FEDERAL REGISTER

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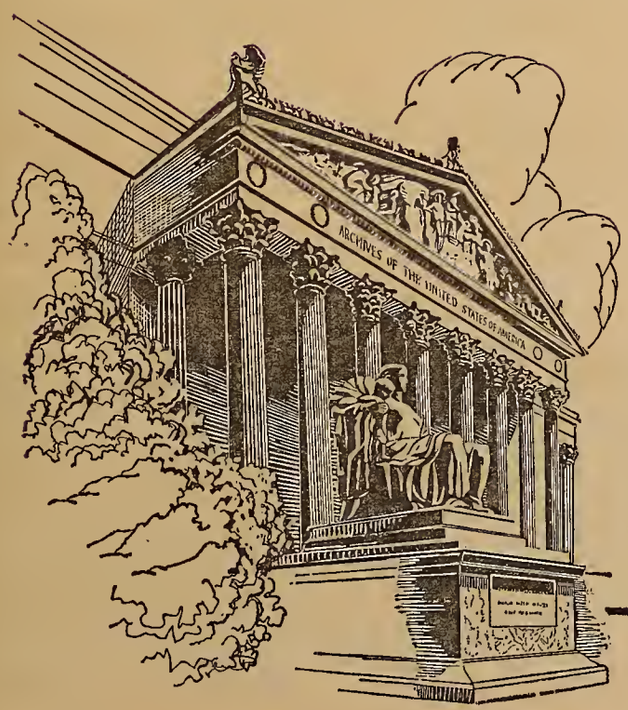
Pages 15045–15102

Agencies in this issue—

The President
Business and Defense Services Administration
Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Highway Administration
Federal Maritime Commission
Federal Trade Commission
Foreign-Trade Zones Board
Housing and Urban Development Department
Indian Affairs Bureau
Interior Department
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
Packers and Stockyards Administration
Securities and Exchange Commission

Detailed list of Contents appears inside.



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Title 3—THE PRESIDENT

Proclamation 3876

CHILD HEALTH DAY, 1968

By the President of the United States of America

A Proclamation

For most children in America, the future promises full, productive, healthy lives.

Over the years, American medicine, science, and social services have combined to create a society with fewer fatal and crippling diseases, a long life expectancy, better nutrition, and more fruitful opportunities for work and leisure.

Infant mortality has reached its lowest rate since we began to keep reliable records: It is 12 percent below its level five years ago.

Through vaccination programs, we have cut by one-half the number of children who suffer from polio, diphtheria, tetanus, and whooping cough. We are on the verge of eliminating measles totally.

Yet, far too many American children are born with only a dim prospect of sharing in America's promise—because they are born into poverty. And today, 12 million Americans under 18 years old live in poverty.

We still rank only 15th among advanced nations in our effort to reduce infant deaths.

These are compelling reasons for paying special attention to unfinished business in child health.

We cannot allow one American child to be denied the benefits of our knowledge and common effort.

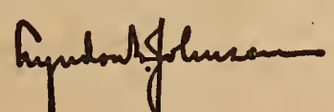
All of our children must have the opportunity to develop their abilities and talents to their fullest. This is their birthright, and we must protect it.

To demonstrate national concern for the well-being of our children, the Congress has directed the President to proclaim annually the first Monday in October as Child Health Day.

This day is also an appropriate time to salute the work which the United Nations, through its specialized agencies, and the United Nations Children's Fund are doing to build better health for children around the world.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate Monday, October 7, 1968, as Child Health Day. I invite all persons, all agencies and organizations concerned for the welfare of the world's children to unite on that day in actions that will bring strength and recognition to efforts which foster better child health.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord nineteen hundred and sixty-eight, and of the Independence of the United States of America the one hundred and ninety-third.



[F.R. Doc. 68–12379; Filed, Oct. 8, 1968; 10:11 a.m.]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9188; Amdt. 619]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Brownsville, Tex.—Rio Grande Valley International, ADF 1, Amdt. 19, 6 Aug. 1966, canceled, effective 7 Nov. 1968.

2. By amending § 97.17 of Subpart B to cancel instrument landing system (ILS) procedures as follows:

Longview, Tex.—Gregg County Municipal, ILS–13, Amdt. 5, 23 Jan. 1965, canceled, effective 7 Nov. 1968.

3. By amending § 97.19 of Subpart B to cancel radar procedures as follows:

Everett, Wash.—Paine Field, Radar 1, Orig., 13 Aug. 1966, canceled, effective 7 Nov. 1968.

4. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 21-mile DME Fix.
				Left turn climb to 2000′ return to SOP VORTAC via R 206° and hold. Supplementary charting information: Hold NE SOP VORTAC 206° Inbnd, right turn, 1 minute. Request SOP R 206° be shown as approach radial.

Procedure turn not authorized. One-minute holding pattern NE of SOP VORTAC, 206° Inbnd, right turns, 2000′.
Final approach crs, R 206°.
Minimum altitude over 10-mile DME, 1700′; over 19-mile DME, 1340′.
MSA: 000°-090°—1800′; 090°-180°—1800′; 180°-270°—1900′; 270°-360°—2500′.
NOTE: Use FAY altimeter setting.
*Night landings, Runways 31-13 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	1060	1	702	1060	1	702	NA	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Rockingham; State, N.C.; Airport name, Rockingham-Hamlet; Elev., 358′; Facility, SOP; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 7 Nov. 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on October 1, 1968.

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

[F.R. Doc. 68-12205; Filed, Oct. 8, 1968; 8:45 a.m.]

Title 7—AGRICULTURE

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

[948.359; Area 1]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Area No. 1 Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this section beyond the date specified (5 U.S.C. 553) in that (1) shipments of 1968 crop potatoes grown in Area No. 1 are expected to begin on or about the effective date of this section, (2) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the handling of potatoes in the manner set forth in this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances for such preparation, and (5) information regarding the committee's recommendation which is identical to the current requirements under the State marketing order, has already been given to producers and handlers in the production area.

§ 948.359 Limitation of shipments.

During the period October 9, 1968, through June 30, 1969, no person may handle any lot of potatoes grown in Area No. 1 unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with the provisions of paragraphs (c), (d), and (e) of this section.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1 or better grade.

(b) *Minimum maturity (skinning) requirements.* (1) For U.S. No. 2 Grade, not more than "moderately skinned", and

(2) For other grades, not more than "slightly skinned".

(c) *Special purpose shipments.* (1) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to potatoes handled for livestock feed.

(2) Potatoes may be handled for chipping or shoestrings if such potatoes meet the grade and size requirements of paragraph (a) of this section except for scab. The maturity requirements of paragraph (b) of this section shall not apply to such potatoes handled for chipping or shoestrings.

(3) The quality and maturity requirements of paragraphs (a) and (b) of this section shall not be applicable to the handling of potatoes for seed as defined in § 948.6 but any lot of potatoes handled for seed shall be subject to assessments.

(d) *Safeguards.* (1) Each handler of potatoes which do not meet the quality and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (c) of this section for any of the special purposes set forth therein shall, prior to handling, apply for and obtain a certificate of privilege from the committee, which shall require among other things, the handler to furnish such reports and documents as the committee may require showing that the potatoes so handled were utilized for the purpose specified in the certificate of privilege.

(e) *Exception to regulations.* The requirements of this part shall not apply to the handling of potatoes grown in the Counties of Dolores, La Plata, and Montezuma, during the effective period of this section.

(f) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "slightly skinned," "moderately skinned," "scab" and "Size B" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540—51.1556 of this title), including the tolerances set forth therein. Other 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 October 4, 1968, to become effective October 9, 1968.

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

[F.R. Doc. 68-12292; Filed, Oct. 8,, 1968; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

The following republication of Part 1488, Title 7, Code of Federal Regulations, is issued to include all amendments to date of the regulations governing the CCC Export Credit Sales Program published on April 27, 1967 (32 F.R. 6496–6500), and corrected and amended on May 4, 1967 (32 F.R. 6836), May 19, 1967 (32 F.R. 7437–7438), August 8, 1967 (32 F.R. 11416–11417), December 16, 1967 (32 F.R. 18018–18020), July 2, 1968 (33 F.R. 9593–9596), July 26, 1968 (33 F.R. 10641), and August 28, 1968 (33 F.R. 12135).

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

Sec.

1488.1 General statement.
1488.2 Definition of terms.
1488.3 Submission of applications for financing.
1488.4 Coverage of bank obligations.
1488.5 CCC drafts.
1488.6 Interest charges.
1488.7 Expiration of period for export.
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1488.15 Shipment of commodities on vessels calling at Cuban and North Vietnamese ports.
1488.16 Officials not to benefit.
1488.17 Exporter's records and accounts.
1488.18 Communications.

Supplement I—Beef Breeding Cattle
Supplement II—Dairy Breeding Cattle

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, Public Law 89–808, 80 Stat. 1538.

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

§ 1488.1 General statement.

(a) Except as otherwise provided in this paragraph (a), the regulations contained in this Subpart A 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 three 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: *Provided, however,* That, notwithstanding the provisions of GSM–3, Revision II, as amended, relating to the issuance and redemption of Export Commodity Certificates, such unexpired Certificates, except those issued on cotton transactions, may be presented, at the option of the holders thereof, to the issuing ASCS office for redemption at face value in cash: *Provided, further,* That, except for cotton transactions, when an Export Commodity Certificate has not been issued to the exporter, he may request payment in cash in lieu of certificates.

(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 export and 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 A 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 A, 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 exported 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 section 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 Stablization 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 being financed by CCC, plus interest in accordance with section 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) "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.

(h) "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.

