Nonregistered bred females; and
(5) Nonregistered unbred females.

(b) A statement that such animals will conform to the general specification requirements set forth in Exhibits I or II, as applicable to the class of animals to be exported.

2. In addition to the justifications specified in § 1488.3(d), a financing period in excess of 12 months but not in excess of 36 months for beef breeding cattle may be justified when it will result in the use by the importer, or by purchasers from the importer, of the animals in the destination country under conditions which will promote expanded demand for additional breeding animals or feed stuffs from the United States.

C. *Additional documents required after delivery.* In addition to the documents specified in § 1488.9(a) (1), (2), (3), (4), (6), and (7), the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

1. Separate animal tag lists for registered animals and for nonregistered animals, containing the following information:

(a) Eartag identification number.

(b) For each registered animal, shown separately opposite the identification number, the sales price as specified in the sales invoice to the foreign importer.

(c) For nonregistered animals, shown for each lot group by tag list, the average sales price per animal based on the sales invoice for such nonregistered animals.

2. Performance records for animals for which a higher maximum port value has been approved by the Assistant Sales Manager for Export Credit as provided in paragraph A.1.

3. A certification by the exporter that animals of the description in the exporter's sales contract with the foreign importer have been delivered, and that the exporter knows of no defenses to the account receivable assigned to CCC.

D. *Miscellaneous.* The following documents or certifications, as applicable, shall be furnished to the importer by the exporter:

1. The certificates issued by an agent of the Consumer and Marketing Service, U.S. Department of Agriculture, as to official registration of the animal(s) and listing the identification number(s) and corresponding registration certificate number(s) for each registered animal showing that such numbers have been verified as legible and accurate for such animal, and that the person holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. A certification by the breeder of females sold as "bred females" showing the eartag numbers and stating that the service bull was a registered bull of the same beef cattle breed as the female to which bred. (See Exhibit I.)

3. The certificates issued or endorsed by the Animal Health Division, Agricultural Research Service, listing the eartag number(s) and showing that such animal has been inspected for compliance with "Health" requirements. (See Exhibit I or II).

4. The certificates issued by the Consumer and Marketing Service listing the eartag number(s) for each animal showing for such animal compliance with breed, age, weight, and conformation grade, for the class, as shown in Exhibit I or II, as applicable.

5. Certificates issued by a veterinarian accredited by the Agricultural Research Service, showing that bred females, sold as such, were examined and found to be with calf at time of inspection.

6. A semen certification by a veterinarian accredited by the Agricultural Research Service, for bulls over 1 year of age, except that for Santa Gertrudis and Brahman cattle the certification shall be for bulls over 18 months of age.

E. *Dual purpose breeds.* When dual purpose breeds[1] are eligible for financing under the provisions of both Supplement I and Supplement II to GSM-4, as amended, the exporter has the option of qualifying such animals under the provisions of either supplement. Such option must be stated in the application filed pursuant to § 1488.3. In the event such dual purpose breeds are approved for export hereunder, the provisions of this supplement shall apply.

[1] Milking Shorthorn and Red Poll.

EXHIBIT I TO SUPPLEMENT I

USDA APPROVED BEEF BREEDING CATTLE EXPORT SPECIFICATIONS—FEMALES

Option A (to be specified by purchaser).

1. Registered.[1]

Breed

a. Angus.
b. Hereford.
c. Polled Hereford.
d. Charolais.
e. Santa Gertrudis.
f. Shorthorn.
g. Polled Shorthorn.
h. Brahman.
i. Milking Shorthorn.[2]
j. Red Poll.[2]
k. Other beef cattle breeds described in Farmers' Bulletin No. 2228 entitled "Beef Cattle Breeds", issued January 1968.

2. Nonregistered.[2]

Predominant Breed

(Specify from breed above.)

Option B (to be specified by purchaser).

Age [4]

1. Calf—(7 to 12 months).
2. Yearling open—(12 to 18 months).
3. Bred heifer—(18 to 36 months).
4. Bred cow—(24 to 48 months).
5. Mature cow—(24 to 48 months).[5]

General requirements:

A. *Health.*[6]

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.
2. Tested negative for brucellosis within 30 days of loading aboard export carrier, or is an official vaccinate under 30 months of age.
3. Certified from a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.
4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.
5. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks, and ringworm or freed from the same.

B. *Minimum Weight.*[7]

1. Calf—(7 to 12 months) 400 pounds.
2. Yearling open—(12 to 18 months) 500 pounds.
3. Bred heifer—(18 to 24 months) 700 pounds (24 to 36 months) 800 pounds.
4. Bred cow—(24 to 36 months) 800 pounds (36 to 48 months) 950 pounds.
5. Mature cow—(24 to 36 months) 800 pounds (36 to 48 months) 950 pounds.[8]

C. *Minimum Conformation* Choice.[7]

All nonregistered females must be dehorned or naturally polled unless otherwise specified in the application. Horn stubs in excess of one inch will not be acceptable on dehorned cattle.

D. *Performance Records.*[8] (Optional, unless specified.) (See attached Appendix I to Exhibits I and II.)

1. Minimum adjusted daily gain to weaning 1.6 pounds per day.
2. Minimum adjusted daily gain to weaning of offspring 1.6 pounds per day (if appropriate).

E. *Statement of Service or Other Requirement.*

1. Bred females must have been bred to a registered bull of the same breed and the calf from a registered female must be eligible for registration.[9]
2. Bred females must be at least 2 months but no more than 6 months pregnant at time of inspection.[10]
3. Mature cows not qualifying as "bred cows" to be eligible for financing hereunder must be lactating and have her offspring not in excess of approximately 5 months of age at side at time of inspection by C&MS. Such calves, though not eligible for financing, may be supplied along with the parent cow if facilities for their care and safe transportation to destination point are adequate.

EXHIBIT II TO SUPPLEMENT I

USDA APPROVED BEEF BREEDING CATTLE EXPORT SPECIFICATIONS—BULLS

Option A (to be specified by purchaser).

Breed [1]

1. Angus.
2. Hereford.
3. Polled Hereford.
4. Charolais.
5. Santa Gertrudis.
6. Shorthorn.
7. Polled Shorthorn.
8. Brahman.
9. Milking Shorthorn.[2]
10. Red Poll.[2]
11. Other beef cattle breeds described in Farmers' Bulletin No. 2228 entitled "Beef Cattle Breeds", issued January 1968.

Option B (to be specified by purchaser).

Age [3]

1. Bull calf—(7 to 12 months).
2. Yearling bull—(12 to 18 months).
3. Bull—(18 to 24 months).
4. Mature bull—(24 to 48 months).

General requirements:

A. *Health.*[4]

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.
2. Tested negative for brucellosis within 30 days of loading aboard export carrier.
3. Certified from a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.
4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.
5. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks, and ringworm or freed from the same.

B. *Minimum Weight.*[5]

1. 7 to 12 months 470 pounds.
2. 12 to 18 months 790 pounds.
3. 18 to 24 months 1,100 pounds.
4. Over 24 months 1,350 pounds.

C. *Minimum Conformation Prime.*[5]

D. *Performance Records.*[6] (Optional, unless specified.) (See attached Appendix I to Exhibits I and II.)

1. Minimum adjusted daily gain to weaning 1.9 pounds per day.

E. A semen check indicating at least 60 percent sperm motility must be supplied for bulls over 1 year of age,[7] except that for Santa Gertrudis and Brahman cattle the certification shall be for bulls over 18 months of age.

APPENDIX I TO EXHIBITS I AND II

PERFORMANCE TESTING

Performance testing is known by several names in the United States, but practically all organizations evaluate similar characteristics in beef cattle. The principal factors used in evaluating performance are growth rate and conformation, but not necessarily both. Animals which are tested are weighed at birth and again at weaning. The weaning weight is adjusted to an equivalent of 205 days of age and is also adjusted depending on the age of the dam. This is done to make weights of calves from first-calf heifers comparable to weights of calves from older cows.

The adjusted daily gain from birth to weaning is indicative not only of inherited gaining ability but also of the milking ability of the dam.

APPENDIX II TO EXHIBITS I AND II

SPECIFICATIONS FOR OFFICIAL U.S. STANDARDS FOR GRADES OF CATTLE (STEERS, HEIFERS, AND COWS) [1]

Prime

Cattle which possess typical minimum qualifications for the Prime grade are very thickly muscled throughout. They are wide through the chest with well sprung ribs and are moderately wide and thick through the crops, back and loin. The rounds tend to be thick and the twist is moderately deep. They have large, rugged frames with moderately large but refined bone.

Choice

Cattle which possess typical minimum qualifications for the Choice grade are thickly muscled throughout. They are moderately wide through the chest with a moderate spring of ribs and are slightly wide and

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[1] Animals must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

[2] Dual Purpose Breeds (See paragraph E, Supplement I or II).

[3] Nonregistered animals will be certified for breed by the C&MS agent.

[4] Certification by C&MS agent.

[5] See E3 of this Exhibit I.

[6] Certification or endorsement furnished by Animal Health Division, Agricultural Research Service, USDA.

[7] Certification furnished by Livestock Division, C&MS, USDA. Conformation grade to be based on the muscling requirements of the official USDA Feeder Cattle Standards. (See Appendix II attached.)

[8] Official State records or National Breed Association records, or Performance Registry International records.

[9] Must be certified to by the breeder of the female at time of sale to exporter.

[10] Certification of pregnancy shall be issued by an accredited veterinarian.

[1] All animals for delivery under these specifications must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

[2] Dual Purpose Breeds (See paragraph E, Supplement I or II).

[3] Certification by C&MS agent.

[4] Certification or endorsement furnished by Animal Health Division, Agricultural Research Service, USDA.

[5] Certification furnished by Livestock Division, C&MS, USDA. Conformation grade based on the muscling requirements of the official USDA Feeder Cattle Standards. (See Appendix II attached.)

[6] Official State records or National Breed Association records, or Performance Registry International records.

[7] Certification must be issued by an accredited veterinarian.

[1] Adapted from Service and Regulatory Announcement C&MS 183, issued March 1965. A copy of this publication and charts picturing the grades of feeder cattle may be obtained upon request from the Livestock Division, C&MS, USDA, Washington, D.C. 20250.

thick through the crops, back and loin. The rounds are slightly thick and the twist is slightly deep. They have moderately large, rugged frames, and the bone usually is moderately large, but may be slightly fine or slightly large and coarse.

SUPPLEMENT II—DAIRY BREEDING CATTLE

A. *Additional definitions.* 1. "Port value" means the net amount of the exporter's sales price for dairy breeding cattle to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. points of flight if transported by air freight. The point of exportation for animals shall be designated by the Agricultural Research Service, U.S. Department of Agriculture. The port value shall not include the ocean freight for a c. & f. sale or ocean freight and marine and war risk insurance for a c.i.f. sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer. Such net amount shall not exceed (a) $1,200 each for registered bulls which have an Acceptable performance index as set out in paragraph D.1., Exhibit II to this supplement, or, with prior approval of the Assistant Sales Manager for Export Credit, $2,500 if such animal has a Superior performance index as set out in paragraph D.2. of Exhibit II; (b) $750 each for registered females which have an Acceptable performance index as set out in paragraph D.1., Exhibit I to this supplement, or with prior approval of the Assistant Sales Manager for Export Credit, $1,200 if such animal has a Superior performance index as set out in paragraph D.2. of Exhibit I; (c) with prior approval of the Assistant Sales Manager for Export Credit, $1,200 each for registered mature cows which have a Superior performance index as set out in paragraph D.3. of Exhibit I; (d) with prior approval of the Assistant Sales Manager for Export Credit, $750 each for nonregistered mature cows which have a Superior performance index as set out in paragraph D.3. of Exhibit I; or (e) $600 average for the sale of nonregistered females, other than mature cows with a Superior performance index, if each such animal has an Acceptable performance index as set out in paragraph D.1. of Exhibit I. The difference, if any, between the maximum net amount specified in (a), (b), (c), (d), or (e) of this paragraph A.1., and the contract price for individual registered animals or nonregistered mature cows with a Superior performance index, or the average contract price for nonregistered females, other than mature cows with a Superior performance index, shall not be included as a part of the port value.

2. "Producer" means the person holding legal title to the animal at time of birth and who has had continuous ownership of such animal until sold for export under an approved financing agreement.

3. "Bred female" means either a bred heifer or bred cow as set forth in Exhibit I, Option B, which has been certified to as pregnant at the time of inspection.

4. "Breeder" means the person holding legal title to the female animal at the time she was served to qualify such animal hereunder as a bred female.

5. "Eligible animal" means an animal which meets all the following requirements:

(a) The animal must be the progeny of a nationally recognized dairy cattle breed (Exhibits I and II);

(b) The animal must have been owned by a person who had continuous title to such animal for a period of at least 90 days immediately before acquisition by the exporter, unless the exporter is the producer of the animal;

(c) The animal must, at the time of export, have a eartag, a legible ear tattoo symbol, or a firebrand and ranch holding brand symbol acceptable to USDA testing authority as an authentic identifying symbol for such animal. The terms "eartag number(s)", "eartag identification number", and "identification number(s)" as used herein shall also include ear tattoo symbol and firebrand and ranch holding brand symbol.

(d) The animal must qualify under the specifications of Exhibit I for females and Exhibit II for bulls.

6. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered or otherwise classified as a purebred animal of that breed. Such animal must be marked with a legible tattoo or brand which corresponds with the number shown in the certificate of registration or other official document issued by the appropriate national breed association.

7. "Nonregistered animal" means an eligible animal, whether or not purebred, which is predominantly of the color characteristics and body conformation of the dairy breed stated in the contract between the exporter and the importer. (See Exhibits I and II.)

B. *Submission of applications for financing.* 1. In addition to the information required by § 1488.3(c) (2) through (7), applications for financing export credit sales of dairy breeding cattle shall include the following:

(a) A general description by breed of the animals to be exported, separately describing the animals under the following classes:

(1) Registered bulls;
(2) Registered bred females;
(3) Registered unbred females;
(4) Nonregistered bred females; and
(5) Nonregistered unbred females.

(b) A statement that such animals will conform to the general specification requirements set forth in Exhibits I or II, as applicable to the class of animals to be exported.

2. In addition to the justifications specified in § 1488.3(d), a financing period in excess of 12 months but not in excess of 36 months for dairy breeding cattle may be justified when it will result in the use by the importer, or by purchasers from the importer, of the animals in the destination country under conditions which will promote expanded demand for additional breeding animals or feed stuffs from the United States.

C. *Additional documents required after delivery.* In addition to the documents specified in § 1488.9(a) (1), (2), (3), (4), (6), and (7), the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

1. Separate tag lists for each group of animals described in paragraphs A.1. (a), (b), (c), (d), and (e) of this supplement, containing the following information:

(a) Eartag identification number;

(b) For each registered animal or nonregistered mature cow with a Superior performance index, shown separately opposite the identification number, the sales price as specified in the sales invoice to the foreign importer;

(c) For nonregistered females other than mature cows with a Superior performance index, shown for each lot group by tag list, the average sales price per animal based on the sales invoice to the foreign importer.