(i) "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 1$^{13}/_{16}$-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 1$^{13}/_{16}$-inch or below grade, shall be eligible for export hereunder only if a Form A 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 1$^{13}/_{16}$-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 1$^{13}/_{16}$-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.

(j) "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 boda 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.

(k) "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.

(l) "FAS" means the Foreign Agricultural Service, U.S. Department of Agriculture.

(m) "Financing agreement" means the financing approval issued by either the General Sales Manager, FAS, or the Director, ASCS office, and includes 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 General Sales Manager 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 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 A 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 eligibile 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.i.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 Administrator, FAS.

§ 1488.3 Submission of applications for financing.

(a) An eligible exporter may submit an application for financing. Except as otherwise provided in this paragraph (a), all applications for financing shall be submitted to the General Sales Manager's Office, Foreign Agricultural 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 General Sales Manager 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 General Sales Manager 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 for cotton, tobacco, and vegetable oils and 6 months for all other eligible commodities.

(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.

(d) A financing period in excess of 12 months for cotton, tobacco, and vegetable oils and 6 months for all other eligible commodities, but not in excess of 36 months, may be approved by the General Sales Manager 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 (d).

(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, the name and address of the foreign importer, and, if the bank obligation assuring payment of the account receivable will be issued by an agency or branch bank, the name and address of such bank. 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 issued by a U.S. or agency or branch bank. Confirmed or advised foreign bank obligations are not acceptable under this paragraph (e).

(f) If the General Sales Manager 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 General Sales Manager or the ASCS office deems in the interest of CCC not inconsistent with GSM–4.

(h) At any time before the issuance of the related bank obligations, 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 A 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 export required by § 1488.7(a) provided the exporter furnishes to CCC acceptable evidence of an export sale contract requiring deliveries during a longer period not in excess of 365 days from the date of the financing approval.

§ 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 amount 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. 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 the 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. or agency or branch bank shall return the dishonored draft together with the related instrument and its statement of the reasons for nonpayment. For confirmed amounts, a U.S. 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 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 the related instrument 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 remainer of the account receivable. The criteria to be used in determining the rate of interest will be those established in 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 exported under the financing agreement to the date of payment to CCC of such account receivable or related bank obligation(s), and shall be payable as specified in the financing approval.

§ 1488.7 Expiration of period for export.

(a) Unless export is made within such export 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. The date of export shall be the date of delivery.

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

§ 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 export.

(a) Within 45 days after date of delivery of the commodities 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 exported.

(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) 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.

(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) and (e) 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 paragraphs (a) (1) through (6) of this section, the Treasurer, CCC, will pay promptly to the exporter the port value of the commodity exported 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 paragraphs (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 Vice President, 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 45 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 45 days will begin with the date of the last delivery.

(e) 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 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 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 (b) 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 for cotton, tobacco, and vegetable oils, or is in excess of 6 months for all other eligible commodities, within 90 days, or such extension of time as may be granted by the General Sales Manager in writing, following shipment from the United States of any agricultural commodity exported under the financing agreement, the exporter shall furnish to the General Sales Manager documentary evidence satisfactory to the General Sales Manager of customs entry of the commodity into the country of destination specified in the financing agreement. A certificate signed or authenticated by a customs official of the country of destination stationed in such country shall be satisfactory if it (a) identifies the agricultural commodity (or permits identification through supplementary documents which are furnished to the General Sales Manager) as that exported under the financing agreement, (b) states the quantity of such commodity entered, and (c) states the date of entry. If the certificate is in other than the English language, the exporter shall also provide the General Sales Manager with an English translation thereof. Within 10 days, or such extension of time as may be granted in writing by the General Sales Manager, following shipment from the United States of any agricultural commodity exported under the financing agreement, the exporter shall also furnish to the General Sales Manager 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 General Sales Manager 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. 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 exportation is made within the coverage of the bank obligation(s) submitted in accordance with § 1488.9, 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 1488.14, together with interest thereon at the face rate of the related instruments or other documents evidencing the account receivable. The liability of the bank and the importer under their respective obligations shall be several.

§ 1488.13 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.

§ 1488.14 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.

§ 1488.15 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.

§ 1488.16 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.

§ 1488.17 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.

§ 1488.18 Communications.

Unless otherwise provided, any written requests, notifications, or communications by the applicant pertaining to the financing agreement shall be addressed to the General Sales Manager's Office, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(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.)

[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.

SUPPLEMENT I—BEEF BREEDING CATTLE

Paragraph:

A. Additional definitions.
B. Submission of applications for financing.
C. Additional documents required after export.
D. Miscellaneous.
E. Dual purpose breeds.

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 General Sales Manager, $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 General Sales Manager, $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 General Sales Manager, $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 attached by USDA testing authority; and

(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 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 6 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.

3. An application for financing an export credit sale of beef breeding cattle shall be accompanied by a written statement, by (a) an official of the appropriate ministry or department of the importing country or (b) the U.S. agricultural attaché or other designated U.S. employee, that in his opinion the importer is qualified, by experience or otherwise, to receive, unload and clear for import, feed and house cattle.

c. *Additional documents required after export.* 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 General Sales Manager 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 eartag number(s), corresponding registration certificate and tattoo numbers 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.

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.[3]

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.

[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 C&MS agent.

[4] Certification by C&MS agent.

[5] See E.3. of this Exhibit I.

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

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.[5]

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 two 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]

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 FEEDER CATTLE (STEERS, HEIFERS, AND COWS) [1]

Prime

Feeder 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 usually have straight top and bottom lines and usually are moderately deep in the fore and rear flanks. The legs tend to be short, are set wide apart, and usually are straight. The head is usually short and wide and the neck usually is short and thick. They have large, rugged frames with moderately large but refined bones. They have a high degree of symmetry and smoothness throughout.

Choice

Feeder 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 thick through the crops, back and loin. The rounds are slightly thick and the twist is slightly deep. They usually have straight top lines and usually are moderately deep in the fore and rear flanks. The legs are slightly short, and are set moderately wide apart and usually are straight. The head usually is moderately short and wide and the neck usually is slightly short and thick. They have moderately large, rugged frames, and the bone usually is moderately large, but may be slightly fine or slightly large and coarse. They have a moderate degree of symmetry and smoothness throughout.

SUPPLEMENT II—DAIRY BREEDING CATTLE

Paragraph:

A. Additional definitions.
B. Submission of applications for financing.
C. Additional documents required after export.
D. Miscellaneous.
E. Dual purpose breeds.

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

[7] Certification furnished by Livestock Division, C&MS, USDA. Conformation grade to be based on 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 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.

D.1., Exhibit II to this supplement, or, with prior approval of the General Sales Manager, $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 General Sales Manager, $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 General Sales Manager, $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 General Sales Manager, $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 an eartag attached by USDA testing authority; and

(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 6 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.

3. An application for financing an export credit sale of dairy breeding cattle shall be accompanied by a written statement, by (a) an official of the appropriate ministry or department of the importing country or (b) the U.S. agricultural attache or other designated U.S. employee, that the importer is qualified, by experience or otherwise, to receive, unload and clear for import, feed and house cattle.

C. *Additional documents required after export.* 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 eartag number(s), corresponding registration certificate and tattoo numbers 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 semen 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 § 14488.3. In the event such dual purpose breeds are approved for export hereunder, the provisions of this supplement shall apply with the exception that the General Sales Manager is authorized, at the request of the applicant, to establish a minimum weight schedule and DHIR Milk Production Breed Average.

[1] Milking Shorthorn and Red Poll.

EXHIBIT I TO SUPPLEMENT II

USDA APPROVED DAIRY CATTLE EXPORT SPECIFICATIONS—FEMALES

Option A (to be specified by purchaser).

1. *Registered.*[1]

Breed

a. Ayshire.
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

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

[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, Agriculture Research Service.

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 non-mastitis 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. *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.

[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.

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 (pounds)	2 percent of breed average (pounds)	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.

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).

[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.

[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.

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]

Age [1]	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

[1] 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 averages as shown in item E below.

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

[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.

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

Breed	Breed average (pounds)	2 percent of breed average (pounds)	15 percent of breed average (pounds)	25 percent of breed average (pounds)
Ayrshire	12,556	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 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.

Effective date: This republication of regulations shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 4, 1968.

RAYMOND A. IOANES,
Vice President, Commodity Credit Corporation, and Administrator, Foreign Agricultural 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 regulations for more detailed information if desired and for any changes that may be made therein.

[F.R. Doc. 68-12290; Filed, Oct. 8, 1968; 8:49 a.m.]

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

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1421]

PART 13—PROHIBITED TRADE PRACTICES

Blue Mist Chinchilla Company, Inc., and Harley L. and Ann B. Elrod

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Blue Mist Chinchilla Co., Inc., et al., Bigfork, Mont., Docket C-1421, Sept. 6, 1968]

In the Matter of Blue Mist Chinchilla Co., Inc., a Corporation, and Harley L. Elrod and Ann B. Elrod, Individually and as Officers of Said Corporation

Consent order requiring a Bigfork, Mont., seller of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of its animals, deceptively guaranteeing the fertility of its stock, and misrepresenting its service to purchasers.

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

It is ordered, That respondents Blue Mist Chinchilla Co., Inc., a corporation, and its officers, and Harley L. Elrod and Ann B. Elrod, individually and as officers of said corporation and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

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

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

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

4. Purchasers of respondents' chinchilla breeding stock will receive select or pedigreed quality chinchillas or any other grade or quality of chinchillas: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that purchasers do actually receive chinchillas of the represented grade or quality.

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

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

7. Each female chinchilla purchased from respondents and each female offspring will produce successive litters of one to five live offspring at 111-day intervals.

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

9. Pelts from the offspring of respondents' chinchilla breeding stock sell for an average price of $30 per pelt; or that pelts from the offspring of respondents' breeding stock generally sell for from $25 to $75 each.

10. Chinchilla pelts from respondents' breeding stock will sell for any price, average price, or range of prices: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented price, average price, or range of prices are usually realized for pelts produced by chinchillas purchased from respondents or by the offspring of such chinchillas.

11. A purchaser starting with twelve females and two males will have, from the sale of pelts, an annual income, earnings or profits of $3,800 in the third year after purchase.

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

earnings, profits, or income are usually realized by purchasers of respondents' breeding stock.

13. Breeding stock purchased from respondents is guaranteed or warranted without clearly and conspicuously disclosing the nature and extent of the guarantee, the manner in which the guarantor will perform thereunder and the identity of the guarantor.

14. Respondents' chinchillas are guaranteed unless respondents do in fact promptly fulfill all of their obligations and requirements set forth in or represented, directly or by implication, to be contained in any guarantee or warranty applicable to each and every chinchilla.

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

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

17. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondents' breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

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

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

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

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

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

Issued: September 6, 1968.

By the Commission.

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

[F.R. Doc. 68-12228; Filed, Oct. 8, 1968; 8:45 a.m.]

[Docket No. C-1423]

PART 13—PROHIBITED TRADE PRACTICES

District Television and Appliance Co., Inc., and James J. and Richard J. Melmer

Subpart—Advertising falsely or misleadingly: § 13.80 *Free test or trial;* § 13.155 *Prices:* 13.155-10 *Bait.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or service;* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, District Television and Appliance Co., Inc., et al., Washington, D.C., Docket C-1423, Sept. 6, 1968]

In the Matter of District Television and Appliance Co., Inc., a Corporation, and James J. Melmer and Richard J. Melmer, Individually and as Officers of Said Corporation

Consent order requiring a Washington, D.C., furniture and appliance store to cease using bait tactics and deceptive offers of free home demonstrations in the sale of its merchandise.

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

It is ordered, That respondents District Television and Appliance Co., Inc., a corporation, and its officers, and James J. Melmer and Richard J. Melmer, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of television sets, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using in any manner, a sales plan, scheme or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of merchandise.

2. Discouraging the purchase of, or disparaging, any products which are advertised or offered for sale.

3. Representing, directly or by implication, that any products are offered for sale when such offer is not a bona fide offer to sell such products.

4. Representing, directly or by implication, that any product will be delivered to prospective customers for a free home demonstration, unless such products are demonstrated without charge or obligation to prospective customers in their homes in every instance where the prospective customer so requests.

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

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

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

Issued: September 6, 1968.

By the Commission.

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

[F.R. Doc. 68-12229; Filed, Oct. 8, 1968; 8:45 a.m.]

[Docket No. 8606]

PART 13—PROHIBITED TRADE PRACTICES

Frito-Lay, Inc. and PepsiCo, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, Frito-Lay, Inc., et al., Dallas, Tex., Docket 8606, Aug. 28, 1968]

In the Matter of Frito-Lay, Inc., a Delaware Corporation; and PepsiCo., Inc., a Corporation

Consent order requiring a Dallas, Tex., potato chip manufacturer and its parent company to divest 10 acquired manufacturing plants, to refrain from acquiring wholesalers of certain beverages and foods without prior Commission approval, and not to advertise certain snacks in combination with its parent's carbonated soft drinks.

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

I. *It is ordered,* That respondents, Frito-Lay, Inc. ("Frito-Lay"), and PepsiCo, Inc. ("PepsiCo"), both of which are Delaware corporations, their officers, directors, agents, representatives, employees, subsidiaries, affiliates, predecessors, successors, and assigns shall within the periods specified below divest, absolutely and in good faith, subject to the approval of the Federal Trade Commission ("Commission"), the following potato chip plants acquired by Frito-Lay as a result of its or H. W. Lay and Co., Inc.'s acquisition of the companies indicated below. Divestiture of said plants shall consist of the land, buildings and potato chip manufacturing equipment

acquired from said companies in the locations specified, together with the acquired trade names and trademarks specified, customer lists (current as of the date of divestiture), trucks and all improvements added to said plants since their acquisition and used in the manufacture of potato chips.

Acquired company	Plant location	Trademark
Num Num Foods, Inc.	4735 West 150 St., Cleveland, Ohio.	NUM NUM.
The Frito Columbus Co.	3790 East Fifth St., Columbus, Ohio.	KACY JONES.
Nicolay-Dancey, Inc.	5801 Grandy Ave., Detroit, Mich.	NEW ERA.
Do	4051 West 51st St., Chicago, Ill.	NEW ERA.
Red Dot Foods, Inc.	130 Bashaw St., Ottumwa, Iowa.	RED DOT.
Do	Mill Road, Grand Forks, N. Dak.	RED DOT.
Do	1435 East Washington Ave., Madison, Wis.	RED DOT.
Do	1521 Eagle St., Rhinelander, Wis.	RED DOT.
Brooks Potato Chip Co.	1927 North Lyon, Springfield, Mo.	BROOKS.
Williams and Co	2045 Northeast Union Ave., Portland, Oreg.	WILLIAMS.

II. *It is further ordered,* That, within 18 months from the date of service of this order, respondents shall divest, as a unit and to a single entity, all of the plants specified in paragraph I of this order, other than the Williams Co., Portland, Oreg., plant, which may be separately divested. As a part of such divestiture Frito-Lay shall agree to purchase, and the new owners of the plants to be divested shall agree to supply, during the first 8 months following divestiture (but not more than 20 months after the date of service of this order), at least 90 percent of the potato products now manufactured at said plants, based upon the rate of production during the last 12 months preceding the date of divestiture; during the next 8 months (but not more than 28 months after the date of service of this order), at least 75 percent of such production; during the next 10 months (but not more than 38 months after the date of service of this order) 50 percent of such production; and during the next 10 months (but not more than 48 months after the date of service of this order) 25 percent of such production. If at the expiration of 12 months from the date of service of this order, respondents establish that, despite their good faith efforts, they have been unable to enter into a contract to divest the above-described plants, other than the Williams Co., Portland plant, as a unit to a single entity, respondents may, within 6 months thereafter, divest said plants to two or more entities under the same conditions as set forth above, except that the stated percentages of potato product production shall then apply to each said plant.

It is further ordered, That Frito-Lay shall obtain, prior to the expiration dates of the leases for the Springfield and Portland plants options to extend such leases for at least 3 years beyond November 1970 and September 1970, respectively, with the full right of assignment to the purchaser or purchasers of such plant operations, and Frito-Lay shall give notice to the lessor of said properties of the terms of this order.

It is further ordered, That respondents shall, as part of this agreement containing consent order, submit copies of such lease option agreements.

This order contemplates that Frito-Lay may furnish its personnel continued employment and said personnel may remain in its employ: *Provided, however,* That any purchaser of any divested plant may, if it so desires, use reasonable persuasion to employ any person.

III. *It is further ordered,* That if respondents are unable to sell or dispose of any of the plants described in paragraph I hereof entirely for cash, nothing in this order shall be deemed to prohibit respondents from retaining, accepting and enforcing in good faith any security interest therein for the sole purpose of securing to respondents full payment of the price, with interest, at which any such plant is sold or disposed of: *Provided, however,* That if, after a good faith divestiture of any such plant pursuant to this order, the buyer fails to perform his obligations and respondents regain ownership or control over said plant by enforcement of any security interest therein, respondents shall redivest said plant within 6 months in the same manner as provided for herein.

IV. *It is further ordered,* That none of the plants to be divested pursuant to this order shall be sold or transferred, directly or indirectly, to any person who, at the time of the divestiture, is an officer, director, employee, or agent of, or under the control or direction of, respondents or any of respondents' subsidiary or affiliated corporations, or who owns or controls, directly or indirectly, more than 1 percent of the outstanding shares of PepsiCo's common stock.

V. *It is further ordered,* That, pending divestiture pursuant to this order, respondents shall not make or permit any deterioration in the plants to be divested which may impair the present manufacturing capacity of said plants, unless such capacity is restored prior to divestiture: *Provided, however,* That nothing herein shall prevent respondents, pending divestiture, from exercising good faith business judgment with respect to the operation and management of said plants.

VI. *It is further ordered,* That for a period of 10 years from the date of service upon them of this order, respondents shall cease and desist, without the prior approval of the Commission, from entering into any arrangement with another party, corporate or noncorporate, as a result of which respondents obtain, directly or indirectly, through subsidiaries or otherwise, the whole or any part of the stock or other share capital, or the assets (other than products purchased or sold in the ordinary course of business) of any concern, corporate or noncorporate (other than PepsiCo's franchise bottlers, Frito-Lay's corn chip franchises and respondents' distributors) engaged at the time of such acquisition in the United States, in the manufacture or wholesale distribution of carbonated soft drinks (including cola), coffee, tea, milk, sugar or any of the following snack food products: Potato chips, corn chips, pretzels, nut meats, crackers (nonsweet), cracker sandwiches (nonsweet), pork rinds, popcorn, caramel corn, corn puffs, or potato sticks. As used in this paragraph, the acquisition of assets includes any arrangement by respondents with any other party, pursuant to which such other party discontinues manufacturing any of said products under a brand name or label owned by such other party and thereafter distributes any of said products under any of respondents' brand names or labels.