2. Production Performance Index records as follows:

(a) For registered bulls the applicable Acceptable or Superior performance index records of Sire and Dam as described in paragraph D.1. or D.2. of Exhibit II;

(b) For registered females if applicable, the Superior performance index records of Sire and Dam as described in paragraph D.2. of Exhibit I;

(c) For registered or nonregistered mature cows if applicable, the Superior performance index records of Sire and Dam as described in paragraph D.3. of Exhibit I.

3. A certification by the exporter that animals of the description in the exporter's sales contract with the foreign importer have been delivered, and that the exporter knows of no defenses to the account receivable assigned to CCC.

D. *Miscellaneous.* The following documents or certifications, as applicable, shall be furnished to the importer by the exporter:

1. The certificates issued by an agent of the Consumer and Marketing Service, U.S. Department of Agriculture, as to official registration of the animal(s) and listing the identification number(s) and corresponding registration certificate number(s) for each registered animal showing that such numbers have been verified as legible and accurate for such animal, and that the person holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. A certification by the breeder of females sold as "bred females" showing the eartag numbers and stating that the service bull was a registered bull of the same dairy cattle breed as the female to which bred. (See Exhibit I.)

3. The certificates issued or endorsed by the Animal Health Division, Agricultural Research Service, listing the eartag number(s) and showing that such animal has been inspected for compliance with "Health" requirements. (See Exhibit I or II.)

4. The certificates issued by the Consumer and Marketing Service listing the eartag number(s) for each animal showing for such animal compliance with breed, age, weight, and conformation specifications, for the class, as shown in Exhibit I or II, as applicable.

5. Certificates issued by a veterinarian accredited by the Agricultural Research Service, showing that bred females, sold as such, were examined and found to be with calf at time of inspection.

6. A semer certification by a veterinarian accredited by the Agricultural Research Service, for bulls over 1 year of age.

E. *Dual purpose breeds.* When dual purpose breeds[1] are eligible for financing under the provisions of both Supplement I and Supplement II to GSM-4, as amended, the exporter has the option of qualifying such animals under the provisions of either supplement. Such option must be stated in the application filed pursuant to § 1488.3. In the event such dual purpose breeds are approved for export hereunder, the provisions of this supplement shall apply with the exception that the Assistant Sales Manager for Export Credit is authorized, at the request of the applicant, to establish a minimum weight schedule and DHIR Milk Production Breed Average.

EXHIBIT I TO SUPPLEMENT II

USDA APPROVED DAIRY CATTLE EXPORT SPECIFICATIONS—FEMALES

Option A (to be specified by purchaser).
1. Registered.[2]

[1] Milking Shorthorn and Red Poll.

[2] Animals must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

Breed

a. Ayrshire.
b. Brown Swiss.
c. Guernsey.
d. Holstein.
e. Jersey.
f. Milking Shorthorn.[2]
g. Red Poll.[2]
2. Nonregistered.[3]

Predominant Breed

(Specify from breed above.)
Option B (to be specified by purchaser).

Age[4]

1. Calf—(6 to 12 months).
2. Yearling open—(12 to 18 months).
3. Heifer open—(18 to 30 months).
4. Bred heifer—(18 to 30 months).
5. Mature cow—(24 to 48 months).

General requirements:

A. *Health.*[5]

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.

2. Tested negative for brucellosis within 30 days of loading aboard export carrier, or is an official vaccinate under 30 months of age.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks, and ringworm or freed from the same.

6. Mature cows must be physically examined at time of inspection for the presence of mastitis by manipulating and stripping the udder and found not to have evidence of such infection. The exporter, at his option, may require the person from whom he purchases a mature cow to supply additional evidence of nonmastitis infection as he sees fit.

B. *Minimum Weight.*[6]

1. *Registered Animals.*

Age[1]	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. 6 months	360	295	260
b. 8 months	470	385	340
c. 10 months	565	455	410
d. 12 months	640	525	470
e. 14 months	710	585	520
f. 16 months	775	635	555
g. 18 months	835	685	600
h. 20 months	900	745	645
i. 22 months	970	790	695
j. 24 months	1,015	845	735
k. 26 months	1,045	870	760
l. 28 months	1,070	895	780
m. 30 months	1,090	910	790
n. 36 months and over	1,180	990	865

[1] Minimum weights for ages between the ages shown shall be determined proportionately.

[2] Dual purpose breeds (See paragraph E, Supplement I or II).

[3] Nonregistered animals will be certified for breed by C&MS agent.

[4] Certification by C&MS agent.

[5] Certification or endorsement furnished by Animal Health Division, Agricultural Research Service.

[6] Certification or endorsement furnished by Livestock Division, C&MS, USDA. Conformation specifications to be based on standards as set out in Appendix to Exhibit I attached. Weights may be determined by weighing or by estimates using a girth measurement tape.

2. *Nonregistered Animals.*

Class	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. Calf	360	295	260
b. Yearling Open	640	525	470
c. Heifer Open	835	685	600
d. Heifer Bred	835	685	600
e. Mature Cow	1,015	845	735

C. *Minimum Conformation.*[6]

All animals must meet the minimum body conformation specifications as described in Appendix to this Exhibit I.

D. *Production Performance Index.*[7]

1. *Acceptable.* An Acceptable performance index for *Registered* or *Nonregistered Females* will be considered to exist if such animals meet the minimum conformation of Item C above.

2. *Superior.* A Superior performance index for a *Registered Female* will be considered to exist if:

(a) Sire has a Plus (+) USDA Predicted Difference[8] equal to 2 percent of DHIR breed average as shown in Item E below, and

(b) Dam has a DHIA or DHIR record[9] equal to the DHIR breed average as shown in Item E below.

3. *Superior.* A Superior performance index for a *Registered* or *Nonregistered Mature Cow* will be considered to exist if such animal has a DHIA or DHIR production record[9] 15 percent above the DHIR breed average as shown in item E below.

E. *DHIR Milk Production Breed Averages.* (Mature Equivalent.) The following breed averages are applicable to these specifications:

Breed	Breed average	2 Percent of breed average	15 Percent of breed average
		Pounds	
Ayrshire	12,556	251	1,883
Brown Swiss	13,187	264	1,978
Guernsey	10,483	210	1,572
Holstein	15,204	304	2,281
Jersey	9,465	189	1,420

F. *Statement of Service.*

1. Bred females must have been bred to a registered bull of the same breed.[10]

2. Bred females must be at least 2 months pregnant but no more than 6 months pregnant at time of inspection.[11]

APPENDIX TO EXHIBIT I

MINIMUM BODY CONFORMATION SPECIFICATIONS FOR FEMALES

In addition to meeting the minimum weight for the breed as specified in Exhibit I, the animal shall possess femininity, normal breed conformation, quality and body capacity. She shall have the general appearance of thrift and vitality with eyes bright and ears alert. The feet and legs shall be well formed with the legs straight, strong and well set. The mammary system, if sufficiently developed, shall be strongly attached, well balanced and of fine texture. The teats shall be of acceptable size. There shall be no evidence of lameness or other serious body defects. She shall possess normal dairy character by showing a lack of obvious excess fatty condition for the age class. Females officially classified by the respective breed association as "Good Plus" (or equivalent) or higher shall be acceptable if found at time of inspection not to have developed a physical defect in conflict with the above-stated conditions.

[6] Certification or endorsement furnished by Livestock Division, C&MS, USDA. Conformation specifications to be based on standards as set out in appendix to Exhibit I attached. Weights may be determined by weighing or by estimates using a girth measurement tape.

[7] DHIA or DHIR milk production records mature equivalent based on 305-day, two times day milking.

[8] Source: USDA–DHIA Sire Summary Records—Agricultural Research Service.

[9] Source: Breed Association, or Dairy Records Processing Center serving the DHIA Association where tested.

[10] Must be certified to by the breeder of the female at time of sale to exporter.

[11] The certification of pregnancy shall be by an accredited veterinarian.

EXHIBIT II TO SUPPLEMENT II

USDA APPROVED DAIRY CATTLE EXPORT SPECIFICATIONS—BULLS

Option A (to be specified by purchaser).

Breed[1]

a. Ayrshire.
b. Brown Swiss.
c. Guernsey.
d. Holstein.
e. Jersey.
f. Milking Shorthorn.[2]
g. Red Poll.[2]

Option B (to be specified by purchaser).

Age[3]

a. Calf—(6 to 12 months).
b. Yearling—(12 to 18 months).
c. Young bull—(18 to 24 months).
d. Mature bull—(24 to 48 months).

General requirements:

A. *Health.*[4]

1. Tested negative for tuberculosis and brucellosis within 30 days of loading aboard export carrier.

2. Animals come from farms that have not been under quarantine for any communicable disease during the past year.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto and free of mites, ticks and ringworm or freed from the same.

B. *Minimum weight.*[5]

[1] All animals for delivery under these specifications must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

[2] Dual purpose breeds (See paragraph E, Supplement I or II).

[3] Certified by C&MS agent.

[4] Certification or endorsement furnished by Animal Health Division, Agricultural Research Service, USDA.

[5] Certification or endorsement furnished by Livestock Division, C&MS, USDA. Conformation specifications to be based on standards as set out in Appendix to Exhibit II attached. Weights may be determined by weighing or by estimates using a girth measurement tape.

Age [4]	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. 6 months	450	370	315
b. 8 months	585	480	410
c. 10 months	710	555	490
d. 12 months	820	655	565
e. 14 months	930	755	645
f. 16 months	1,040	840	745
g. 18 months	1,155	920	815
h. 21 months	1,320	1,065	950
i. 24 months	1,455	1,210	1,050
j. 27 months	1,570	1,310	1,140
k. 30 months	1,670	1,395	1,215
l. 36 months and over	1,840	1,545	1,350

[4] Minimum weights for ages between the ages shown shall be determined proportionately.

C. *Minimum Conformation.*[5]

All animals must meet the minimum body conformation as described in Appendix to Exhibit II.

D. *Production Performance Index.*[6]

1. *Acceptable.* An Acceptable performance index for a *Registered Bull* will be considered to exist if:

(a) Sire has a Plus (+) USDA Predicted Difference,[7] and

(b) Dam has a DHIA or DHIR record [8] 15 percent above the DHIR breed average as shown in item E below.

2. *Superior.* A Superior performance index for a *Registered Bull* will be considered to exist if:

(a) Sire has a Plus (+) USDA Predicted Difference [7] equal to 2 percent of DHIR breed average as shown in item E below, and

(b) Dam has a DHIA or DHIR record [8] 25 percent above the DHIR breed average as shown in item E below.

E. *DHIR Milk Production Breed Averages.* (Mature Equivalent.) The following breed averages are applicable to these specifications:

Breed	Breed average	2 percent of breed average	15 percent of breed average	25 percent of breed average
		Pounds		
Ayrshire	12,550	251	1,883	3,139
Brown Swiss	13,187	264	1,978	3,297
Guernsey	10,483	210	1,572	2,621
Holstein	15,204	304	2,281	3,801
Jersey	9,465	189	1,420	2,366

F. A semen check indicating at least 60 percent sperm motility must be supplied for bulls over 1 year of age.[9]

APPENDIX TO EXHIBIT II

MINIMUM BODY CONFORMATION SPECIFICATIONS FOR BULLS

In addition to meeting the minimum weight for the breed as specified in Exhibit II, the animal shall possess masculinity, normal breed conformation, quality, and body capacity. He shall have the general appearance of thrift and vitality with eyes bright and ears alert. The feet and legs shall be well formed with legs straight, strong, and well set. There shall be no evidence of lameness or other serious body defects. He shall possess normal dairy character by showing a lack of obvious excess fatty condition for the age class. Bulls officially classified by the respective breed association as "Good Plus" (or equivalent) or higher shall be acceptable if found at time of inspection not to have developed a physical defect in conflict with the above-stated conditions.

[6] DHIA or DHIR milk production records. Mature equivalent based on 305-day, two times a day milking.

[7] Source: USDA–DHIA Sire Summary Records, Agricultural Research Service.

[8] Source: Breed Association or Dairy Records Processing Center serving the DHIA Association where tested.

[9] Certification must be issued by an accredited veterinarian.

Effective date: This revision of regulations shall be effective upon filing with the office of the Federal Register.

Signed at Washington, D.C., on December 11, 1969.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation, and General Sales Manager, Export Marketing Service.

NOTICE TO EXPORTERS

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department reegulations for more detailed information if desired and for any changes that may be made therein.

[F.R. Doc. 69-14884; Filed, Dec. 11, 1969; 4:33 p.m.]

Chapter XV—Foreign Agricultural Services, Department of Agriculture

PART 1501—DONATION OF FOOD COMMODITIES FOR USE IN ASSISTANCE OF NEEDY PERSONS AND IN NONPROFIT SCHOOL LUNCH PROGRAMS OUTSIDE UNITED STATES OF AMERICA

Deletion

The provisions of clause (4) of section 416 of the Agricultural Act of 1949, as amended, which authorized donations of food commodities for use outside of the United States and which this part implemented, having been deleted by section 3(c) of the Food for Peace Act of 1966, effective January 1, 1967, this part is, therefore, also deleted.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

DECEMBER 10, 1969.

[F.R. Doc. 69-14848; Filed, Dec. 15, 1969; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the introductory portion in paragraph (e) is amended by adding thereto the name of the State of Indiana, and paragraph (e)(12) is added to read:

(12) *Indiana.* Montgomery County.

2. In § 76.2, paragraph (e)(2) relating to Mississippi is amended by adding thereto the name of Webster County.

3. In § 76.2, paragraph (e)(6) relating to Texas is amended by adding thereto the name of Lee County.

4. In § 76.2, paragraph (e)(8) relating to Missouri is amended by adding thereto the name of Lincoln County.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine certain counties in the States of Indiana, Mississippi, Missouri, and Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making

them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of December 1969.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 69-14885; Filed, Dec. 15, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-SO-117]

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

Alteration of Transition Area

Correction

In F.R. Doc. 69-14647, appearing at page 19499 in the issue of Wednesday, December 10, 1969, the center heading of the transition area reading "Washington, D.C." should be corrected to read "Washington, N.C.".

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-596]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Posting at Stations, Offices, or Locations Other Than Principal or General Office

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of December 1969.

On August 18, 1969, Aquarium Supply Co. filed a petition for rule making, Docket No. 21296, in which it alleges that the shipping public is not being afforded a period of time in which to express their views of tariff changes. Specifically, Aquarium Supply asserts that when a carrier files a tariff with a posting date 45 days before the effective date, the carrier is not required by § 221.171 to post the tariff for public inspection more than 30 days before the effective date. Since complaints against tariffs with posting dates must be filed within 12 days of that date, Aquarium Supply concludes that the time for complaints will have expired before the carrier posts the tariff. Univac Division, Sperry Rand Corp. filed an answer supporting the petition.