VII. *It is further ordered,* That, for a period of 5 years from the date of service upon them of this order, respondents shall cease and desist from initiating or conducting any type of radio, national magazine, or nationwide newspaper advertising in which Frito-Lay's potato chips, corn chips, or pretzels are advertised in combination or conjunction with any of PepsiCo's carbonated soft drinks; such restriction shall also apply to television advertising, including advertising which is commonly referred to in the television industry as piggybacking, where such television advertising results in lesser rates than would be the case if said products were advertised separately: *Provided, however,* That respondents shall have the burden of demonstrating that any such television advertising in which they engage does not result in lesser rates than would be the case if said products were advertised separately.

VIII. *It is further ordered,* That in the event the Commission issues any order or rule which is less restrictive than the provisions of paragraph VI of this order, in any proceeding involving the merger or acquisition of a snack food or soft drink company, then the Commission shall, upon the application of Frito-Lay or PepsiCo reconsider this order and may reopen this proceeding in order to make whatever revisions, if any, are necessary to bring the foregoing paragraph into conformity with the less stringent restrictions imposed upon respondents' competitors.

IX. *It is further ordered,* That within sixty (60) days from the date of service of this order, and every ninety (90) days thereafter until the divestitures required by paragraph I of this order have been completed, respondents shall report in writing to the Federal Trade Commission their plans for effecting such divestitures and the actions they have taken in implementation thereof, including, in addition to such other information as may be required: (a) The name, address, and official capacity of the individual or individuals designated to carry out each divestiture and to negotiate with interested parties; (b) a brochure, presentation or other writing containing all of the essential information necessary to permit an interested party to evaluate each of the businesses to be divested, including a description and listing of its assets; (c) the efforts made and

to be made in advertising and affirmatively announcing the availability of each of the businesses to be divested; (d) the particular efforts made to locate and interest prospective purchasers not previously engaged in the industry; (e) a summary of contacts and negotiations relating to the sale of facilities ordered to be divested, including the identities of all parties expressing interest in the acquisition of any of the businesses to be divested; (f) subject to any legally recognized privilege, copies of all written communications pertaining to negotiations, offers to buy or indications of interest in the acquisition of the whole or any part of any of the businesses to be divested; and (g) copies of all agreements and forms of agreement relating directly or indirectly to proposed sale of the whole or any part of the businesses to be divested.

It is further ordered, That respondents shall report in writing within sixty (60) days from the date of service of this order, and every six (6) months thereafter setting forth in detail the manner and form in which it has complied, and is complying with paragraphs II, VI, and VII of this order.

X. *It is further ordered,* That respondents shall forthwith distribute a copy of this order to each of their operating subsidiaries and divisions.

Issued: August 28, 1968.

By the Commission.

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

[F.R. Doc. 68-12230; Filed, Oct. 8, 1968; 8:45 a.m.]

[Docket No. C-1422]

PART 13—PROHIBITED TRADE PRACTICES

MS & B Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, MS & B Inc., doing business as Great Plains Chinchilla Co., Wichita, Kans., Docket C-1422, Sept. 6, 1968]

In the Matter of MS & B Inc., a Corporation, Doing Business as Great Plains Chinchilla Co., and James L. Stockett, Kenneth L. Mason, and Robert L. Berry, Individually and as Officers of Said Corporation

Consent order requiring a Wichita, Kans., seller of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of its stock, deceptively guaranteeing the fertility of its stock, and misrepresenting the service to purchasers.

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

It is ordered, That respondents MS & B Inc., a corporation, and its officers, doing business as Great Plains Chinchilla Co., or under any other trade name or names and James L. Stockett, Kenneth L. Mason, and Robert L. Berry, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

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

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

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

4. Purchasers of respondents' chinchilla breeding stock will receive high or pedigreed quality chinchillas or any other grade or quality of chinchillas: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that purchasers do actually receive chinchillas of the represented grade or quality.

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

6. Each female chinchilla purchased from respondents and each female offspring will produce successive litters of one to six live offspring at 111-day intervals.

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

8. Offspring of chinchilla breeding stock purchased from respondents will produce pelts selling for the average price of $28.60 each.

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

10. Breeding stock purchased from respondents is warranted or guaranteed without clearly and conspicuously disclosing the nature and extent of the guarantee, the manner in which the guarantor will perform and the identity of the guarantor.

11. Respondents' chinchillas are guaranteed unless respondents do in fact promptly fulfill all of their obligations and requirements set forth in or represented, directly or by implication, to be contained in any guarantee or warrantly applicable to each and every chinchilla.

12. Respondents, doing business as Great Plains Chinchilla Co., or under any other trade or corporate name, or as individuals have been in the chinchilla business for more than 25 years; or misrepresenting, in any manner, the length of time respondents individually or through any corporate or other device have been in business.

13. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondents' breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

14. A purchaser starting with six females and one male will have, from the sale of pelts, an income of $300 a month in the fourth year after purchase.

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

16. Respondents will purchase all or any of the chinchilla offspring raised by purchasers of respondents' breeding stock: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that they do, in fact, purchase, as represented, the offspring offered by said purchasers.

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

breeding of chinchillas and are furnished the represented advice by respondents as to the breeding of chinchillas.

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

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

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

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

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

Issued: September 6, 1968.

By the Commission.

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

[F.R. Doc. 68-12231; Filed, Oct. 8, 1968; 8:45 a.m.]

[Docket No. C-1424]

PART 13—PROHIBITED TRADE PRACTICES

Sam J. Belsky, Inc., and Jerry Belsky

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 Composition: 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act; 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 68, 69f) [Cease and desist order, Sam J. Belsky, Inc., et al., Springfield, Mass., Docket C-1424, Sept. 16, 1968]

In the Matter of Sam J. Belsky, Inc., a Corporation, and Jerry Belsky, Individually and as an Officer of Said Corporation

Consent order requiring a Springfield, Mass., manufacturer of women's coats to cease misbranding its wool products and falsely invoicing its fur products.

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

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

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

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

3. Failing to set forth required information on labels attached to wool products consisting of two or more sections of different fiber composition, in such a manner as to show the fiber content of each section in all instances where such marking is necessary to avoid deception.

It is further ordered, That respondents Sam J. Belsky, Inc., a corporation, and its officers, and Jerry Belsky, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction of manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur products; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all of the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth on invoices the item number or mark assigned to fur products.

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

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

Issued: September 16, 1968.

By the Commission.

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

[F.R. Doc. 68-12232; Filed, Oct. 8, 1968; 8:45 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

[Docket No. 8]

PART 255—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 202; Head Restraints; Passenger Cars

Motor Vehicle Safety Standard No. 202 (33 F.R. 2945), as amended (33 F.R. 5793), specifies requirements for head restraints to reduce the frequency and severity of neck injury in rear-end and other collisions to occupants of passenger cars manufactured after January 1, 1969.

Paragraph S4(b)(2) of the Standard provides that a head restraint qualifying under the static procedure shall have a lateral width of 10 inches for use with bench-type seats and 6.75 inches for use with individual type seats when measured 2.5 inches below the top of the head restraint.

One manufacturer has petitioned the Administrator for reconsideration of the method by which the lateral width of the head restraint is to be measured. The petitioner requests that the Standard be revised to permit the width to be measured either 2.5 inches below the top of the head restraint or 25 inches above the seating reference point.

Measurement of width 2.5 inches below the top of the head restraint may present possible difficulties for manufacturers of vehicles with head restraints which are integrated into the seat back. These manufacturers may elect to exceed the minimum required height of 27.5 inches to accommodate tall occupants and taper the top portion of the head restraint to provide minimum visibility restriction. In this case, the head restraint, when measured 2.5 inches below the top, might not meet the minimum width requirement.

The Administrator has determined that the procedure for measuring head restraint lateral width should be revised since it is in the public interest to encourage the additional protection offered by seat backs higher than the minimum height requirement of this Standard. Accordingly, the Standard is being amended to permit measurement of head restraint width either 2.5 inches below the top of the head restraint or 25 inches above the seating reference point.

Paragraph S5.1(c) of the Standard provides that the magnitude of the acceleration curve for the dynamic test shall not be less than that of a half-sine wave having the amplitude of 8g and a duration of 80 milliseconds and not more than 20 percent above the half-sine wave.

One manufacturer has requested an interpretation of the term "not more than 20 percent above the half-sine wave."

It is necessary that a test tolerance be allowed because of equipment variances. However, the tolerance must be properly limited to prevent very severe accelerations which might fail the seat back without properly testing the head restraint. The intent of the "20 percent" limitation was to establish a half-sine wave upper limit curve having an amplitude of 9.6g and a duration of 96 milliseconds.

Accordingly, the Standard is being amended to require that the magnitude of the acceleration curve be not more than that of a half-sine wave curve having an amplitude of 9.6g and a duration of 96 milliseconds. In addition, the equation for the lower limit curve is being deleted since it imposes an unnecessary restriction on the lateral location of the curve. By removing the equation, the limit curves can then be moved laterally with respect to each other to allow for normal test variances.

Since these amendments provide clarification and an alternate means of compliance, relieve restrictions, and impose no additional burden, I find that for good cause shown notice and public procedure are unnecessary, and that an effective date for these amendments of less than 180 days is in the public interest.

In consideration of the foregoing, § 255.21 of Part 255, Federal Motor Vehicle Safety Standard No. 202, as amended, is further amended effective January 1, 1969, as follows:

Paragraph S4(b)(2) is revised to read as follows:

(2) When measured either 2.5 inches below the top of head restraint or 25 inches above the seating reference point, the lateral width of the head restraint shall be not less than—

(i) 10 inches for use with bench-type seats; and

(ii) 6.75 inches for use with individual seats;

Paragraph S5.1(c) is revised to read as follows:

(c) During a forward acceleration applied to the structure supporting the seat as described below, measure the maximum rearward angular displacement between the dummy torso reference line and the head reference line. When graphically depicted, the magnitude of the acceleration curve shall not be less than that of a half-sine wave having the amplitude of 8g and a duration of 80 milliseconds and not more than that of a half-sine wave curve having an amplitude of 9.6g and a duration of 96 milliseconds.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966; 15 U.S.C. 1392, 1407; delegation of authority contained in § 1.4(c), Part 1, Regulations of the Office of the Secretary of Transportaion; 49 CFR 1.4(c))

Issued in Washington, D.C., on October 3, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 68-12237; Filed, Oct. 8, 1968; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER A—GENERAL MANAGEMENT (1000)

[Circular 2249]

PART 1840—APPEALS PROCEDURES

Subpart 1843—Actions by Director

PART 1850—HEARINGS PROCEDURES

Subpart 1850—Hearings Procedures; General

Subpart 1851—Hearings on Appeals Involving Questions of Fact

Subpart 1852—Contest and Protest Proceedings

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

PART 3530—PUBLIC LAW 359; MINING IN POWERSITE WITHDRAWALS

Subpart 3532—Mining Operations

REPORTER'S FEES

The purpose of the amendments is to provide that the Government shall pay all reporter's fees in hearings in Government contests, and in hearings on appeals involving questions of fact, regardless of which party to the proceedings is ultimately successful. The requirement for payment for copies of a transcript of the proceedings is not changed.

Since all the amendments are administrative in nature and place no additional burden or restrictions on the public, public comment thereon, and a delayed effective date, are determined to be unnecessary. Therefore, these amendments shall take effect immediately upon publication in the FEDERAL REGISTER.

§ 1843.5–1 [Deleted]

1. Section 1843.5–1 is deleted.

§ 1850.0–6 [Amended]

2. Paragraph (b) of § 1850.0–6 is amended by deletion of the last clause in the last sentence thereof reading: "and request for relief from reporter's fees under § 1852.3–6."

3. Section 1851.6 is amended to read:

§ 1851.6 Reporter's fees.

Reporter's fees shall be borne by the Bureau.

4. Section 1851.7 is amended to read:

§ 1851.7 Copies of transcript.

Each party shall pay for any copies of the transcript obtained by him. Unless a summary of the evidence is stipulated to, the Government will file the original copy of the transcript with the case record.

5. Section 1852.3–7 is amended to read:

§ 1852.3–7 Reporter's fees; transcript.

(a) The Government agency initiating the proceedings will pay all reporting fees in hearings in Government contest proceedings, in hearings under the Surface Resources Act of 1955, as amended, in hearings under the Multiple Mineral Development Act of 1954, as amended, where the United States is a party, and in hearings under the Mining Claims Rights Restoration Act of 1955, regardless of which party is ultimately successful.

(b) In the case of a private contest, each party will be required to pay the reporter's fees covering the party's direct evidence and cross-examination of witnesses, except that if the ultimate decision is adverse to the contestant, he must in addition pay all the reporter's fees otherwise payable by the contestee.

(c) Each party to a private contest shall be required by the Examiner to make reasonable deposits for reporter's fees from time to time in advance of taking testimony. Such deposits shall be sufficient to cover all reporter's fees for which the party may ultimately be liable under paragraph (b) of this section. Any part of a deposit not used will be returned to the depositor upon the final determination of the case except that deposits which are required to be made when a complaint is filed will not be returned if the party making the deposit does not appear at the hearing, but will be used to pay the reporter's fee. Reporter's fees will be at the rates established for the local courts, or, if the reporting is done pursuant to a contract, at rates established by the contract.

(d) Each party to a Government or private contest shall pay for any copies of the transcript obtained by him.

§ 3532.2 [Amended]

6. The last sentence of § 3532.2(b) is deleted.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 2, 1968.

[F.R. Doc. 68-12234; Filed, Oct. 8, 1968; 8:45 a.m.]

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular 2248]

PART 2230—SPECIAL USES

Subpart 2234—Rights-of-Way

PROCESSING AND GRANTING OF RIGHTS-OF-WAY OVER RESERVATION LANDS ADMINISTERED BY THE NATIONAL PARK SERVICE

This amendment makes special provisions for the processing of right-of-way

applications and for the granting of rights-of-way with respect to reservation lands administered by the National Park Service as units of the National Park System. The amendment places the responsibility for the processing and issuance of such rights-of-way in the National Park Service which already has the responsibility for determining whether appropriation of the lands for the rights-of-way is consistent with the objectives and management programs for the lands involved. The Bureau of Land Management is thus relieved of the performance of a purely ministerial function.

Since the rule modifications here involved relate primarily to agency management and do not affect the general public, notice and public procedure thereon are deemed unnecessary and not in the public interest. Accordingly, the modifications shall become effective upon publication of this notice in the FEDERAL REGISTER.

1. In § 2234.1–2, paragraph (a) is amended to read as follows:

§ 2234.1–2 Procedures.

(a) *Application.* (1) The application shall be prepared and submitted in accordance with the requirements of this section. It should be in typewritten form or legible handwriting. It must specify that it is made pursuant to the regulations in this part and that the applicant agrees that the right-of-way if approved, will be subject to the terms and conditions of the applicable regulations contained in this part. It should also cite the act to be invoked and state the primary purpose for which the right-of-way is to be used. Applications shall be filed in accordance with the provisions of § 1821.2 of this chapter, except that applications for rights-of-way over or through reservation lands administered by the National Park Service shall be filed with the Director of the National Park Service, Washington, D.C. 20240. If the right-of-way has been utilized without authority prior to the time the application is made, the application must state the date such utilization commenced and by whom, and the date the applicant alleges he obtained control of the improvements.

* * * * *

2. In § 2234.1–3, paragraph (e) is amended by changing the caption, by the addition of a new subparagraph (2) and the renumbering of the existing subparagraph "(2)" to read "(3)."

§ 2234.1–3 Nature of interest.

* * * * *

(e) *Areas of National Park System.*

* * * * *

(2) Pursuant to any statute, including those listed in this subpart, applicable to reservation lands administered by the National Park Service, rights-of-way over or through such lands will be issued by the Director of the National Park Service, or his delegate, under the regulations of this subpart.

* * * * *

3. In § 2234.2–4, paragraph (b)(1)(a) is amended to read as follows:

§ 2234.2–4 Under Title 23, United States Code.

* * * * *

(b) *Application; grants.* (1)(a) Except where an application involves lands wholly within an Indian reservation applications for rights-of-way and material sites under title 23, United States Code, for lands under the jurisdiction of the Department of the Interior, together with four copies of a durable and legible map shall be filed by the appropriate State highway department in the manner prescribed by § 2234.1–2(a). Maps should accurately describe the land or interest in land desired, showing the survey of the right-of-way, properly located with respect to the public land surveys so that said right-of-way may be accurately located on the ground by any competent engineer or land surveyor. The map should comply with the requirements of § 2234.1–2(d)(1), paragraphs (i) through (viii). Applications for lands wholly within an Indian reservation shall be filed in the office of the superintendent of the Bureau of Indian Affairs agency which has jurisdiction over the lands, or for lands for which there is no agency, in the office of the Area Director who has jurisdiction over the lands. Applications for lands administered by the National Park shall be filed with the Director of the National Park Service, Washington, D.C. 20240, who, notwithstanding the provisions of subparagraphs (b) (3) and (4) of this section, shall process such applications and issue grants of rights-of-way in accordance with the regulations of this subpart. Applications for lands outside of the jurisdiction of the Department of the Interior shall be filed pursuant to the rules or regulations of the Department or agency having jurisdiction over the lands.

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 2, 1968.

[F.R. Doc. 68–12233; Filed, Oct. 8, 1968; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

APPENDIX—EXTENSION OF TRUST OR RESTRICTED STATUS OF CERTAIN INDIAN LANDS

Trust Periods Expiring During Calendar Years 1969 Through 1973, Inclusive

By virtue of and pursuant to the authority delegated by Executive Order No. 10250 of June 5, 1951, and pursuant to section 5 of the Act of February 8, 1887 (24 Stat. 388, 389), the Act of June 21, 1906 (34 Stat. 325, 326), and the Act of March 2, 1917 (39 Stat. 969, 976), and other applicable provisions of law, it is hereby ordered that the periods of trust or other restrictions against alienation contained in any patent applying to Indian lands, whether of a tribal or individual status, which, unless extended would expire during calendar years 1969 through 1973, inclusive, be, and the same are hereby, extended until January 1, 1974.

This order is not intended to apply to any case in which Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 2, 1968.

[F.R. Doc. 68–12241; Filed, Oct. 8, 1968; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18125, etc.; FCC 68–996]

PART 73—RADIO BROADCAST SERVICES

Memorandum Opinion and Order Regarding Table of Assignments, Lynchburg, Va.

In the matter of amendment of § 73.202, *Table of Assignments,* FM Broadcast Stations. (Camden, S.C., Brinkley, Ark., Concord, N.H., Pontiac, Ill., Du Quoin, Ill., Glasgow, Ky., Norman and Duncan, Okla., Glendive, Mont., Brandon and Sarasota, Fla., Columbia, S.C., Lynchburg, Va., Upper Sandusky and Galion, Ohio, and Altavista, Va.), Docket No. 18125, RM–1254, RM–1257, RM–1261, RM–1263, RM–1266, RM–1255, RM–1282, RM–1258, RM–1262, RM–1249, RM–1264, RM–1269, RM–1268.

1. The Commission has before it for consideration a petition for reconsideration of action taken in the first report and order herein, released July 19, 1968 (FCC 68–737), as it relates to the FM channel assignment adopted for Lynchburg, Va. Channel 244A was assigned therein.