Section 221.171(c) generally requires that each tariff publication issued shall be posted by each party thereto at least 30 days before its effective date, at stations, offices and locations where the tariff has application. The Board permits carriers to use a posting date, in lieu of the usual issued date, where the tariff is filed more than 30 days before the effective date, is posted at stations, offices and locations on or before the posting date, and contains a notice that complaints must be filed within 12 days of the posting date. These provisions are set out in § 221.31(a)(10) and are incorporated by reference in §§ 221.22(b)(5) and 221.112(b)(7). Thus, all tariff publications bearing a posting date are, in fact, subject to the express requirement that they be posted on or before such posting date.

However, the Board finds that § 221.171(c) should be clarified for the benefit of the public by expressly stating that tariffs with posting dates must be posted on or before such posting dates.[1] Because this amendment merely clarifies an existing rule, the Board finds that notice and public procedure are unnecessary and the rule shall be made effective immediately.

Accordingly, the Board hereby amends § 221.171 (14 CFR 221.171), effective December 10, 1969, by revising paragraph (c) to read as follows:

§ 221.171 Posting at stations, offices, or locations other than principal or general office.

* * * * *

(c) Each tariff publication bearing an issued date shall be posted by each carrier party thereto at least 30 days before its effective date, and each tariff publication bearing a posting date shall be posted on or before the designated posting date as provided in § 221.31(a)(10), except that in the case of carrier stations, offices or locations situated outside the United States, its territories and possessions, the time shall not be less than 25 days before the effective date of a tariff publication with an issued date, and except that a tariff publication which the Board has authorized to be filed on shorter notice shall be posted by the carrier on like notice as authorized for filing.

(Secs. 204(a), 403, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758; 49 U.S.C. 1324, 1373)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14882; Filed, Dec. 15, 1969; 8:48 a.m.]

[1] In its answer, Univac suggests that carriers give direct notice to shippers of tariffs that might affect them or that more time be allowed for shippers to study the impact of a tariff. This request is denied. It is impractical to require carriers to give direct notice to shippers of tariffs that might affect them. Moreover, the time limits for filing complaints are designed to provide the Board with sufficient time to consider complaints and responses thereto before the tariffs become effective, and to provide adequate notice to the public of suspension actions. These rules are of long-standing, and insufficient grounds have been shown to modify them at this time.

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[12th Gen. Rev. of Export Regs., Amdt. 8]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 368, 371, 374, 379 and 386 of the Code of Federal Regulations are amended to read as set forth below.

PART 368—U.S. IMPORT CERTIFICATE AND DELIVERY VERIFICATION PROCEDURE

§ 368.3 Delivery verification certificate.

(a) *Requirements* * * *

(2) Completion and disposition of Delivery Verification Certificates. A U.S. importer who is required by the foreign government to obtain a Delivery Verification Certificate shall present Form FC-908, Delivery Verification Certificate revised October 15, 1969, in duplicate, to a U.S. customs office. A Delivery Verification Certificate will be certified by a U.S. customs office only where the import is made under a warehouse or consumption entry. Form FC-908 shall be completed by the U.S. importer in all respects except as to type of customs entry (warehouse or consumption), entry number, date of entry, and the certification signature and date (all contained in the official use only block, at the bottom of the form). The commodities shall be described on the form in the same terms as those shown on the related International Import Certificate. The importer shall dispatch the original of the certified Delivery Verification Certificate to the foreign exporter or otherwise dispose of it in accordance with the instructions of the exporting country. The duplicate copy will be retained by the U.S. customs office. Form FC-908 may be obtained from all U.S. Department of Commerce field offices (see list on page i under Field Office Addresses), from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, and from U.S. customs offices.

PART 371—GENERAL LICENSES

§ 371.4 [Amended]

Footnote 2 to § 371.4(a)(1) is amended to read as follows:

[2] A commodity withdrawn from a bonded warehouse in the United States under a "withdrawal for export" customs entry is considered as "moving in transit" within the meaning of General License GIT. It is not considered as "moving in transit" if it is withdrawn from a bonded warehoue under any other type of customs entry or if its transit has been broken for a processing operation, regardless of the type of customs entry.

PART 374—REEXPORTS

§ 374.2 Permissive reexports.

* * * * *

(g) Reexports to a destination to which direct shipment from the United States is authorized under an unused outstanding validated export license.[2]

PART 379—TECHNICAL DATA

§ 379.4 General License GTDR: Technical data under restriction.

(d) *Restrictions applicable to all destinations except Canada.* * * *

(7) Submersible watercraft other than military or naval types [2]; and

(8) Any other commodity under the export control jurisdiction of the Office of Export Control, if such commodity is not covered by an entry on the Commodity Control List.

* * * * *

PART 386—EXPORT CLEARANCE

ALTERNATE PROCEDURE FOR FILING SHIPPER'S EXPORT DECLARATIONS [1]

An alternate procedure has been established for filing Shipper's Export Declarations to cover exports moving under general license to destinations in Country Groups T, V, and X. Under this procedure, exporters need no longer submit such Declarations to customs offices for authentication. Instead, if an exporter desires, he may file Declarations directly with any air or water carrier who has been accepted by the Department of Commerce as a participant in the alternate procedure. Names of these carriers will be on file at customs offices. In order to participate, carriers must agree to review Declarations for acceptability prior to loading. Following this review, the carrier will then forward the completed Declarations to the customs offices with the related manifests.

This alternate procedure was developed as part of the Department of Commerce's continuing efforts to reduce paperwork and speed export shipments. The new regulation offers substantial savings since it could affect up to 90 percent of all Shipper's Export Declarations covering export to foreign countries other than Canada.

This simplification does not change any of the obligations of the exporter or his authorized agent to prepare Shipper's Export Declarations correctly, nor does it apply in any way to export requiring a validated export license.

Accordingly, § 386.3 (a) and (b) is amended and a new § 386.3(v) is established to read as set forth below.

§ 386.3 Shipper's Export Declaration.

(a) *Authentication requirement.* All copies of Shipper's Export Declarations that are required to be presented to a customs office shall be authenticated by the customs office at the port of export unless the shipment is eligible for, and the exporter chooses to use, the alternate procedure set forth in paragraph (v) of this section. No customs officer shall authenticate a Declaration unless he is satisfied, after comparing it with the applicable validated license or general license and with such other relevant information as he may have, that:

(1) Export of the commodity(ies) described in the Declaration is authorized under the license;

(2) Statements in the Declaration are identical in all respects with the contents of the validated license, or with the terms, provisions, and conditions of the general license;

(3) Statements in the Declaration are set forth in a manner that permits customs officers (or other authorized persons to whom the Declaration may be shown or delivered) to determine whether the export complies with the contents of the validated license, or the terms, provisions, and conditions of the general license; and

(4) The shipment is or will be available for inspection and has not been loaded on an exporting carrier.

(b) *Authenticated Declaration as export control document.* When authenticated by the customs office or accepted by a carrier under the alternate procedure set forth in § 386.6(v), a Shipper's Export Declaration shall be deemed to be a document, issued pursuant to the Export Control Regulations, evidencing the existence of a validated export license or permission for an export under an applicable general license. Such document may be used only by the exporter or his duly authorized forwarding agent for the purpose of clearing for export or otherwise facilitating or effecting the export of a commodity(ies) requiring a validated or general license under the Export Control Regulation issued pursuant to the Export Control Law.

* * * * *

(v) *Alternate procedure for filing Declaration*—(1) *Scope.* An alternate procedure for filing Declarations covering general license shipments via air or water carrier to destinations in Country Groups T, V, and X is established, under which such a Declaration may be delivered to the carrier [3] at the port of export without first having been authenticated by the customs office. The carrier, in turn, will examine the information on the Declaration for completeness and attach the Declaration to his outward foreign manifest for delivery to the customs office. This alternate procedure is restricted to carriers who have previously agreed to participate in the procedure, as provided in subparagraph (4) of this paragraph.

(2) *Action by exporter or his agent under alternate procedure*—(i) *Preparation of Declaration*—(a) *Information required.* The exporter, or his duly authorized agent, shall prepare the declaration fully and properly in accordance with this section. In this regard, the responsibility of exporter (or his agent) includes, but is not limited to, insuring that such items as destination, commodity descriptions, Schedule B numbers, quantities (where required), and values are complete and accurate; and further, that the proper general license designation and destination control statement are entered on the Declaration. In addition, the exporter (or his agent) shall enter (*1*) the notation "NAR" (no authentication required) in the "Customs Authentication" space, and (2) the bill of lading number [3] (when known to the exporter or his agent) in the "Waybill or Manifest No." or "B/L No." space.

(*b*) *Number of copies.* The Declaration shall be prepared in two copies only. However, where an additional copy is required by paragraph (i)(3) of this section, the Declaration shall be prepared in three copies.

(ii) *Filing the Declaration.* The exporter (or his agent) shall deliver all copies of the Declaration to the carrier before the shipment is loaded on board the exporting vessel or aircraft. Such a Declaration need not first be authenticated by the customs office.

(3) *Action by carrier under alternate procedure*—(i) *Examination of Declaration before loading* (*a*) A carrier accepting unauthenticated Declarations shall, on receipt of such a Declaration and before loading the shipment on board the exporting vessel or aircraft, examine the Declaration to see that:

(*1*) The shipment is declared as being exported under a general license;

(2) The shipment is declared as being made to a destination in Country Group T, V, or X;

(*3*) A destination control statement is shown on the Declaration;

(*4*) All other required information is shown completely on the Declaration, including but not limited to destination, commodity description, Schedule B Number, shipping weight, quantity (where required), and value.

(*5*) The information shown on the Declaration is not inconsistent with other records and information available to the carrier; and

(*6*) The following items of information, being peculiarly within the knowledge of the carrier, are accurate: "U.S. Port of Export," "Method of Transportation," "Exporting Carrier," "Foreign

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[2] The unused validated export license shall be returned to the Office of Export Control (attention 852), U.S. Department of Commerce, Washington, D.C. 20230, with a letter giving the full details of the reexport.

[1] The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[3] The term "carrier" as used in this paragraph only, is defined as the "exporting carrier or his shipping agent(s)" at a port of export. Among other things, this means that the alternate procedure does not apply when an inland shipper elects to have his Declaration authenticated under the port-of-origin procedure set forth in § 386.8.

[3] See § 370.2 of this chapter for definitions.

Port of Unloading," pier or airport, and bill of lading number.

(b) If a Declaration appears incomplete or inconsistent, the carrier may make changes, alterations, and amendments of the type specified in (a)(6) of this subdivision. Otherwise, the carrier shall return it to the exporter or his agent to be checked, completed, or corrected. The exporter shall then give the Declaration to the carrier for rechecking before the shipment is loaded.

(c) If the shipment is being exported under a validated license, the carrier shall return the Declaration and license to the exporter or his agent for presentation to the customs office for authentication, in accordance with § 386.1 (b)(1), before loading the shipment.

(ii) *Verifying entry of bill of lading number and "NAR" notation.* Before submission of the manifest and related Shipper's Export Declarations to Customs, carriers shall see that:

(a) The bill of lading number is entered in the "Waybill or Manifest No." or "B/L No." space on the Declaration; and

(b) The notation "NAR" is entered in the "Customs Authentication" space on the Declaration.

(iii) *Filing Declaration and Manifest.* (a) For each shipment covered by an unauthenticated Declaration accepted under this procedure, the carrier shall enter on all copies of the outward foreign manifest filed with the customs office the notation "NAR" and the related bill of lading number.

(b) When the manifest is submitted to the customs office, all copies of the Declaration shall be attached thereto. The unauthenticated Declarations shall be separated from the authenticated Declarations. Where a third copy of the Declaration is submitted, in accordance with paragraph (i)(3) of this section, that copy also shall be attached to the manifest.

(c) By filing an unauthenticated Declaration with the manifest at the customs office under this procedure, the carrier certifies that he has reviewed the Declaration and found it acceptable in accordance with this paragraph.

(4) *Qualification of carrier under alternate procedure*—(i) *Statement by carrier.* A carrier wishing to participate shall send a letter to the Foreign Trade Division, Bureau of the Census, U.S. Department of Commerce, Washington, D.C. 20230. A copy of this letter shall also be sent to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230. This letter shall:

(a) Propose a date on which the carrier intends to begin participation;

(b) Specify those ports at which the carrier will accept unauthenticated Declarations;

(c) List the carrier's shipping agents and ports at which the agents will accept unauthenticated Declarations; and

(d) Include a statement of the carrier's willingness to accept unauthenticated Declarations and his agreement to comply with the provisions set forth in § 30.42 of this title (Foreign Trade Statistics Regulations) and this section (Export Control Regulations).

(ii) *Acceptance of carrier's statement.* The Bureau of the Census, with the advice of the Office of Export Control, will acknowledge and accept the carrier's statement of willingness to accept unauthenticated Declarations, under this alternate procedure, confirming the date on which the carrier will begin participating and the ports at which such carrier (and his shipping agents) will participate. This letter shall be retained by the carrier in his office for a period of 3 years from the date of the last action taken by the carrier under this alternate procedure and shall be made available for inspection on demand in accordance with § 387.11(f). (For further recordkeeping requirements see § 387.11.)

(iii) *Notification to Customs.* Customs offices will be notified of the names of carriers who have agreed to accept unauthenticated Declarations under this alternate procedure. Names of participating carriers may be obtained from customs offices.

(iv) *Port restrictions.* Participation by a carrier in this alternate procedure will be restricted to those ports he specifies in his letter to the Bureau of the Census and the Office of Export Control. A carrier may add or delete ports of participation by notifying the Bureau of the Census and the Office of Export Control as set forth in subdivision (i) of this subparagraph.

(5) *Withdrawal of privileges*—(i) *Exporters and agents of exporters.* The privilege of participating in this alternate procedure may be withdrawn from an exporter or agent of an exporter if it is determined by the Bureau of International Commerce or the Bureau of the Census that such exporter or agent has knowingly or negligently furnished or assisted in furnishing inaccurate, incomplete, or otherwise inadequate Census and/or Export Control information required on the Shipper's Export Declaration.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective dates: Part 386—January 1, 1970. Parts 368, 371, 374, and 379—December 11, 1969.

RAUER H. MEYER,
Director,
Office of Export Control.

[F.R. Doc. 69-14862; Filed, Dec. 15, 1969; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-8773]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Disclosure of Credit Terms in Margin Transactions

The Securities and Exchange Commission announced that it has adopted Rule 10b-16 (17 CFR 240.10b-16) under the Securities Exchange Act of 1934 ("Exchange Act"). The rule requires broker-dealers who extend credit to customers to finance securities transactions to furnish specified information with respect to the amount of and reasons for the credit charges.