2. In the first report and order, we assigned Channel 244A as a third Class A channel to Lynchburg, Va., in response to a petition (RM–1269) by Griffith Broadcasting Corp. (Griffith). In so acting, we adopted only a portion of petitioner's alternate Plan II which, among other things, would have assigned Channel 252A to Lynchburg by removing it from Lexington, Va., and assigning Channel 244A as a replacement at Lexington. We noted that our assignment of Channel 244A to Lynchburg, rather than 252A, would make a channel available there without the necessity of disturbing the existing assignment at Lexington. We also pointed out, however, that use of Channel 244A at Lynchburg would require selection of a site about 2 miles north-northeast of Lynchburg in order to conform with the spacing requirements of the rules. By timely petition

for reconsideration, which has not been opposed, Griffith again urges assignment of Channel 252A in Lynchburg and substituting Channel 244A for that channel at Lexington.

3. In support of the reconsideration request, Griffith submits that the necessary restrictions imposed on the selection of an acceptable site for Channel 244A at Lynchburg will not permit maximum utilization of Class A facilities in the area. By an accompanying engineering statement, it is shown that operation of a Class A facility about 2 miles northeast of Lynchburg would essentially duplicate the service area of WDSM–FM (Class A, Lynchburg), whereas, if Channel 252A were assigned, a site at the new location authorized for Griffith's AM station, WLLL, located about 4 miles west of Lynchburg, could be utilized. The showing includes a comparison of the 1 mv/m contour of an assumed Class A operation at the WLLL(AM) site (252A) with the existing Class A 1 mv/m contours of Stations WDSM–FM and WWOD–FM and the nighttime protected contours of WWOD(AM) and WLVA (AM), all in Lynchburg, from which it is computed by Griffith that the requested substitution of Channel 252A for 244A would permit a first local nighttime service to an area of 173 square miles, or 26 percent of the area within the predicted Channel 252A 1 mv/m contour. Petitioner also submits that the proposed channel substitutions (244A for 252A at Lexington and 252A for 244A at Lynchburg) would not result in an adverse preclusive impact, pointing out that the changes would result in relieving certain impact areas on the respective channels involved. With respect to adjacent channels, it is maintained that no new preclusion would result, except for Channel 245 in a small area not containing any community greater than 2,500, if Channel 244A were assigned to Lexington.

4. Further review of petitioner's proposal as it concerns Lexington has brought to our attention an earlier proceeding in Docket No. 16991 (FCC 67–277, 6 FCC 2d 793), where it was our expressed proposal and intention to remove all unused FM assignments listed in the Table of Assignments located within the area known as the "National Radio Quiet Zone" (NRQZ). Lexington is located well within the NRQZ defined geographically by section 73.215. It is now apparent that deletion of Channel 252A assigned to Lexington was inadvertently omitted at the time we deleted unoccupied assignments in seven other communities located in the zone. In view of our previous intention and action in Docket 16991, we do not consider it appropriate to replace Channel 252A at Lexington if it is assigned to Lynchburg (Lynchburg is outside the NRQZ).

5. Based upon petitioner's additional showings, we believe that the petition for reconsideration should be granted and Channel 252A at Lexington reassigned to Lynchburg. The assignment would not restrict selection of transmitter sites by potential applicants with respect to spacing requirements, thus affording an opportunity to provide maximum service to the public in the Lynchburg area. For the reasons cited in paragraph 4 above, we are not now assigning a replacement channel at Lexington, although we note that Channel 244A appears to meet the separation requirements there. Our consideration for any future petition proposing assignment of Channel 244A, or any other channel, to Lexington will include an evaluation of the impact it may have on the operations being conducted by the National Radio Astronomy Observatory at Green Bank and the Naval Radio Research Station at Sugar Grove, both in West Virginia.

6. In view of the foregoing, and pursuant to authority contained in sections 4(i), 303(r), and 307(b) of the Communications Act of 1934, as amended, *It is ordered,* That effective November 12, 1968, § 73.202(b) of the Commission's rules, is amended, insofar as the communities listed below are concerned, to read as follows:

(a) Amend the following entry to read:

City	Channel No.
Lynchburg, Va.	252A, 261A, 269A

(b) Delete the following entry:

City	Channel No.
Lexington, Va.	252A

7. *It is further ordered,* That the petition for reconsideration filed in this proceeding by Griffith Broadcasting Corp. is granted to the extent indicated herein and in all other respects is denied.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: October 2, 1968.

Released: October 4, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68–12282; Filed, Oct. 8, 1968; 8:49 a.m.]

[Docket No. 18248; RM–1297; FCC 68–997]

PART 73—RADIO BROADCAST SERVICES

Report and Order Regarding Television Table of Assignments, Fort Smith, Ark.

In the matter of amendment of § 73.606(b) of the Commission's rules and regulations, Television Table of Assignment (Fort Smith, Ark.).

1. The Commission here considers the rule making to amend the Television Table of Assignments (§ 73.606(b) of the Commission's rules and regulations) to assign Channel 40 to Fort Smith, Ark. The petitioner, George T. Hernreich trading as KFPW Broadcasting Co., was the only party filing comments in this proceeding.

2. As stated in the notice, adopted July 10, 1968 (FCC 68–713), petitioner is one of the applicants for Channel 24 at Fort Smith and this petition was filed in order to avoid a comparative hearing with Broacasters Unlimited, the other applicant; see Dockets Nos. 18046 and 18047. Petitioner adduced additional facts to support the view that a third channel assignment should be made at Fort Smith.

3. Briefly the considerations are as follows: Fort Smith is the third largest city in Arkansas (population 52,991, 1960 Census; and 66,716 under a special 1967 census). Fort Smith is the county seat of Sabastian County, the fourth most populous in Arkansas (66,685 persons, 1960 Census). Fort Smith has had a special growth in the past two decades (1940 population 36,584; and 1950 population 47,942) primarily as a result of the development of the Arkansas River for navigation. Fort Smith is one of the southwest's most important manufacturing centers located in the center of a rapidly expanding industrial area. 110 new outlets have been established in the past 11 years and 325 manufacturers have expanded over the same period. Current trade sales of $186 million are expected to increase to about $230 million by 1970. The area is abundant with natural resources and Fort Smith is the shopping center of a large area with an effective 1966 buying income of $443 million. This trade area encompasses segments of western Arkansas and eastern Oklahoma.

4. The staff verified that Channel 40 could be assigned to Fort Smith in compliance with all mileage separation requirements. Also the area has ample channels to supply any foreseeable needs. From the public interest viewpoint, assignment of Channel 40 would make possible the construction of two additional television broadcast stations to meet the needs of Fort Smith which is effectively served only by Station KFSA–TV, Channel 5. In the circumstances, assignment of Channel 40 to Fort Smith, Ark., would serve the public interest, convenience and necessity.

5. Authority for adoption of this amendment is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

6. *It is ordered,* That § 73.606(b) of the Commission's rules, Television Table of Assignments, is amended, effective November 12, 1968 to include:

City	Channel No.
Fort Smith, Ark.	5–, 24, 40

7. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: October 2, 1968.

Released: October 4, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68–12283; Filed, Oct. 8, 1968; 8:49 a.m.]

[1] Commissioner Cox abstaining from voting. Commissioner Johnson absent.

[1] Commissioner Johnson absent.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1009, 1036]

[Docket Nos. AO 268–A17, AO 179–A31]

MILK IN CLARKSBURG, W. VA., AND EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREAS

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice was issued September 19, 1968, giving notice of a public hearing to be held at the Uptowner Inn, 151 West Main Street, Clarksburg, W. Va., beginning at 10 a.m., local time, October 16, 1968, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Clarksburg, W. Va., and Eastern Ohio-Western Pennsylvania marketing areas.

Notice is hereby given that the said public hearing is rescheduled to be held on October 29, 1968. The location of the hearing and its scheduled time are not changed.

Signed at Washington, D.C., on October 4, 1968.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68–12293; Filed, Oct. 8, 1968; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68–SO–80]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration and Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Crestview, Fla., control zone and designate the Crestview, Fla., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Miami Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 2014, AMF Branch, Miami, Fla. 33159. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch, Federal Aviaviews, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Crestview control zone described in § 71.171 (33 F.R. 2058) would be redesignated as:

Within a 5-mile radius of Bob Sikes Airport; within 2 miles each side of the Crestview VORTAC 019° radial, extending from the 5-mile radius zone to .5 mile East of the VORTAC.

The Crestview transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Bob Sikes Airport, excluding the portion within a 1.5-mile radius of Rockin H Ranch Airport.

Since the last alteration of controlled airspace at Crestview, turbojet aircraft have begun utilizing Bob Sikes Airport. Current criteria appropriate to this airport requires the establishment of a basic 9-mile radius transition area. Additionally, a revision to AL–5261–VOR–1 instrument approach procedure requires an adjustment to the length of the control zone extension predicated on the Crestview VORTAC 109° radial.

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

Issued in East Point, Ga., on October 1, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68–12243; Filed, Oct. 8, 1968; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18345; FCC 68–995]

FM BROADCAST STATIONS

Table of Assignments; Bay Shore, N.Y., et al.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Bay Shore, N.Y., Lake Havasu City, Ariz., Eupora, Miss., Sledge, Miss., South Haven, Mich., Marksville, La., Waverly, Tenn., Livermore and Hayward, Calif., North East, Pa., Lawrenceburg, Ky., and Bardstown, Ky.), Docket No. 18345, RM–1236, RM–1320, RM–1321, RM–1322, RM–1325, RM–1327, RM–1328, RM–1329, RM–1331, RM–1333, RM–1334, RM–1336.

1. Notice is hereby given of proposed rule making in the above-entitled matter concerning amendments of the FM Table of Assignments in § 73.202 of the rules. All proposed assignments are alleged and appear to meet the minimum separation requirements of the rules. Proposed assignments which are within 250 miles of the United States-Canadian border will require coordination with the Canadian Government, under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963. Except as otherwise noted, all channels proposed for shift or deletion are unoccupied and not applied for, and all population figures are from the 1960 U.S. Census.

2. *RM–1322, Eupora, Miss. (Webster County Broadcasting Co.); RM–1327, South Haven, Mich. (Van Buren County Broadcasting Co., Inc.); RM–1328, Marksville, La. (Avoyelles Broadcasting Corp); RM–1334, Lawrenceburg, Ky. (William R. Nash); RM–1336, Bardstown, Ky. (Nelson County Broadcasting Co., Inc.).* In the above cases, interested parties are seeking the assignment of a first Class A channel in a community without requiring any other changes in the table. The communities range in size from 1,468 to 6,149 in population. They all appear to warrant the requested assignments and so comments are invited on the following requested additions to the table:

City	*Channel No.*
Eupora, Miss	269A
South Haven, Mich	252A
Marksville, La	249A
Lawrenceburg, Ky	[1] 265A
Bardstown, Ky	244A

[1] This assignment will require a site about 3.5 miles southeast of Lawrenceburg to meet the required minimum spacings with Stations WMPI (FM), Scottsburg, Ind., and WKKY–FM, Erlanger, Ky., both operating on Channel 265A.

3. *RM–1236, Bay Shore, N.Y.* On January 5, 1968, WGLI, Inc., a potential FM applicant and licensee of Radio Station WGLI (AM), Babylon, N.Y., filed a petition looking toward the assignment of Channel 276A to Bay Shore, N.Y. Bay Shore, an unincorporated community, is located in Islip Township, Suffolk County, on the southern shore of Long Island about 40 miles east of New York City, and has, according to the petitioner, a current population of over 36,000 persons.[2] Bay Shore is included within the New York-Northeastern New Jersey urbanized area and has neither an FM nor AM local outlet.

4. In support of its proposal, WGLI submits that since Bay Shore is experiencing an explosive growth of population and is without any form of local broadcast outlet, assignment of the requested FM channel would be in the public interest and would serve the community needs, interests and convenience. It is shown by an incorporated engineering study that Channel 276A can be assigned to Bay Shore without changing assignments in any other community and meet all mileage separations if a site is selected in the area of Fire Island, which would place it about seven miles south of the center of Bay Shore. WGLI further claims that the requested assignment would not preclude use of the same channel by any other community of comparable size on Long Island.

5. Opposition to the petition was filed by Buckley-Jaeger Broadcasting Corporation of Connecticut, licensee of Station WDRC–FM, Hartford, Conn., urging that the petition be denied. Buckley-Jaeger contends that WGLI has failed to show that Bay Shore is a distinct community such that an allocation is warranted or that it represents a fair distribution of frequencies with respect to the needs of other communities. It is also claimed that no showing is made to support the statement that the proposed channel could not be assigned to any other community on Long Island approaching the size of Bay Shore. Finally, the opposition argues that there is no showing that a site on Fire Island is available nor that building ordinances there would permit construction of a 300-foot tower.

6. Opposing comments were also filed by WTFM, Inc., licensee of FM Station WTFM, Lake Success, N.Y. WTFM raises three principal points on which it urges that the WGLI petition be denied. First, it is contended that no showing is made by petitioner that a transmitter site is actually available on Fire Island for Channel 276A that would satisfy the separation requirements of § 73.208(a)-(4) of the rules with respect to Stations WNEW–FM (Channel 274), WDRC–FM (Channel 275) and WTFM (Channel 278) and submits that the nature of the area on Fire Island where a site is claimed to exist is such that it is unlikely an installation could be put there as proposed. As a second point, WTFM advances the need to avoid technical degradation in service (arising from short separations) in preference to a first channel assignment to a community. Finally, WTFM contends that operation of Channel 276A on Fire Island would create a source of interference to existing service over wide areas of southern Long Island and, by extensive supporting engineering data, specifically claims that destructive second adjacent channel interference to WTFM will be caused. The opposition further submits that, because of unusual FM propagation conditions existing in the general area of Long Island due to temperature inversion layers, it expects that interference to WTFM would be substantially greater than would be shown by a study based on normal propagation conditions.

7. In a reply to the above oppositions, WGLI states that it has secured a site located at Bay Avenue and Oak Street, Kismet Park, Town of Islip, Fire Island, N.Y., under lease arrangements for the specific purpose of a radio transmitting station, including tower and related equipment. WGLI further states that it has obtained zoning approval for construction of a 315-foot tower. The petitioner shows that the separation requirements of the rules are fully met at the above-described site and that the required minimum field strength (assuming 3 kw at 300 feet) can be provided to the far edge of Bay Shore from the site. It is shown by the engineering statement accompanying the petitioner's reply that the land area to which the proposed channel may be sited and meet the spacing requirements is restricted to only 1.24 square miles on Fire Island and that such use would not preclude assignment of the same channel within a radius of 65 miles of that location due to preclusion by other adjacent channels operating in the area.

8. WGLI acknowledges that there is located within the community of Bay Shore the incorporated Village of Brightwaters, describing it as a residential area of approximately 12 acres with a population of 3,193 persons (1960 U.S. Census), but states that it chose to specify the substantially larger and more important community of Bay Shore. The petitioner cites numerous data concerning the business, cultural and educational activities of Bay Shore to support its contention that it is an important community deserving of a first FM assignment as a local outlet for coverage of local news, public service and community activities.[3]

9. We consider that adequate showing has been made by the petitioner to establish that Bay Shore has sufficient separate identity as a "community" and is important and large enough to merit our adoption of a notice of proposed rule making for the proposal to assign a first FM channel. We do not believe that Bay Shore's not being an incorporated community should in itself be a limiting factor in arriving at this conclusion. (See Mercer Broadcasting Co., 13 RR 891, 22 FCC 1009.) With regard to compliance of the proposed assignment with § 73.208(a)(4), we find the petitioner has satisfactorily demonstrated availability of a specific site meeting the separation requirements with all other pertinent channels and from which site the required minimum field strength can be provided to Bay Shore. The opposition by WTFM on the grounds that operation at a transmitter site on Fire Island will cause destructive second channel interference to WTFM is not appropriate for consideration at this time, in light of the provisions of § 73.209(b) of the Rules.[4]

10. In view of the foregoing and in order that all interested parties may submit their views and relevant data, comments are invited on the petitioner's proposal to assign FM Channel 276A to Bay Shore, N.Y. We are also inviting comments and a showing by proponents of the proposal on the possible preclusion impact of the requested assignment on the six adjacent channels in the area. See Public Notice—Policy to Govern Request for Additional FM Assignments (FCC 67–577).

11. *RM–1320 and RM–1321, Lake Havasu City, Ariz.* Two separate petitions have been filed by prospective FM applicants, each requesting rule making to assign a different Class A channel to Lake Havasu City, Ariz. One petition, filed June 25, 1968, and amended May 21, 1968, by Mr. Lee R. Shoblom, Littleton,

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[2] *Commercial Atlas and Marketing Guide* (Rand McNally & Co., 93d Edition, 1962) lists Bay Shore, N.Y. with a population of 23,000 persons. The 1960 U.S. Census does not list Bay Shore separately.

[3] Included with the statistical data submitted by petitioner with respect to Bay Shore were the following: 8,733 apartments and single dwellings were contained within Bay Shore-Brightwaters as of August 1967; Bay Shore has its own Post Office (consisting of three stations), 18 churches, 15 community service groups, 13 cultural and educational groups, 10 fraternal organizations and several social, athletic, health, welfare, scouting, and veterans groups operating in Bay Shore. It has seven public elementary, junior, and high schools with 6,907 students, 308 teachers, 60 specialist, and 24 administrative personnel. Bay Shore is represented as having 608 businesses with six major retail stores and three major industrial plants, making it the largest business district in Suffolk County.

[4] Section 73.209(b) of the rules provides: "The nature and extent of the protection from interference accorded to FM broadcast stations is limited solely to the protection which results from the minimum assignment and station separation requirements and the rules with respect to maximum powers and antenna heights set forth in this subpart."

Colo., proposes assignment of Channel 240A. The second petition was jointly filed June 27, 1968, by Messers. Dal Stallard, Kingman, Ariz., and Robert M. Smith, Lake Havasu City, requesting assignment of Channel 257A.

12. Lake Havasu City, a new unincorporated community under development in Mohave County, is located on the California-Arizona boundary about 50 miles southwest of Kingman and 25 miles north of Parker, Ariz. The community's present population is estimated by petitioners to be 3,500 to 4,000 persons.[5] The 1960 U.S. Census lists Mohave County with a population of 4,525. An unoccupied Class A FM channel and a Class IV AM station at Kingman are the only broadcast assignments in the county. Mr. Shoblom has an application pending (BP–18124) for a daytime-only AM station at Lake Havasu City.

13. Both petitioners have satisfactorily demonstrated that the respective channel assignments requested will meet the spacing requirements of the rules without any other changes in the table. In consideration of the data presented by petitioners, we are of the view that rule making should be instituted and comments invited on the proposals to assign a first FM channel to Lake Havasu City, Ariz. However, in view of the limited size of the community, our decision in this case will be restricted at this time to the selection of either Channel 240A or 257A, but not both.