The Truth in Lending Act, as passed by Congress, specifically exempts from its disclosure requirements brokers' margin loans to customers. In Senate Report No. 90-392 (June 29, 1967), which accompanied the Senate bill, the Senate Committee on Banking and Currency noted:

> The committee has been informed by the Securities and Exchange Commission that the Commission has adequate regulatory authority under the Securities Exchange Act of 1934 to require adequate disclosure of the cost of such credit. The committee has also been informed in a letter from the SEC that the Commission is prepared to adopt its own rules to whatever extent may be necessary.
>
> In recommending an exemption for stockbroker margin loans in the bill, the committee intends for the SEC to require substantially similar disclosure by regulation as soon as it is possible to issue such regulations.

The Report of the House Committee on Banking and Currency also refers to Commission authority to require disclosure under the Federal securities laws. It is in response to this mandate that Rule 10b-16 (17 CFR 240.10b-16) was adopted.

Notice of the proposed rule was published on Friday, May 2, 1969 (Release No. 34-8593) and in the FEDERAL REGISTER for May 8, 1969, at 34 F.R. 7459, and the present rule incorporates many of the suggestions received in response thereto.

The rule requires an initial disclosure and periodic disclosures. The initial disclosure is designed to insure that the investor, before his account is opened, understands the terms and conditions under which credit charges will be made. This will enable him to compare the various credit terms available to him and to understand the methods used in computing the actual credit charges. The periodic statement will inform the investor of the actual cost of credit and, with the aid of the initial disclosure, enable him to accurately assess that cost.

Initial disclosure requirements under paragraph (a)(1) of Rule 10b-16 (17 CFR 240.10b-16). The stated purpose of the Truth in Lending statute is "to assure a meaningful disclosure of credit terms so that the consumer will be able to compare more readily the various credit terms available to him and avoid the uninformed use of credit." At present, the standard form of customer's agreement generally does not achieve this goal.

Under paragraph (a)(1) of the rule, a customer opening a new margin account must be given or sent, prior to the execution of the initial credit transaction, a written statement or statements disclosing the following information: Under what conditions interest can be charged; the annual rates of interest; the method of computing interest; when interest rates can be changed without prior notice; how debit balances are determined; what other credit charges can

be imposed; the nature of any lien or other interest that can be retained by the broker or dealer; and when additional collateral can be required. If, where otherwise proper, the account is opened by telephone, the broker or dealer must disclose the information orally to the customer at that time and immediately thereafter send to the customer the required statement or statements. It is not necessary that the required information be contained in a single statement. Thus, for example, it would be permissible to print the schedule of interest rates on a separate card or pamphlet, to be delivered to the customer together with a statement containing the remainder of the information required to be disclosed. Where margin accounts are carried on a disclosed basis by another broker who is extending the credit, he would be responsible for seeing that the required disclosure is made.

If the rate of interest to be imposed will vary depending upon the size of the debit balance, the schedule of rates and the range of balances to which each is applicable should be shown. Since broker-dealers frequently relate their interest charges to the call money rate, it is permissible to express the interest rates in terms of their relationship to the current call money rate, as, for example, "½ of 1 percent above the current call money rate". In this instance, however, it would be necessary to affirmatively state that the rates of interest will change with shifts in the call money rate. The annual rate of interest applicable to any given debit balance would be determined by multiplying the periodic (daily, weekly or monthly) rate applied to that debit balance by the number of periods (days, weeks or months) in the year.

Disclosure of the method of determining the debit balance or balances on which interest is to be charged must be complete enough to enable the customer to know what and how debit or credit entries on the periodic statement will be used in determining the debit balance or balances. As part of the requirement that the customer be informed of the nature of any interest or lien retained by the broker or dealer in the security or other property held as collateral by the broker or dealer and the conditions under which additional collateral may be required, the broker or dealer would be expected to disclose, if applicable, his practice with respect to "marking to the market."

In the case of "equity funding programs" registered under the Securities Act of 1933, the requirements of paragraph (a)(1) could be met if the broker or dealer furnishes to the customer, at the time required under this rule, a prospectus containing the information required to be disclosed by paragraph (a)(1).

Periodic disclosure requirements under paragraph (a)(2) of Rule 10b–16 (17 CFR 240.10b–16). Under the Truth in Lending law, periodic statements are required at the end of each "billing cycle" for open end accounts. Because of the nature of margin accounts, regular periodic payments are not required and, therefore, there is no equivalent to the "billing cycle." However, in other respects, the margin account is in effect "open end" and periodic statements will assure that the investor is kept abreast of the transactions in his account. Paragraph (a)(2) of the rule requires this type of statement to be furnished on any account in which there was an interest or other finance charge imposed during the period.

A quarterly statement has been chosen. It is felt that such a period will not cause undue hardship on the firm and will keep the customer adequately informed. It is the same period as that applied by the Commission in Rule 15c3–2 (17 CFR 240.15c3–2) under the Securities Exchange Act of 1934, requiring quarterly notices of the use of free credit balances. It is also the frequency provided for by those exchanges which by rule require statements to customers. Those firms which at present furnish monthly statements could, of course, continue this practice.

Under paragraph (a)(2), the customer must be given or sent periodic statements disclosing the following information: The beginning and closing balances; the balance at the end of the interest period; debits and credits entered during the period; the interest charge; the beginning and ending dates of the interest period; the rate or rates of interest and the interest charge for each different rate; the debit balance or balances or the average debit balance upon which interest was computed; and other credit charges. It is not necessary that the information required to be disclosed under this paragraph be contained in a single statement. Consequently, it would be permissible to disclose on a current statement, an interest charge relating to a period of time covered partially or entirely by the preceding statement. If, however, all of the information required to be disclosed under this paragraph is not contained in a single statement, it is necessary to print on each statement language to the effect that the customer should retain the statement for use in conjunction with the following statement. However, since many broker-dealers have a current supply of periodic statements, until such current supply is exhausted, no objection will be raised if such language is printed on a separate paper which accompanies the periodic statement. Also, if the period covered by the statement does not coincide with the period for which interest is charged, it is necessary to show the balance at the end of the interest period as well as the balances at the beginning and end of the period covered by the statement.

Each debit or credit used in determining the debit balance or balances upon which an interest calculation is based, including debits or credits resulting from "marking to the market", must be shown. It is permissible to show either each different debit balance upon which an interest calculation was made or, alternatively, the average debit balance for the interest period. In the latter case, an average balance must be shown for each different interest rate applied. If a broker or dealer imposes separate interest charges for separate accounts of the same customer, then each such separate interest charge would be itemized as required under this paragraph.

In the case of "equity funding programs" registered under the Securities Act of 1933, the requirements of this paragraph (a)(2) could be met if the broker or dealer furnishes to the customer within 1 month after each extension of credit, a statement or statements containing the information required to be disclosed under paragraph (a)(2).

Paragraph (b) of the rule requires that the customer be notified, in advance, of changes in the terms or conditions under which credit charges can be imposed, unless the changes are provided for by specific terms previously disclosed to the customer in the initial statement, or unless such changes are required by law. Thus, for example, if the statement recites that interest rates will change with shifts in the call money rate, separate notification of a change in interest rates resulting from a shift in the call money rate would not be required. If the effect of any change for which notice is otherwise required is a lower interest charge to the customer, notice of such change may be given within a reasonable time after the effective date of the change.

In order to give broker-dealers sufficient time to make the necessary operational changes to comply with this rule, it will not become effective until April 1, 1970.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 10(b) and 23(a) thereof, and deeming it necessary for the exercise of the functions vested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby adopts a new § 240.10b–16 under Part 240 of Chapter II of Title 17 of the Code of Federal Regulations reading as set forth below, to be effective April 1, 1970:

§ 240.10b–16 Disclosure of credit terms in margin transactions.

(a) It shall be unlawful for any broker or dealer to extend credit, directly or indirectly, to any customer in connection with any securities transaction unless such broker or dealer has established procedures to assure that each customer

(1) Is given or sent at the time of opening the account, a written statement or statements disclosing (i) the conditions under which an interest charge will be imposed; (ii) the annual rate or rates of interest that can be imposed; (iii) the method of computing interest; (iv) if rates of interest are subject to change without prior notice, the specific conditions under which they can be changed; (v) the method of determining the debit balance or balances on which interest is to be charged and whether credit is to be given for credit balances in cash accounts; (vi) what other charges resulting

from the extension of credit, if any, will be made and under what conditions; and (vii) the nature of any interest or lien retained by the broker or dealer in the security or other property held as collateral and the conditions under which additional collateral can be required: *Provided, however,* That the requirements of this subparagraph will be met in any case where the account is opened by telephone if the information required to be disclosed is orally communicated to the customer at that time and the required written statement or statements are sent to the customer immediately thereafter: *And provided, further,* That in the case of customers to whom credit is already being extended on the effective date of this section, the written statement or statements required hereunder must be given or sent to said customers within 90 days after the effective date of this section; and

(2) Is given or sent a written statement or statements, at least quarterly, for each account in which credit was extended, disclosing (i) the balance at the beginning of the period; the date, amount and a brief description of each debit and credit entered during such period; the closing balance; and, if interest is charged for a period different from the period covered by the statement, the balance as of the last day of the interest period; (ii) the total interest charge for the period during which interest is charged (or, if interest is charged separately for separate accounts, the total interest charge for each such account), itemized to show the dates on which the interest period began and ended; the annual rate or rates of interest charged and the interest charge for each such different annual rate of interest; and either each different debit balance on which an interest calculation was based or the average debit balance for the interest period, except that if an average debit balance is used, a separate average debit balance must be disclosed for each interest rate applied; and (iii) all other charges resulting from the extension of credit in that account: *Provided, however,* That if the interest charge disclosed on a statement is for a period different from the period covered by the statement, there must be printed on the statement appropriate language to the effect that it should be retained for use in conjunction with the next statement containing the remainder of the required information: *And provided further,* That in the case of "equity funding programs" registered under the Securities Act of 1933, the requirements of this subparagraph will be met if the broker or dealer furnishes to the customer, within 1 month after each extension of credit, a written statement or statements containing the information required to be disclosed under this subparagraph.

(b) It shall be unlawful for any broker or dealer to make any changes in the terms and conditions under which credit charges will be made (as described in the initial statement made under paragraph (a) of this section), unless the customer shall have been given not less than thirty (30) days written notice of such changes, except that no such prior notice shall be necessary where such changes are required by law: *Provided, however,* That if any change for which prior notice would otherwise be required under this paragraph results in a lower interest charge to the customer than would have been imposed before the change, notice of such change may be given within a reasonable time after the effective date of the change.

(Secs. 10(b), 23(a), 48 Stat. 891, 901, sec. 8, 49 Stat. 1379; 15 U.S.C. 78j(b), 78w(a))

By the Commission, December 8, 1969.

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

[F.R. Doc. 69-14836; Filed, Dec. 15, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 78]

CONTROL OF ELECTRONIC PRODUCT RADIATION

Proposed Record and Reporting Requirements

NOVEMBER 17, 1969.

Pursuant to the authority contained in section 360A of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263i), it is proposed to amend Part 78 of Title 42, Code of Federal Regulations by adding Subpart H, as set forth below.

The proposed new subpart would specify the records that manufacturers of particular electronic products must maintain and the reports and information that such manufacturers must provide to the Secretary to enable him to determine whether the manufacturer has acted or is acting in compliance with the Act and any standards prescribed thereunder.

The provisions of Subpart H also would require dealers and distributors of certain electronic products to obtain information deemed necessary to identify and locate, for purposes of section 359 of the Act, the first purchasers of such products.

Inquiries may be addressed, and data, views, and argument may be submitted in writing to the Director, Bureau of Radiological Health, 12720 Twinbrook Parkway, Rockville, Md. 20852. All relevant material received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make the regulations effective on the date of their republication in the FEDERAL REGISTER.

The amendments to Part 78 would provide as follows:

Subpart H—Records and Reports

AUTHORITY: The provisions of Subpart H issued under sec. 360A, 82 Stat. 1182; 42 U.S.C. 263i.

Subpart H—Records and Reports

§ 78.701 Applicability.

The provisions of this subpart are applicable to manufacturers, dealers, and distributors of electronic products as specified herein.

§ 78.702 Definitions.

As used in this subpart:

(a) The term "listed product" refers to a product listed in § 78.720.

(b) The term "dealer" or "distributor" means every person engaged in the business of offering new electronic products for sale without regard to whether such person is or has been primarily or customarily engaged in such business.

(c) The term "purchaser" means the first person who, for value, acquires an electronic product for purposes other than resale.

(d) The term "excessive radiation occurence" is defined as an incident or series of incidents during which measurements of radiation emissions from a production line model of an electronic product or products indicate that emission levels have exceeded (1) those prescribed in standards promulgated under the Act or (2) in absence of such standards, (i) levels which the product was designed to meet or (ii) levels which create an unexpected or unnecessary risk of injury to users of the product.

RECORDS AND REPORTS REQUIRED OF MANUFACTURERS

§ 78.703 Reporting of excessive radiation occurrences.

(a) Manufacturers of electronic products shall with reasonable promptness report to the Director, Bureau of Radiological Health, all excessive radiation occurrences reported to or otherwise known to such manufacturers, arising in the manufacture, testing, or use of any production model of electronic products which are offered or are to be offered for sale.

(b) Such reports shall be addressed to the Director, Bureau of Radiological Health, 12720 Twinbrook Parkway, Rockville, Md. 20852, and such reports and their envelopes shall be distinctly marked "Report on Section 78.703".

RECORDS AND REPORTS REQUIRED OF MANUFACTURERS OF SPECIFIC PRODUCTS

§ 78.720 List of specific products.

In addition to any other records or reports required of manufacturers of electronic products, the manufacturers of the products listed in this section shall maintain the records and make the reports required by §§ 78.721, 78.722, 78.723, and 78.724.

Ionizing electromagnetic radiation:
- Television projection devices.
- Television receivers.
- Shunt regulator tubes.
- High voltage rectifier tubes.
- High voltage vacuum switches.
- X-ray producing devices (all types).

Microwave:
- Microwave ovens.
- Microwave diathermy units.

Lasers:
- All types.

Ultrasonic:
- All types.

§ 78.721 Initial reports required from manufacturers of listed products.

(a) Every manufacturer of a listed product shall submit an initial report to the Director, Bureau of Radiological Health, 12720 Twinbrook Parkway, Rockville, Md. 20852 in accordance with this section.

(b) With respect to each listed product introduced into commerce and in production on the effective date of this subpart, the report shall be submitted within 90 days following the effective date of this subpart.

(c) With respect to any other listed product, the report shall be submitted prior to the introduction of such product into commerce.

(d) The report shall be distinctly marked "Initial Report of (Name of Manufacturer)" and shall:

(1) Identify each commercial model of the listed product together with sufficient information concerning the manufacturer's code or such other information sufficient to enable the Secretary to determine the date and place of manufacture.

(2) State the design specifications and/or standards with respect to the control of radiation emissions for each model and the basis upon which such specifications and/or standards were adopted.

(3) Describe the methods employed in testing and measuring each model with respect to electronic product radiation and the applicable quality control procedures for a production run of each model.

(4) Describe the methods and frequency of testing each product model for durability and stability with respect to electronic product radiation.

(5) State any instances where production models failed to comply with design specifications or standards with

respect to the control of radiation emissions and the corrective action taken by the manufacturer in such cases.

(6) Report for each model, all warning signs, labels, and instructions for installation, operation, and use, which relate to electronic product radiation safety.

§ 78.722 Reports of model changes required from manufacturers.

Prior to the introduction into commerce of any new model of a listed product for which an initial report was required under § 78.721, the manufacturer of such product shall submit a report of any change in the construction of the product which could affect electronic product radiation.

§ 78.723 Records required to be maintained by manufacturers of listed products.

(a) Every manufacturer of a listed product shall maintain the records required by this section and shall, upon reasonable notice by an officer or employee duly designated by the Department, permit such officer or employee to inspect such records during normal business hours.

(b) Manufacturers of listed products shall maintain the following records for a period of 5 years from the first date on which the product is offered for sale to the public:

(1) Records of the results of tests with respect to electronic product radiation, the devices and procedures used in such tests, and the basis for selecting such devices and procedures.

(2) Records of the results of tests for durability and stability of the product with respect to electronic product radiation, and the basis for selecting these tests.

(3) Description of the production quality control procedures with respect to electronic product radiation.

(4) Copies of all communications with dealers, distributors, and purchasers which contain instructions or explanations regarding the use, repair, adjustment, maintenance, or testing of the product relevant to the control of radiation emissions.

(5) Records of warranty experience relevant to radiation emissions from listed products.

(6) Current inventories of all products under the control of the manufacturer, together with records of distribution of products to dealers and distributors in such form as is necessary to permit immediate determination of the number and locations of all products not yet sold to a first purchaser.

(7) An indexed record file of warranties that the manufacturer has received from purchaser and subsequent transferees of each listed product.

(c) Every manufacturer of electronic products receiving information from dealers or distributors pursuant to § 78.741 shall preserve such information for a length of time sufficient to insure its availability during the expected useful life of the product for purposes of section 359 of the Act.

§ 78.724 Annual and other reports.

(a) Every manufacturer of a listed product shall submit a report summarizing the contents of the records required to be maintained by § 78.723(b) (1)–(5). The first such report shall be submitted by January 1, 1971, with subsequent reports due annually thereafter. Such reports shall cover the 12-month period ending on the October 31 preceding the due date of the report.

(b) Upon request of the Director, Bureau of Radiological Health, a manufacturer shall submit copies of the records required to be maintained by § 78.723 (b) (6) and (7), and (c) to the Director.

INFORMATION REQUIRED OF DEALERS AND DISTRIBUTORS

§ 78.740 Record of purchaser.

(a) Every dealer or distrbutor shall, for every electronic product it sells to which there is an applicable Federal standard under this part and for which the manufacturer's suggested retail price is not less than $50, obtain and preserve such information as is necessary to permit tracing of specific products to specific purchasers.

(b) Such information shall include:

(1) The name and mailing address of the purchaser at the time of sale.

(2) Identification and brand name of the product.

(3) Model and serial number of the product.

(4) Date of sale.

(c) Information for each product of each manufacturer shall be furnished to the respective manufacturers in accordance with § 78.741.

§ 78.741 Procedures for furnishing information to manufacturers.

Information obtained by dealers and distributors pursuant to § 78.740 shall immediately be forwarded to the appropriate manufacturer unless:

(a) The dealer or distributor elects to hold and preserve such information and to immediately furnish it to the manufacturer when advised by the manufacturer or the Director, Bureau of Radiological Health that such information is required for purposes of section 359 of the Act.

(b) The dealer or distributor, upon making the election under (a), promptly notifies the manufacturer and the Director, Bureau of Radiological Health of such election; such notification shall be in writing and shall identify the dealer or distributor and the electronic product or products for which the information is being accumulated and preserved.

§ 78.742 Retention of records.

Every dealer or distributor making the election under § 78.741(a) shall preserve such information for a length of time sufficient to insure its availability during the expected useful life of the product for purposes of section 359 of the Act.

§ 78.743 Termination of business.

Every dealer or distributor obtaining information pursuant to this subpart shall take such steps as are necessary to insure that such information is furnished to the manufacturer prior to the time the dealer or distributor discontinues the sale of electronic products. Every manufacturer upon discontinuing the sale of electronic products, shall furnish the information accumulated under this subpart to the Director, Bureau of Radiological Health.

§ 78.744 Confidentiality of information furnished to manufacturers.

All information furnished to manufacturers by dealers and distributors pursuant to this subpart shall be treated by such manufacturers as confidential information which may be used only as necessary to notify persons pursuant to section 359 of the Act.

§ 78.745 Preservation of information by manufacturer.

Every manufacturer of electronic products receiving information from dealers or distributors pursuant to § 78.741(a) shall preserve such information for a length of time sufficient to insure its availability during the expected useful life of the product for purposes of section 359 of the Act.

CHRIS A. HANSEN,
Assistant Surgeon General, Commissioner, Environmental Control Administration.

[F.R. Doc. 69-14779; Filed, Dec. 15, 1969; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 31]

CUSTOMHOUSE BROKERS

Notice of Proposed Rule Making

One of the basic requirements for an individual customhouse broker's license prescribed in § 31.11(a) of the Customs Regulations (19 CFR 31.11(a)) is that the individual shall not be an officer or employee of the United States. In cases where officers or employees are contemplating resignation or retirement, it has been the Bureau's practice to permit such individuals to take the examination for a customhouse broker's license while still in the Government service and to have the customary investigation made for the successful applicants, but a license is not issued until evidence of the termination of their Government service has been furnished. While there has been no prescribed time limit, the employment has usually been terminated within a reasonable time.

The Bureau has reviewed this practice and has concluded that the passing grade as qualification for a license should be limited to a period not exceeding 1 year from the date of examination. Accordingly, notice is hereby given pursuant to 5 U.S.C. 553 that under the authority of sections 624 and 641 of the Tariff Act of 1930, as amended (19 U.S.C. 1624, 1641), R.S. 251 (19 U.S.C. 66), it is proposed to amend § 31.13(f) of the Customs Regulations (19 CFR 31.13(f)) to read as follows:

(f) *Passing grade on examination.*—(1) *An officer or employee of the United States.* A passing grade on an examination taken by an applicant while an officer or employee of the United States shall be considered to meet the examination requirement for a license to be issued after the termination of the applicant's Government service, provided such service is terminated within 1 year from the date of examination. If the service of the applicant is not terminated within the 1-year period, the application will be necessarily denied for failure to meet the requirements. The district director will refund one-half of the application fee.

(2) *Further processing.* If a passing grade is obtained by an applicant, including an officer or employee of the United States who becomes eligible to receive a license, the Commissioner will return the application to the district director for further processing.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 30 days after the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: December 8, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-14865; Filed, Dec. 15, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGFR 69-136]

SPECIAL ANCHORAGE AREAS, AMISTAD RESERVOIR, TEX.

Notice of Proposed Rule Making

1. Notice is hereby given that the Commandant, U.S. Coast Guard under authority of Rule 13, R.S. 4233, as amended (33 U.S.C. 322), section 6(g)(1)(D) of the Department of Transportation Act (80 Stat. 937), 49 U.S.C. 1655(g)(1)(D) and 49 CFR 1.4(a)(3)(iv), is considering the addition of a § 110.77 to Part 110, Subpart A of Title 33, Code of Federal Regulations.

2. The proposed new section would establish and describe three special anchorage areas on the Amistad Reservoir within the Amistad Recreation Area, Del Rio, Tex. In these special anchorage areas, vessels not more than 65 feet in length, when at anchor, would not be required to carry or exhibit anchor lights. The areas would be principally for use by yachts and other recreational craft.

3. It is proposed to amend Part 110 by adding a new § 110.77, reading as follows:

§ 110.77 Amistad Reservoir, Texas.

(a) *Diablo East, Tex.* That portion of the Amistad Reservoir enclosed by a line connecting the following points, excluding a 300-foot wide fairway extending northerly from the launching ramp as established by the Superintendent of Amistad Recreation Area:

	Latitude	*Longitude*
"a"	29°28'54" N.	101°01'10" W.
"b"	29°28'21" N.	101°01'08" W.
"c"	29°28'34" N.	101°00'32" W.
"d"	29°28'54" N.	101°00'32" W.

(b) *Rough Canyon, Tex.* That portion of the Amistad Reservoir enclosed by a line connecting the following points, excluding a 300-foot wide fairway extending westerly from the launching ramp to the Devils River main channel as established by the Superintendent of Amistad Recreation Area:

	Latitude	*Longitude*
"a"	29°34'43" N.	100°58'54" W.
"b"	29°34'05" N.	100°58'46" W.
"c"	29°34'16" N.	100°58'20" W.
"d"	29°34'27" N.	100°58'11" W.
"e"	29°34'27" N.	100°58'36" W.
"f"	29°34'52" N.	100°58'35" W.

(c) *Laughlin Air Force Base Site, Tex.* That portion of Amistad Reservoir enclosed by a line connecting the following points:

	Latitude	*Longitude*
"a"	29°28'29" N.	101°02'26" W.
"b"	29°28'13" N.	101°02'03" W.
"c"	29°28'30" N.	101°01'45" W.
"d"	29°28'42" N.	101°02'00" W.

4. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before January 14, 1970. All submissions may be made in writing to the Commander, 8th Coast Guard District, Customhouse, New Orleans, La. 70130.

5. To expedite the handling of submissions regarding this proposal, it is requested that each submission state the subject and section number to which it is directed; the specific wording recommended; the reason for the recommended change, and the name, address and firm or organization, if any, of the person making the submission.

6. Each communication received within the time specified, will be fully considered and evaluated before final action is taken on the proposal in this document. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, 8th Coast Guard District, Customhouse, New Orleans, La. 70310.

7. After all interested persons have expressed their views, the Commander, 8th Coast Guard District will forward the record, including the original of all written submissions, and his recommendations with respect to the proposals and submissions received to the Commandant (OLE), U.S. Coast Guard, Washington, D.C. 20591.

Dated: December 9, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 69-14849; Filed, Dec. 15, 1969; 8:45 a.m.]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-39; Notice 69-32]

TRANSPORTATION OF HAZARDOUS MATERIALS

Extension of Retest Interval for Nonpressure Tank Cars

The Hazardous Materials Regulations Board is considering amending the Department's Hazardous Materials Regulations to extend the initial retest period for certain nonpressure tank car tanks from 10 to 20 years.

A petitioner has requested that tanks built in conformance with specification DOT 103W, 104W, 111A60W1, 111A100W1, or 111A100W3 be removed from the requirement that they be retested once every 10 years and instead be required to be retested once during their first 20-year period of operation. The 10 years retest requirement would continue to apply to tank car tanks in operation over 22 years. In support of this request, the Board has been advised that a survey of tank car owners was conducted by the American Petroleum Institute to determine whether the 10-year hydrostatic retest currently required developed meaningful information regarding the quality of the tank. According to this survey 14,138 nonpressure tank cars had been subjected to the prescribed retest and no failure within weld seams or plate material was discovered nor was any other adverse condition which would seriously affect safety in transportation discovered. Additionally, 1,566 of these tanks were given a second retest at the 20-year interval and similar results were noted.

Based upon this information, a special permit waiving the initial 10-year retest for DOT 111A100W1 tank cars was issued to a shipper. There has been no adverse shipping experience reported under the terms of the special permit and the Board has received no information to indicate that waiver of the 10-year retest compromises safety in transportation.

In consideration of the foregoing, it is proposed to amend § 173.31(c), Retest Table 1, as follows:

§ 173.31 Qualification, maintenance, and use of tank cars.

* * * * *

(c) * * *

RETEST TABLE 1

Specification	Retest interval—years				Retest pressure—p.s.i.		
	Tank and interior heater systems			Safety relief valve	Tank	Safety relief valve	
	Up to 10 years	Over 10 to 22 years	Over 22 years			Start to discharge	Vapor tight
(*Change*)							
DOT-103W	[2] 20	10	10	60	[1] 35	28	
DOT-104W	[2] 20	10	10	60	[1] 35	28	
DOT-111A60W1	[2] 20	10	10	60	35	28	
DOT-111A100W1	[2] 20	10	10	100	75	60	
DOT-111A100W3	[2] 20	10	10	100	75	60	

* * * * * * *

[2] Retest period for interior heater systems on cars so equipped is 10 years.

* * * * *

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before February 12, 1970, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

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

Issued in Washington, D.C., on December 11, 1969.

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

[F.R. Doc. 69-14881; Filed, Dec. 15, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[334.2]

CRUDE PETROLEUM

Excessive Moisture and Impurities Not Usually Found in Such or Similar Merchandise

The Bureau has been furnished data indicating that, as to importations of crude petroleum, sediment and water therein in excess of 0.3 percent may properly be considered to be excessive under section 507 of the Tariff Act of 1930 (19 U.S.C. 1507) and § 15.7 of the Customs Regulations (19 CFR 15.7).

Accordingly, it has been tentatively decided to publish a decision reducing the amount of sediment and water in imported crude petroleum, for which no allowance may be made, from 1 percent to 0.3 percent.

Prior to the issuance of the proposed decision, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 30 days after the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

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

[F.R. Doc. 69-14866; Filed, Dec. 15, 1969; 8:46 a.m.]

[363.2]

ELECTRICAL POWER AND MINING CABLE

Notice of Withdrawal of Tentative Ruling Regarding Country of Origin Marking

DECEMBER 4, 1969.

A notice was published in the FEDERAL REGISTER of June 12, 1969 (34 F.R. 9291), that the Bureau of Customs tentatively was of the opinion that imported heavy-duty electrical power and mining cable should be legibly and conspicuously marked at intervals of approximately 25 feet to indicate the country of origin to the ultimate purchaser in the United States. The written data, arguments, and views submitted in response to the invitation contained in the notice have been studied and duly considered.

The submissions and information before the Bureau disclose that the imported electrical power cable in question is actually delivered to the ultimate purchaser in the great majority of cases on the original reels on which the cable is imported. These reels are adequately marked to show the country of origin. The submissions do not disclose that it is a general practice to strip the cable from the original reel for inspection and to rewind it on the same or a different reel.

Therefore, the Bureau has concluded that an exception from marking of the cable itself may be and it hereby is authorized under section 304(a)(3)(D), Tariff Act of 1930, as amended (19 U.S.C. 1304(a)(3)(D)): *Provided*, That the markings on the reels of such cable are, in the opinion of the district director of customs concerned, legible, conspicuous, and sufficiently permanent to remain on the reels until the cable is sold to the ultimate purchaser in the United States.

In the circumstances, the cited notice of tentative ruling is withdrawn.

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

[F.R. Doc. 69-14867; Filed, Dec. 15, 1969; 8:47 a.m.]

Internal Revenue Service

RICHARD ROBERT CARTER

Notice of Granting of Relief

Notice is hereby given that Mr. Richard Robert Carter, 5009 Perkins Street, Erie, Pa., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on February 11, 1960, and February 13, 1961 by the Erie County Court, Erie, Pa., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Richard Robert Carter because of such convictions, to ship, transport or receive in interstate or foreign commerce any firearms or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Mr. Carter to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Richard Robert Carter's application and have found:

(1) The convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) The circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Richard Robert Carter be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 8th day of December 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-14868; Filed, Dec. 15, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 86]

YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA RESERVATION DIVISION, CALIF.

Public Notice of Annual Operation and Maintenance Charges and Annual Water Rental Charges

NOVEMBER 21, 1969.

1. *Annual operation and maintenance charges for lands under public notice, reservation division.* The minimum annual operation and maintenance charge for calendar year 1970 and thereafter until further notice against all lands of the Reservation Division under public notice shall be $15 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 8 acre-feet of water per acre on certain sandy areas shown on the list attached to Public Notice No. 72, dated December 1, 1955, as amended February 16, 1956, and to 5 acre-feet of water per irrigable acre on all other lands of the Division under public notice. Additional water, if available, will be furnished at the rate of $3 per acre-foot payable in advance. Credit equivalent to the amount paid for additional water unused prior to the end of any calendar year will be applied against the minimum charges for water for the following calendar year. No credit will be given for water purchased during any calendar year at the minimum charge but undelivered at the end of said calendar year.

The minimum annual operation and maintenance charge per calendar year for each parcel of land under public notice containing less than 1 acre shall be $15.

Where in the opinion of the Project Manager, Yuma Projects Office, it may be done without interference with other

project requirements, upon written request filed in advance by a water user who is not delinquent in the payment of any operation and maintenance charges, water will be furnished free of charge for reclaiming lands by the usual methods: *Provided, however,* That lands for which free water was served during the preceding calendar year will not again be served free water in the absence of evidence satisfactory to the Project Manager that although the water so served free of charge during such preceding year was applied to the land in sufficient quantities over a period of not less than 3 months, the results accomplished during such preceding year were not satisfactory.

All minimum annual operation and maintenance charges shall be due and payable on January 1, 1970, and on January 1 of each year thereafter.

2. *Annual water rental charges for other lands, reservation division.* Irrigation water will be furnished during the calendar year 1970 and thereafter until further notice for lands in the Reservation Division not under public notice which can be irrigated from the present distribution system without further construction expense by the Bureau, upon a rental basis under approved applications for temporary water service, at the following rates:

A. The minimum annual charge shall be $15 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per acre.

B. Additional water, if available, will be furnished at the rate of $3 per acre-foot.

All charges shall be payable in advance of the delivery of water. Credit will be given for additional water paid for but not used.

3. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of 1 percent of the amount unpaid and a like penalty of one-half of 1 percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

4. *Place of payment.* All payments should be made to the Bureau of Reclamation, Office of Project Manager, Yuma Projects Office, Yuma, Ariz., or mailed to Bureau of Reclamation, Bin 5569, Yuma, Ariz.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

A. B. WEST,
Regional Director.

[F.R. Doc. 69-14835; Filed, Dec. 15, 1969; 8:45 a.m.]

National Park Service

GREAT SMOKY MOUNTAINS NATIONAL PARK, NORTH CAROLINA-TENNESSEE

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Great Smoky Mountains National Park, proposes to issue a concession permit to Theodore T. Muse, Jr., authorizing him to provide boat dock concession facilities and services for the public at Fontana Lake, Great Smoky Mountains National Park, for a period of 5 years from January 1, 1970, through December 31, 1974.

The foregoing concessioner has performed his obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Great Smoky Mountains National Park, Gatlinburg, Tenn. 37738, for information as to the requirements of the proposed permit.

Dated: October 13, 1969.

KEITH NEILSON,
Superintendent.

[F.R. Doc. 69-14853; Filed, Dec. 15, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN PRESIDENT LINES, LTD.

Notice of Application

Notice is hereby given that American President Lines, Ltd., has requested approval pursuant to section 613 of the Merchant Marine Act, 1936, as amended, to modify its cruise program for calendar year 1970 as previously published in the FEDERAL REGISTER of May 13, 1969 (34 F.R. 7620), and approved by the Maritime Subsidy Board on July 11, 1969, so that the cruise schedule for 1970 will be as follows:

Ship	Approximate cruise dates	Itinerary
President Wilson [1]	Jan. 4-Mar. 11, 1970	San Francisco, Los Angeles, Honolulu, Papeete, Pago Pago, Suva, Auckland, Sydney, Port Moresby, Bali, Singapore Hong Kong, Manila, Guam, Honolulu, San Francisco.
Do	June 13-June 25, 1970	San Francisco, Vancouver, Juneau, Skagway, Sitka, Victoria, San Francisco.
President Cleveland	Aug. 27-Sept. 3, 1970	San Francisco, Vancouver, Victoria, San Francisco.
Do	Sept. 4-Sept. 7, 1970	San Francisco to sea and return to San Francisco.
Do	Dec. 13-Dec. 27, 1970	San Francisco, Los Angeles, Puerto Vallarta, Acapulco, Mazatland, Los Angeles, San Francisco.
President Wilson	Dec. 31, 1970-Jan. 3, 1971	San Francisco to sea and return to San Francisco.

[1] Cruise approved by the Maritime Subsidy Board on July 11, 1969. All other cruises for 1970 published in the FEDERAL REGISTER of May 13, 1969 (34 F.R. 7620), and approved by the Maritime Subsidy Board on July 11, 1969, are canceled.

In addition to the foregoing American President Lines, Ltd., has requested approval pursuant to section 613 of the Merchant Marine Act, 1936, as amended for one cruise to be made during 1971, as follows:

Ship	Approximate cruise dates	Itinerary
President Wilson	Jan. 5-Mar. 12, 1971	San Francisco, Los Angeles, Honolulu, Papeete, Pago Pago, Suva, Auckland, Sydney, Port Moresby, Bali, Singapore, Hong Kong, Manila, Guam, Honolulu, San Francisco.

Any person, firm, or corporation having any interest, within the meaning of section 613 of the Merchant Marine Act, 1936, as amended, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by the close of business on December 29, 1969. In the event an opportunity to present oral argument is also desired, specific reasons for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: December 10, 1969.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-14864; Filed, Dec. 15, 1969; 8:46 a.m.]

Business and Defense Services Administration

YALE UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of

the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00664-01-77030. Applicant: Yale University, Bureau of Purchases, 20 Ashmun Street, New Haven, Conn. 06520. Article: Nuclear magnetic resonance spectrometer, Model HFX-3. Manufacturer: Bruker Scientific, Inc., West Germany. Intended use of article: The article will be used to study carbon 13 (^{13}C) chemical shifts in mixtures of purines and pyrimidines; ^{13}C chemical shifts of nucleosides, nucleotides, and polynucleotides in water (H_2O). Compounds in low concentration and/or high molecular weight require computer averaging techniques and a field-frequency lock system for ^{13}C nuclear magnetic resonance. It will also be used for Fourier transform spectroscopy of phosphorus 31, as well as for INDOR spectroscopy in the study of carbohydrate derivatives and to study contact shifts of antitumor chelating agents bound to metaloenzymes. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed a bona fide order for the article. (See applicant's purchase order number D 44785, dated Nov. 30, 1967.) Reasons: The foreign article has the capability of producing useful spectra for ^{13}C and ^{31}P. The most closely comparable domestic instrument available at the time the foreign article was ordered, was the Model HA-100 nuclear magnetic resonance spectrometer (NMR), which is manufactured by Varian Associates. The intended uses of the foreign article include studies to accurately determine the ^{13}C chemical shifts of aqueous mixtures of purines, pyrimidines and polynucleotides. The Varian Model HA-100 has a lock system for ^{13}C that locks on a ^{13}C signal. But, experiments involving aqueous solutions cannot be conducted while locked on the solvent peak. The foreign article permits internal locking on the H_2O peak. We are advised by the National Bureau of Standards (NBS) that for the purposes for which the foreign article is intended to be used, insofar as studies on ^{13}C and ^{31}P are concerned, the Varian HA-100 NMR is not of equivalent scientific value to the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the applicant placed a bona fide order for the article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-14851; Filed, Dec. 15, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

GENERAL AVIATION DISTRICT OFFICE AT SAN JOSE, CALIF.

Notice of Opening

Notice is hereby given that on or about December 15, 1969, a new General Aviation District Office will be opened at San Jose, Calif. Services to the general aviation public of San Francisco, San Mateo, Santa Clara, Santa Cruz, San Benito, Monterey, and San Luis Obispo Counties will be provided by this office.

The Oakland General Aviation District Office will continue to serve Alameda, San Joaquin, Contra Costa, Marin, Sonoma, Mendocino, Humboldt, and Del Norte Counties.

Communications to the new General Aviation District Office should be addressed as follows:

General Aviation District Office No. 18, DEPARTMENT OF TRANSPORTATION, Federal Aviation Administration, 1387 Airport Boulevard, San Jose, Calif. 95110.

This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Los Angeles, Calif., on December 1, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-14843; Filed, Dec. 15, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-50-3]

GENERAL ELECTRIC CO.

Notice of Filing of Petition for Rule Making

Notice is hereby given that General Electric Co., Vallecitos Nuclear Center, Pleasanton, Calif., by letter dated November 12, 1969, has filed with the Commission a petition for rule making to amend the Commission's regulation "Licensing of Production and Utilization Facilities," 10 CFR Part 50.

The petitioner requests that the Commission amend 10 CFR Part 50 by adding a third exception to the definition of "production facility" in § 50.2(a)(3). The requested exception would apply to activities conducted within facilities under a special nuclear material license which authorizes the receipt, possession, use, and transfer of irradiated and unirradiated special nuclear material, where the processing of the irradiated material is conducted on a batch basis in the separation of selected fission products and where not more than 15 grams of special nuclear material constitute a process batch.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 9th day of December 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-14834; Filed, Dec. 15, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21136 et al.]

RENO-PORTLAND/SEATTLE NONSTOP SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 21, 1970, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Hyman Goldberg.

Dated at Washington, D.C., December 11, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-14883; Filed, Dec. 15, 1969; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. 54]

TOWN AND COUNTRY FINANCIAL CORP., INC.

Notice of Receipt of Application for Approval of Acquisition of Control of Glen Ellyn Savings and Loan Association

DECEMBER 11, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Town and Country Financial Corp., Inc., Glen Ellyn, Ill., for approval of acquisition of control of the Glen Ellyn Savings and Loan Association, Glen

Ellyn, Ill., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of stock of Glen Ellyn Savings and Loan Association for cash and common stock of Town and Country Financial Corp., 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. 20552, 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. 69-14856; Filed, Dec. 15, 1969; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 614]

MIDLAND PACIFIC SHIPPING CO.

Order of Revocation

By letter dated November 28, 1969, Midland Pacific Shipping Co., 38 Pearl Street, New York, N.Y. 10004, advised that it had sold its name and good will, and was voluntarily returning its License No. 614 for cancellation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 614 of Emmanuel J. Betwarda, doing business as Midland Pacific Shipping Co. be and is hereby revoked effective December 1, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Emmanuel J. Betwarda, doing business as Midland Pacific Shipping Co.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-14889; Filed, Dec. 15, 1969; 8:48 a.m.]

[Independent Ocean Freight Forwarder License 15]

F. H. SHALLUS CO.

Order of Revocation

By letter dated November 13, 1969, the F. H. Shallus Co., Chamber of Commerce Building, Baltimore, Md. 21202, advised that it had ceased operations as an independent ocean freight forwarder and wished to voluntarily relinquish his License No. 15.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 15 of the F. H. Shallus Co. be and is hereby revoked effective December 2, 1969, and that said license be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the F. H. Shallus Co.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-14890; Filed, Dec. 15, 1969; 8:48 a.m.]

ARGENTINA/UNITED STATES ATLANTIC & GREAT LAKES PORTS SAILING AND CARGO AGREEMENT

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thomas E. Stakem, Esquire, Macleay, Lynch, Bernhard and Gregg, Commonwealth Building, 1625 K Street NW., Washington, D.C. 20006.

Agreement No. 9828, between Empresa Lineas Maritimas Argentinas (E.L.M.A.) and Moore-McCormack Lines, Inc., provides for the establishment of a sailing and cargo agreement (Government controlled traffic only) by the parties in the trade between Argentine ports and U.S. East Coast and Great Lakes ports. The intent is that the lines will have equal access to such cargoes and will strive to achieve equal division of such cargoes on the trade route served by them.

The parties will each offer both northbound and southbound normally a minimum of 14 sailings and a maximum of 24 sailings during each 6-month period the agreement is in effect subject to conditions of force majeure and economic conditions affecting the commerce of the two nations, always subject to mutual consent. Sailings for a period of less than 6 months will be as above, on a pro rata basis.

Joint Control Committees will be designated in Buenos Aires and New York. The Joint Control Committee of the country of origin will make the necessary arrangements for the receipt and control of the information on all the sailings, covering the accomplished voyages and cargoes transported by the lines.

Dated: December 10, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14891; Filed, Dec. 15, 1969; 8:48 a.m.]

ARGENTINA/UNITED STATES GULF PORTS SAILING AND CARGO AGREEMENT

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter)

and the statement should indicate that this has been done.

Notice of agreement filed by:

Thomas E. Stakem, Esquire, Macleay, Lynch, Bernhard and Gregg, Commonwealth Building, 1625 K Street NW., Washington, D.C. 20006.

Agreement No. 9829, between Empresa Lineas Maritimas Argentinas (E.L.M.A.) and Delta Steamship Lines, Inc., provides for the establishment of a sailing and cargo agreement (Government controlled traffic only) by the parties in the trade between Argentine ports and U.S. Gulf Coast ports. The intent is that the lines will have equal access to such cargoes and will strive to achieve equal division of such cargoes on the trade route served by them.

The parties will each offer both northbound and southbound normally a minimum of 12 and a maximum of 18 sailings during each 6-month period the agreement is in effect subject to conditions of force majeure, and economic conditions affecting the commerce of the two nations, always subject to mutual consent. Sailings for a period of less than 6 months will be as above, on a pro rata basis.

Joint Control Committees will be designated in Buenos Aires and New York. The Joint Control Committee of the country of origin will make the necessary arrangements for the receipt and control of the information on all the sailings, covering the accomplished voyages and cargoes transported by the lines.

Dated: December 10, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14892; Filed, Dec. 15, 1969; 8:48 a.m.]

CALIFORNIA/JAPAN COTTON POOL

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. C. Galloway, Chairman, California/Japan Cotton Pool, 635 Sacramento Street, San Francisco, Calif. 94111.

Agreement No. 8882-6 is an arrangement between the American and Japanese flag carriers of the Pacific Westbound Conference which pools and apportions the cotton carried by those lines in the trade from California to Japan according to the terms and conditions therein.

The subject modification (1) adjusts Nippon Yusen Kaisha's, Mitsui-O.S.K. Lines', and Showa Line's percentage participation of the carryings covered by Article 4 of the basic agreement to 13.778 percent, 11.922 percent, and 2 percent respectively, and (2) adjusts the minimum sailing requirements as covered by Article 12 of the basic agreement in order that the American-flag and Japanese-flag members have the same total number of minimum sailings (80).

Dated: December 10, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14893; Filed, Dec. 15, 1969; 8:48 a.m.]

R.C.D. SHIPPING SERVICES

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Edward P. Cotter, 1776 K Street NW., Washington, D.C. 20006.

Agreement No. 9490-4, among the parties to the "R.C.D. Shipping Services," a joint cargo service comprising Turkish, Iranian, and Pakistan national flag common carriers, operating in the trade from U.S. Atlantic and Gulf ports to Turkish, Iranian, and Pakistan ports, modifies the basic agreement by (1) amending paragraph 3 thereof to provide that agents may be appointed for the joint service in Turkey, Iran, and Pakistan from amongst the parties, (2) amending paragraph 7 to change the percentage figures of the trade to be carried by the Turkish, Iranian, and Pakistan flag carriers, and (3) amending paragraph 10 under the subheading "The Executive Committee" to change the term of office of the Executive Committee and its Chairman from 2 to 3 years and by adding a new sentence thereto which provides that when the post of Chairman is rotated every 3 years, such rotation shall be so arranged as to coincide with the change of the incumbent General Manager. Paragraph 10 shall be further amended as follows:

(a) Under the subheading "The General Manager", a new sentence is to be added which will provide that the post of General Manager shall rotate among the representatives of the three countries every 3 years, and

(b) Under the subheading "The Secretariat", the words "Shall be paid and permanent employees of the joint service and" are to be deleted.

Dated: December 10, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14894; Filed, Dec. 15, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

MEXICAN BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections

DECEMBER 9, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or commencement of operation
							Number radials	Length (feet)	
		850 kilocycles							
XEZR (nighttime operation on 860 kc/s).	Zaragoza, Coahuila	1000	ND	D	II				
		860 kilocycles							
XEZR (daytime operation on 850 kc/s) (Under construction).	Zaragoza, Coahuila	250	DA-N	N	II				

NOTE: This notification was transmitted by letter of November 27, 1969, in accordance with provisional procedures for exchange of notifications established in a memorandum of understanding between the Delegations of the United States and Mexico signed in Washington on Nov. 27, 1968.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69-14826; Filed, Dec. 15, 1969; 8:45 a.m.]

[Mexican List 259]

MEXICAN BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections

JULY 16, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or commencement of operation
							Number radials	Length (feet)	
		690 kilocycles							
XERG (this corrects in part the annotation included in List No. 258: In operation with 500W-D/200W-N, ND, U, since 4-1-63).	Monterrey, N.L.	500D/200N	ND	U	II				
		900 kilocycles							
XECS (in operation with 1000 W-D/200W-N since 6-30-69. This notifies the supplementary information).	Manzanillo, Col., *N. 19°08'51", W. 104°19'47".*	1,000D/200N	ND-*175*	U	IIID/IVN	*154*	*120*	*856*	*6-30-69.*
		970 kilocycles							
XEMH (in operation on 970 kc/s since 8-5-66. This notifies the supplementary information. See 1270 kc/s).	Merida, Yuc. *N. 20°58'38", W. 89°39'45".*	1,000D/100N	ND-*184*	U	IIID/IVN	*253*	*90*	*253*	*8-5-66.*
		1100 kilocycles							
XEBD (new)	Perote, Ver. N. 19°37'16", W. 97°14'20".	250	ND-190	D	II	224	120	224	7-12-70 (probable).
		1160 kilocycles							
XEBE (new)	Perote, Ver. N. 19°37'12", W. 97°14'24".	250	ND-190	D	II	212	120	212	7-12-70 (probable).
		1240 kilocycles							
XEIZ (PO: 1310 kc/s)	Villa de Guadalupe, N.L. N. 25°42'16", W. 100°12'36".	1,000D/250N	ND-182	U	IV	190	90	196	9-10-69 (probable).
		1270 kilocycles							
XEMH (assignment deleted. See 970 kc/s).	Merida, Yuc	1000D/500N	ND	U	III				7-16-69.
		1270 kilocycles							
XEYUC (new)	Merida, Yuc. N. 20°58'17", W. 89°36'57".	1000D/500N	ND-190	U	III	194	120	194	7-16-70 (probable).
		1310 kilocycles							
XEIZ (changed to 1240 kc/s)	Villa de Guadalupe, N. L.	1000	ND	D	III				
		1330 kilocycles							
XEWQ (correction of an omission: In operation with 1000W-D/250W-N, ND since 10-23-62).	Monclova, Coah	1000D/250N	ND	U	IIID/IVN				*10-23-62.*
		1560 kilocycles							
XEVII* (temporary operation with 10,000W-D/500W-N, ND since 4-10-69).	Naucalpan, Mex	10,000	DA-N	U	II				*4-10-69.*

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69-14827; Filed, Dec. 15, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First National Corp., Appleton, Wis., for approval of acquisition of 80 percent or more of the voting shares of The First National Bank of Seymour, Seymour, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First National Corp., Appleton, Wis., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The First National Bank of Seymour, Seymour, Wis.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 27, 1969 (34 F.R. 14916) providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, for the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

Dated at Washington, D.C., this 9th day of December 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14852; Filed, Dec. 15, 1969; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago. Dissenting Statement of Governors Robertson and Maisel, also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Daane, Brimmer, and Sherrill. Voting against this action: Governors Robertson and Maisel.

SECURITIES AND EXCHANGE COMMISSION

[File No. 24A-1931]

BLANK EQUIPMENT AND LEASING CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

DECEMBER 8, 1969.

I. Blank Equipment and Leasing Corp. ("issuer"), a Florida corporation located at 1220 Biscayne Boulevard, Miami, Fla., filed with the Commission on March 28, 1969, a notification on Form 1-A and an offering circular relating to a proposed offering of 100,000 shares of its $0.01 par value common stock at $3 per share with gross proceeds to the issuer of $250,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. Gardner Securities Corp. ("underwriter") located at 15 William Street, New York, N.Y., has agreed to make a public offering of the 100,000 shares on a "best efforts, all-or-none" basis.

II. The Commission has reasonable cause to believe on the basis of information reported to it by the staff, that:

A. The offering circular contains misstatements of material fact, and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

a. Inaccurate and misleading statements of material facts:

1. That all of the proceeds of the sale of the shares offered would be deposited by the underwriter in a special account at Chemical Bank New York Trust Co., such account to be designated "Special Account for the benefit of subscribers to shares of Common Stock of issuer."

2. That all of the proceeds of the sale of the shares of issuer would be deposited in an account to be designated "Special Account for the benefit of subscribers to shares of Common Stock of Blank Leasing and Equipment Corp."

3. That unless all (100,000) shares of stock offered hereby are not sold within 60 days after the effective date (Sept. 17, 1969) hereof (or an extension period of 30 days if so agreed between the company and the underwriter) the complete proceeds of sales received at such termination date will be returned to the respective subscribers without interest thereon and without deductions therefrom.

b. Omisions to state material facts:

1. That the proceeds of the sale of the shares of issuer would be deposited in an account at Chelsea National Bank.

2. That the proceeds of the sale of the shares of the issuer deposited in the Chelsea National Bank would be subject to withdrawal by the underwriter and that the funds would not be subject to escrow provisions for the protection of the public investors.

B. The issuer has violated the terms and conditions of the Regulation A exemption in the following respects:

1. The issuer failed to enter into an escrow agreement with the underwriter and Chemical Bank New York Trust Co. in which all of the proceeds of the offering are to be deposited with and held in said Bank for 60 days (plus a 30-day extension) unless all of the 100,000 shares should be sold within said period, in order that the funds should be returned to the purchasers or subscribers in the event that less than all of the shares offered should be sold.

2. The issuer failed to file as an exhibit, pursuant to Item 11 of the notification, a copy of the escrow agreement entered into, if such agreement was reached, between issuer, underwriter and Chemical Bank New York Trust Co. The issuer guaranteed in paragraph 1.02 of the underwriting agreement, filed as an exhibit in the notification, that it would enter into such escrow agreement prior to the effective date (Sept. 17, 1969) of the offering circular.

C. The offering commenced on September 17, 1969, and as of December 4, 1969, approximately 13,000 shares at $3 per share have been sold, the proceeds of which apparently were deposited in an account with the Chelsea National Bank, subject to the control of the underwriter, and not in an escrow account with Chemical Bank New York Trust Co. The account (Chelsea National Bank) was not subject to escrow and reflects numerous deposit and withdrawals, but at no time did the account reach a balance of $39,000 on deposit (the amount realized to date for the sale of 13,000 shares of stock) and as of December 4, 1969, only $4,456.29 remains in the account. There are insufficient funds left in this account with which to repay customers if this all-or-none underwriting is not completed by December 16, 1969.

The offering, as made, has operated and will continue to operate as a fraud and deceit upon investors in violation of sections 5 and 17 of the Securities Act of 1933, as amended, and section 10(b) of the Securities Exchange Act of 1934, as amended, and the rules and regulations promulgated thereunder.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice,

that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

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

[F.R. Doc. 69-14837; Filed, Dec. 15, 1969; 8:45 a.m.]

CONTINENTAL DYNAMICS, INC.

Order Suspending Trading

DECEMBER 9, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Dynamics, Inc. (formerly Gila Uranium Corp.), and all other securities of Continental Dynamics, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 9, 1969, through December 18, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-14838; Filed, Dec. 15, 1969; 8:45 a.m.]

[File No. 24B-1665]

LEWIS SECURITIES CO., INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 10, 1969.

I. Lewis Securities Co., Inc. ("Issuer"), a New Hampshire corporation located at Hanover, N.H., filed with the Commission on October 17, 1969, a notification on Form 1-A and an offering circular relating to its proposed offering of 60,000 shares of its no par value common stock at $5 per share with net proceeds to the issuer of $264,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 ("Securities Act"), as amended, pursuant to the provisions of section 3(b) and Regulation A, promulgated thereunder. The proposed offering is to be underwritten on a "best efforts" basis by R. P. Durkin & Co., Inc., Lowell, Mass.

II. The Commission has reasonable cause to believe from information reported to it by the staff that the terms and conditions of Regulation A have not been complied with in that the offering circular filed by the issuer as an exhibit to the Form 1-A Notification failed to disclose a material unrealized loss in the current assets of the issuer and overstated profits, stockholders' equity, and retained earnings, so that the use of said offering circular would operate as a fraud and deceit upon prospective purchasers of the securities offered by the issuer pursuant to Regulation A in violation of section 17(a) of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

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

[F.R. Doc. 69-14839; Filed, Dec. 15, 1969; 8:45 a.m.]

[70-4616]

MAINE YANKEE ATOMIC POWER CO.

Notice of Filing of Posteffective Amendment Regarding Issue and Sale of Short-Term Notes

DECEMBER 9, 1969.

Notice is hereby given that Maine Yankee Atomic Power Co. ("Maine Yankee"), 9 Green Street, Augusta, Maine 04330, an electric utility company and an indirect subsidiary company of both Northeast Utilities and New England Electric System, registered holding companies, has filed with this Commission a posteffective amendment to a declaration in this proceeding pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the proposed transactions. All interested persons are referred to the declaration, as now amended, which is summarized below, for a complete statement of the proposed transactions.

Maine Yankee is constructing a nuclear electric generating plant with a net expected capacity of approximately 800 megawatts. Upon commencement of commercial operation, scheduled for 1972, all of the net energy output of the plant will be purchased by Maine Yankee's 11 stockholder companies. The total capital cost of the plant is estimated at $145 million.

By order dated May 6, 1968 (Holding Company Act Release No. 16057), the Commission authorized Maine Yankee to issue and sell to the First National Bank of Boston, Mass. ("Bank"), from time to time prior to December 31, 1972, its promissory notes in a maximum aggregate amount of $30 million, each of which matures in less than 12 months from the date of issue, is prepayable at any time without penalty and bears interest at the prime commercial rate in effect at the Bank on the date of issue of the note. Maine Yankee now requests authorization to issue and sell such notes at interest rates not more than 1½ percent over the commercial prime rate in effect at the Bank at the date of issue. It is represented that the requested increase in the authorized maximum interest rate is necessary because Maine Yankee has not been able to carry out the permanent financing program contemplated by the initial understanding with the Bank and, consequently, the Bank will now charge an interest rate in excess of the prime rate on future borrowings. In all other respects the transactions as heretofore authorized and approved by the Commission's above cited order remain unchanged.

Notice is further given that any interested person may, not later than December 26, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing

thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said post-effective amendment or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-14840; Filed, Dec. 15, 1969; 8:45 a.m.]

MET SPORTS CENTERS, INC., ET AL.

Order Suspending Trading

DECEMBER 9, 1969.

In the matter of trading in securities of Met Sports Centers, Inc., Halbern Industries, Inc., and Falcon Speedways Corp. (New York corporations).

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Met Sports Centers, Inc., Halbern Industries, Inc., and Falcon Speedways Corp. and all other securities of Met Sports Centers, Inc., Halbern Industries, Inc., and Falcon Speedways 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 December 9, 1969, through December 18, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-14841; Filed, Dec. 15, 1969; 8:45 a.m.]

[File No. 1-5497]

MONARCH ELECTRONICS INTERNATIONAL, INC.

Order Suspending Trading

DECEMBER 9, 1969.

The common stock, $1 par value, of Monarch Electronics International, Inc. (a California corporation), being listed and registered on the National Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Monarch Electronics International, Inc., being traded otherwise than on a national securities exchange; and

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

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the National Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 9, 1969, through December 18, 1969, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14842; Filed, Dec. 15, 1969; 8:45 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

AMBRIDGE PLANT, ARMCO STEEL CORP.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of November 3, 1969, the U.S. Tariff Commission made a report of the results of an investigation (TEA-W-8) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of the production and maintenance workers of the Armco Steel Corp. Weld Mill at Ambridge, Pa. The report contained the Commission's affirmative finding that, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with butt-weld pipes and tubes produced by the Weld Mill of the Armco Steel Corp. located in Ambridge, Pa., are being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of such mill.

Upon receipt of the Commission's report, the Department's Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation following which he made recommendations to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigations, 34 F.R. 18342; 29 CFR Part 90). After due consideration, I make the following certification:

Those workers of the Ambridge Plant, Armco Steel Corp. located at Ambridge, Pa., who became unemployed or underemployed on or after November 8, 1968, and before May 31, 1969, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 8th day of December 1969.

GEORGE H. HILDEBRAND, *Deputy Under Secretary for International Affairs.*

[F.R. Doc. 69-14857; Filed, Dec. 15, 1969; 8:46 a.m.]

MAYWOOD PLANT, UNITED STATES STEEL CORP.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of November 3, 1969, the U.S. Tariff Commission made a report of the results of an investigation (TEA-W-10) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of certain workers of the Maywood Plant, American Bridge Division, United States Steel Corp., Los Angeles, Calif. The report contained the Commission's affirmative finding that, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with transmission towers and parts produced by the American Bridge Division, Maywood Plant, located in Los Angeles, Calif., are being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of such plant.

Upon receipt of the Commission's report, the Department's Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation following which he made recommendations to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigations, 34 F.R. 18342; 29 CFR Part 90). After due consideration, I make the following certification:

Those workers of the Maywood Plant, American Bridge Division, United States Steel Corp., are eligible to apply for adjustment assistance if they became or will become unemployed or underemployed on or after February 2, 1968, as a result of being separated from the transmission tower department or from some other department of Maywood when, within two weeks prior to their separation, workers from the transmission tower department were transferred into such other department in the same job classification as the separated worker. Provided, however, that the number of workers from such other department eligible to apply for adjustment assistance shall not exceed the number of workers transferred into that department from the transmission tower department.

Signed at Washington, D.C., this 8th day of December 1969.

GEORGE H. HILDEBRAND,
Deputy Under Secretary for International Affairs.

[F.R. Doc. 69-14858; Filed, Dec. 15, 1969; 8:46 a.m.]

SHIFFLER PLANT, UNITED STATES STEEL CORP.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of November 3, 1969, the U.S. Tariff Commission made a report of the results of an investigation (TEA-W-9) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of certain workers of the Shiffler Plant, American Bridge Division, United States Steel Corp., Pittsburgh, Pa. The report contained the Commission's affirmative finding that, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with transmission towers and parts produced by the American Bridge Division, Shiffler Plant, located in Pittsburgh, Pa., are being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of such plant.

Upon receipt of the Commission's report, the Department's Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation following which he made recommendations to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigations, 34 F.R. 18342; 29 CFR Part 90). After due consideration, I make the following certification:

Those workers of the Shiffler Plant, American Bridge Division, United States Steel Corp., who became or will become unemployed or underemployed on or after November 1, 1968, are eligible to apply for adjustment assistance.

Signed at Washington, D.C., this 8th day of December 1969.

GEORGE H. HILDEBRAND,
Deputy Under Secretary for International Affairs.

[F.R. Doc. 69-14859; Filed, Dec. 15, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 71, Amdt. 2]

KANSAS CITY SOUTHERN RAILWAY CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 71, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 71 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 28, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 14, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14869; Filed, Dec. 15, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 74, Amdt. 2]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 74, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 74 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 28, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 14, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14870; Filed, Dec. 15, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 67, Amdt. 3]

PENN CENTRAL CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 67, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 67 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 28, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 14, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14871; Filed, Dec. 15, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 77, Amdt. 1]

READING CO. ET AL.

Car Distribution

Reading Co., Western Maryland Railway Co., Baltimore and Ohio Railroad Co., and Chicago, Rock Island and Pacific Railroad Co.

Upon further consideration of Car Distribution Direction No. 77, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 77 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 28, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 14, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14872; Filed, Dec. 15, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 70, Amdt. 2]

ST. LOUIS-SAN FRANCISCO RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 70, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 70 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 28, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 14, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14873; Filed, Dec. 15, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 66, Amdt. 3]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., and Chicago, Rock Island and Pacific Railroad Co.

Upon further consideration of Car Distribution Direction No. 66, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 66 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 28, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 14, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14874; Filed, Dec. 15, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 73, Amdt. 2]

SOUTHERN PACIFIC CO. AND NORTHERN PACIFIC RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 73, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 73 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 28, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 14, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1969.

INTERSTATE COMMERCE, COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14875; Filed, Dec. 15, 1969; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 11, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41825—*Grain and grain products to points in Wyoming.* Filed by Western Trunk Line Committee, agent (No. A-2609), for interested rail carriers. Rates on grain, and grain products, in carloads, as described in the application, from specified points in Iowa, Minnesota, Missouri, and South Dakota, to specified points in Wyoming.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 134 to Western Trunk Line Committee, agent, tariff ICC A-4021.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-14876; Filed, Dec. 15, 1969; 8:47 a.m.]

[Notice 958]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 11, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 59680 (Sub-No. 176 TA), filed December 3, 1969. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas, Tex. 75222. Applicant's representative: Leroy Hallman, Suite 4555, First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black*, in packages, from Cabot and Tate Cove, La., to points in Connecticut, Illinois, Indiana, Massachusetts, Michigan on and south of Michigan Highway 21, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, and St. Louis, Mo., for 180 days. NOTE: Applicant will tack at West Lake, La. (MC-59680

Sub 117), and at New York, N.Y. (MC-59680 Sub 143). Supporting shipper: Cabot Corp., 125 High Street, Boston, Mass. 02110. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 113651 (Sub-No. 131 TA), filed December 3, 1969. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A, C, and D of appendix I to the report in the *Description Case*, from Council Bluffs, Iowa, and points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zones, to points in Indiana, Ohio, Michigan, Kentucky, Pennsylvania, New Jersey, New York, Maryland, Delaware, District of Columbia, Rhode Island, Vermont, New Hampshire, Connecticut, Massachusetts, and Maine, for 180 days. Supporting shipper: Beefland International, Inc., of Council Bluffs, Iowa, 2700 23d Avenue, Council Bluffs, Iowa 55501. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 114273 (Sub-No. 51 TA), filed December 3, 1969. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tranporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides, and commodities in bulk, in tank vehicles, from Omaha, Nebr., and Council Bluffs, Iowa, to points in Colorado, Connecticut, Delaware, Washington, D.C., Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa 55501. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 116702 (Sub-No. 34 TA), filed December 3, 1969. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, 1570 Kildare Road, Box 700, Harrow, Ontario Canada. Applicant's representative: William B. Elmer, Kaiser Building, 22644 Gratiot Avenue, East Detroit, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron powder and iron oxide powder*, from the international boundary line between the United States and Canada at Detroit, Mich., and at Niagara Falls and Buffalo, N.Y., to points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin, for 180 days. Supporting shipper: Peace River Mining & Smelting Ltd., Amherstburg, Ontario, Canada. Send protests to: Gerald J. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 117556 (Sub-No. 5 TA), filed December 3, 1969. Applicant: E. M. KELLER & CO., INC., 725 South Cuyler Street, Pampa, Tex. 79065. Applicant's representative: E. M. Keller, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Ductile pipe* from Raton, N. Mex., to Trinidad, Colo., over U.S. Highways 85 and 87, and from Trinidad, Colo., to Monument Lake, Colo., over Colorado Highway 12, serving all points along the above named highways, for 180 days. Supporting shipper: Frank King, Project Manager, Brodie Construction Co., Post Office Box 4025, Amarillo, Tex. 79105. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 118831 (Sub-No. 69 TA), filed December 3, 1969. Applicant: CENTRAL TRANSPORT, INCORPORATED, Uwharrie Road, Post Office Box 5044, High Point, N.C. 27261. Applicant's representative: Richard E. Shaw (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Sumner Siding, N.C., to points in North Carolina, South Carolina, Georgia, and Virginia (NOTE: Sumner Siding, N.C., is located in southern Rowan County, N.C., at the points where Webb Road crosses the main line of the Southern Railway), for 180 days. Supporting shipper: Louisville Cement Co., 501 South Second Street, Louisville, Ky. 40202. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 123233 (Sub-No. 22 TA) (Correction), filed November 6, 1969 published in the FEDERAL REGISTER, issue of November 19, 1969 and December 3, 1969, and republished as corrected this issue. Applicant: PROVOST CARTAGE INC., 7887 Second Avenue, Ville D'Anjou 436, Province of Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in hopper-type vehicles, and *cement* in bags, from ports of entry on the United States-Canada boundary line at or near Trout River, N.Y.; Champlain, N.Y.; Highgate Springs, Derby Line, and Norton, Vt.; and Jackman, Maine; to points in Vermont and in New Hampshire; to points in Aroostook, Franklin, Oxford, Penobscot, Piscataquis, and Somerset Counties, Maine, and to points in Clinton, Essex, Franklin, Jefferson, Lewis, Onondaga, Oswego, and St. Lawrence Counties, N.Y., for 150 days. NOTE: The purpose of this republication is to correct an error made in the destination points. Supporting shipper: Miron Company Ltd., 2201 Jerry Street East, Montreal 455, Province of Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 124673 (Sub-No. 7 TA), filed December 1, 1969. Applicant: IRA E. JOHNSON, 2504 Redwood, Amarillo, Tex. 79107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feedstuffs*, in trucks and trailers with special unloading devices, between points in Texas on and north of U.S. Highway 380 and west of U.S. Highway 283, and points in Colorado and New Mexico on and east of Interstate Highway 85, for 180 days. Supporting shippers: National Alfalfa Dehydrating & Milling Co., Shawnee Mission, Kans.; Levelland Vegetable Oil, Inc., Post Office Drawer N, Levelland, Tex. 79336; Arkansas Valley Alfalfa Milling Co., Inc., Wiley, Colo.; Hi-Pro Feeds, Inc., Box 1086, Friona, Tex. 79035; Western Beef, Inc., Post Office Box 407, Amarillo, Tex. 79105, for 180 days. NOTE: Applicant does intend to tack the authority here applied for to other authority held by it in MC-12673. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 124987 (Sub-No. 15 TA), filed December 3, 1969. Applicant: EARL L. BONSACK AND ELAINE M. BONSACK, a partnership, doing business as EARL L. BONSACK, 512 West Plainview Road, La Crosse, Wis. 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and incidental advertising material* when shipped with malt beverages, from La Crosse and Sheboygan, Wis., to Milwaukee, Wis., on shipments having immediate prior or subsequent movement by rail beyond in piggyback service, and from plantsite of the Associated Brewing Co., St. Paul, Minn., to Two Harbors, Minn., for 180 days. Supporting shippers: G. Heileman Brewing Co., Inc., 925 South Third Street, La Crosse, Wis. 54601; Svee Distributing Co., Two Harbors, Minn. 55616. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 133233 (Sub-No. 11 TA), filed December 1, 1969. Applicant: CLARENCE L. WERNER, doing business as

WERNER ENTERPRISES, 805 32d Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Inar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Commodities to be transported for the account of Rangen, Inc.; (a) *feed and feed ingredients*, from points in Iowa to points in Idaho; (b) *feed*, from Buhl, Idaho, to points in Colorado, Wyoming, Montana, and California; (2) commodities to be transported for the account of Farrell Grain Co; (a) *feed and feed ingredients*, from points in Iowa, to points in Idaho and Utah; (3) commodities to be transported for the account of Evans Trading Co., Inc.; (a) *feed and feed ingredients*, from points in Iowa to points in Idaho and Utah, for 150 days. Supporting shippers: Rangen Inc., Post Office Box 706, Buhl, Idaho; Farrell Grain Co., Post Office Box 385, Ogden, Utah; Evans Trading Co., Inc., Post Office Box 544, Ogden, Utah. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Omaha, Nebr. 68102.

MOTOR CARRIER OF PASSENGERS

No. MC 134170 (Sub-No. 1 TA), filed December 2, 1969. Applicant: WAUKEGAN NORTH CHICAGO TRANSIT COMPANY, 1400 10th Street, Waukegan, Ill. 60085. Applicant's representative: Frank Crowe, 701 Ridge Road, Wilmette, Ill. 60091. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and baggage, express and newspapers* in the same vehicle with passengers, between Great Lakes Naval Training Center, Great Lakes, Ill., and Milwaukee, Wis., from Great Lakes over Illinois Highway 137 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction Interstate Highway 94, thence over Interstate Highway 94 to College Avenue, Milwaukee, Wis., thence over College Avenue, to General Mitchell Field, and return over the same route, serving no intermediate points, applicant also proposes to perform charter operations, between Great Lakes Naval Training Center, Ill., and points located in Milwaukee County, Wis., over irregular routes, for 180 days. Supporting shipper: Military Traffic Management, and Terminal Service, Washington, D.C. 20315. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

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

[F.R. Doc. 69-14877; Filed, Dec. 15, 1969; 8:47 a.m.]

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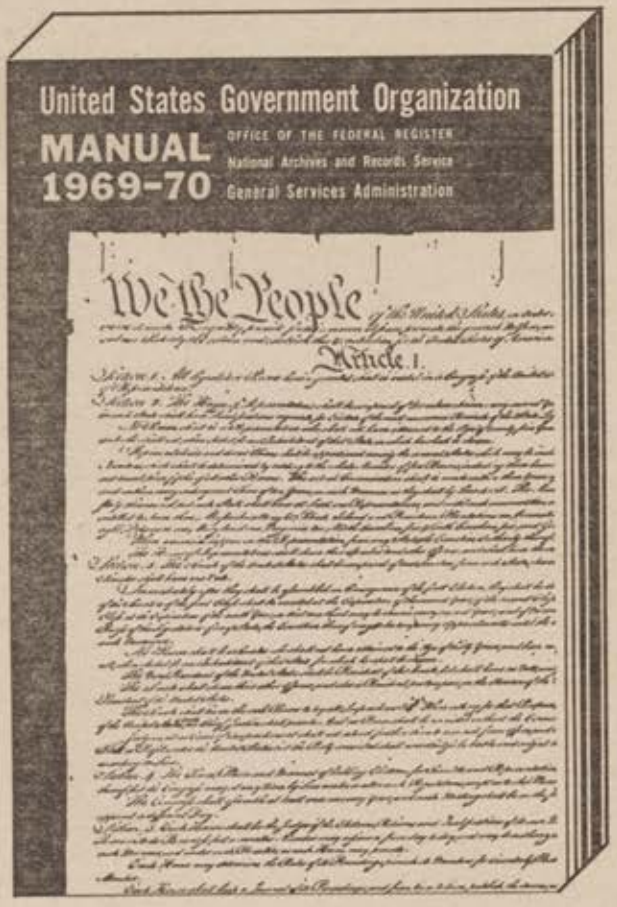

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