14. *RM–1325, Sledge, Miss.* In a petition filed July 8, 1968, and supplemented August 13, 1968, Mr. Carter C. Parnell, Jr., requests the assignment of Channel 240A to Sledge, Miss. Sledge is a town of 440 persons located in Quitman County (population 21,019) about 50 miles south of Memphis, Tenn. There are presently no FM or AM assignments in Quitman County.

15. In support of the proposal, the petitioner submits that the assignment to Sledge is technically feasible and can be accomplished without requiring any other changes in the table. Mr. Parnell urges that small communities have needs similar to those of larger communities for means of local expression by community forums for school problems, bond issues, political campaigns, and other community interests, and, moreover, the fact that Sledge does not have a radio outlet is ample justification for the requested assignment. Mr. Parnell states that he proposes to file an application for a station at Sledge if the requested assignment is adopted.

16. Our examination of the proposal reveals that the locations to which Channel 240A may be utilized in the general area are limited to an area of about 250 square miles. Clarksdale (21,105) is the only community located in the triangular area with a population greater than 1,000; Clarksdale presently has two FM channel assignments, both of which are unoccupied. However, it is noted that the channel could be used at either of two other communities located slightly outside the triangle, Marks (2,572) and Sardis (2,098), provided transmitter sites are selected 3.5 and 6 miles, respectively, from those communities. Neither Marks nor Sardis has an AM or FM assignment.[6]

17. We are of the view that comments should be invited on the proposed assignment of Channel 240A to Sledge, Miss., so that interested parties may submit their views. In light of the size of Sledge, we are also inviting counterproposals from interested parties for assignment of the channel to either of the larger communities of Marks or Sardis.

18. *RM–1329, Waverly and Centerville, Tenn.* On July 18, 1968, R. M. McKay, Jr., Tr/as Humphreys County Broadcasting Co., a prospective FM applicant at Waverly, Tenn., filed a petition requesting the reassignment of Channel 285A from Centerville to Waverly, as follows:

City	Channel No.	
	Present	Proposed
Centerville, Tenn	285A	
Waverly, Tenn		285A

Waverly, located about 55 miles east of Nashville and having a population of 2,891 persons, is the largest community and the county seat of Humphreys County (population 11,511). The only local radio outlet available at present in the county is that of WPHC (daytime-only AM), licensed to petitioner. There are no FM assignments in the county. Centerville is located about 30 miles southeast of Waverly with a population of 1,678 and is the largest community and county seat of Hickman County (population 11,862). Hickman County has one local radio outlet, Station WHLP (daytime-only AM), and one unoccupied FM assignment, both at Centerville.

19. The petitioner submits that the requested reassignment fully complies with the separation requirements, that no other Class A meeting such requirements is available, and that it would provide a first local FM service to Waverly and its environs. It is alleged that removal of the channel from Centerville would not involve a corresponding detriment to the public interest, since Centerville is a smaller community than Waverly and is an area of smaller present and prospective economic growth. It is further submitted that, while the channel has been assigned for five years to Centerville, no applicant has filed for its use there and that petitioner is prepared to immediately apply for its use at Waverly upon adoption of its proposal. A large number of comparative statistics between Centerville and Waverly as to population growth, wholesale and retail sales, manufacturing and commerce, and employment are given to support the petitioner's claim that Waverly presents a greater need and has a superior prospect for supporting an FM facility than does Centerville.

20. A letter in opposition to the petition was filed by Trans-Aire Broadcasting Corp., licensee of Station WHLP (AM), Centerville, stating that it is in the final stages of preparing an application for the channel in question at Centerville and, accordingly, requests that the petition be denied.

21. We are of the view that we should institute rule making on the subject proposal in order that all interested parties may file their comments and relevant data. Comments are therefore invited on the petitioner's proposal as outlined above.

22. *RM–1331, Hayward and Livermore, Calif.* A petition was filed on July 25, 1968, by Pacific FM, Inc., licensee of Station KPEN(FM), San Francisco, Calif., requesting that Channel 269A be deleted from Hayward and assigned to Livermore, Calif., as follows:

City	Channel No.	
	Present	Proposed
Hayward, Calif	269A	
Livermore, Calif		269A

Pacific points out that Channel 269A was formerly licensed to Station KBBM (FM) for operation at Hayward, Calif., at which time it was severly short-spaced to Stations KPEN(FM), Channel 267, and KDFC(FM), Channel 271, both operating in San Francisco. The separations with KBBM(FM) were about 20.5 and 14.7 miles with the San Francisco stations, whereas the present rules require 40 miles separation with each. The petitioner further points out that Channel 269A was subsequently licensed to Station KTUX(FM) for operation at Livermore and that such operation resulted in a marked improvement in separations in that the spacings are now 38.1 and 42.8 miles, respectively, with Stations KPEN(FM) and KDFC(FM).[7]

23. In support of its petition, Pacific urges that providing for the assignment to Livermore in the table would guarantee an FM channel to a city of more than 23,500 people, which is located approximately 40 miles from San Francisco, well outside the Bay-area urban complex, and that it is without any other local station or assignment of any kind. The petitioner submits, by contrast, that Hayward is within the San Francisco urban area and that it is served by a plethora of AM and FM stations (claiming more than 15 of each), with which, it is alleged, Hayward residents have a definite community of

[5] The 1960 U.S. Census does not list Lake Havasu City separately.

[6] Both Marks and Sardis are more than 10 miles from Sledge. Thus, contrary to the petitioner's contention, applications specifying a Class A channel assigned to Sledge for either Marks or Sardis would not be acceptable under the "10-mile rule" limitation of Section 73.203(b) of the Rules, effective June 4, 1968. (FCC 68–454, 12 FCC 2d 660.)

[7] Subsequent to the filing of instant petition, the Commission granted an application (BPH–6390) on Aug. 16, 1968, for Station KTUX(FM), Livermore, authorizing a change in transmitter site with separations between KTUX(FM) and Stations KPEN(FM) and KDFC(FM) of 33.2 and 38.9 miles, respectively.

interest. The petitioner finally notes that under the provisions of § 72.203(b) of the rules (as amended effective June 4, 1968), if the present KTUX(FM) license were ever cancelled or renewal denied, the assignment would automatically revert to Hayward and, because of the new "10-mile rule" restriction of the rule, Livermore would be denied further access to the channel.

24. Essentially, this is a request for amendment of the table to conform to the pattern of actual usage which has developed, and which represents an improvement over the table arrangement because of smaller deviations from standard mileage separations. Based on the showings of improved separations which would result from the petitioner's proposal, we believe the request has sufficient merit to warrant the institution of rule making. We invite comments, therefore, from interested parties on the proposal to permanently assign Channel 269A to Livermore, Calif., by deleting it from Hayward. It is to be noted that the proposal, if adopted, would not affect the existing license or new construction permit for Station KTUX, Livermore.

25. *RM–1333, North East, Pa.* On July 26, 1968, WBEN, Inc., licensee of Station WBEN–FM, Buffalo, N.Y., filed a petition looking toward the assignment of Channel 265A to North East, Pa., and suggesting that the construction permit (BPH–6326) granted to James D. Brownyard on July 19, 1968, for operation of a new FM station, WHYP–FM, at North East on Channel 272A, be modified to specify Channel 265A.[8]

26. WBEN states its interest in making the proposal herein arises out of the fact that operation of Channel 272A at North East would result in serious mutual first adjacent channel interference to WBEN–FM, Channel 273, and the newly authorized station, WHYP–FM, within their respective 34 dbu (50 uv/m) contours. It is also urged that the proposed assignment of Channel 265A to North East would preserve the four channels heretofore allocated to Erie and eliminate the predicted interference to WBEN–FM. It is demonstrated by a supporting engineering statement that Channel 265A could be assigned to North East and comply with all separation requirements of the rules. The WBEN engineering study further shows that the preclusion of assignments resulting from the proposed allocation would be only on Channel 265A itself, consisting of two small areas, within which the largest community, other than North East (population 4,217), is Ripley, N.Y. (population 1,247).

27. Comments were filed by James D. Brownyard in response to the WBEN petition indicating that he has no objection to the proposal provided a provision is made for the modification of the WHYP–FM construction permit to specify operation on Channel 265A if said channel is assigned to North East.

28. We note here that the spacing between the presently authorized site for Station WHYP–FM at North East and that of WBEN–FM is about 70 miles, which exceeds the minimum spacing requirement of 65 miles specified by the rules. We also note that under the provisions of § 73.209(b) of the rules, the only interference protection afforded between stations is that resulting from the minimum separation requirements of the rules. Thus, we are not convinced that the proposal would be warranted if based alone on the showing of petitioner of alleged interference. However, in view of the very restricted area to which the proposed substitute channel proposed for North East may be assigned and meet the spacing requirements, it is apparent that such assignment would add to the overall efficiency and utilization of available FM assignments. We therefore consider for this reason that the petition has merit and are inviting comments on petitioner's proposal to assign Channel 265A to North East, Pa.[9] Appropriate modification of the WHYP–FM construction permit (BPH–6326) held by James D. Brownyard will be made to specify operation on Channel 265A in lieu of Channel 272A in the event the new channel assignment proposed herein is adopted.

29. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

30. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before November 12, 1968, and reply comments on or before November 22, 1968. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

31. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: October 2, 1968.

Released: October 4, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[10]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–12284; Filed, Oct. 8, 1968; 8:49 a.m.]

[8] Brownyard's application specified Channel 272A listed in the Table for Erie, Pa., which was available for use at North East under the then "25-mile rule" provision of § 73.203(b) of the rules. North East is about 12 miles from Erie.

[9] We emphasize, as we have before when when WBEN–FM has sought to protect its unusually large service area by requesting changes in the Table of Assignments, that this proposal will be adopted only if it appears that overall allocation efficiency will be improved. We will not hesitate to make future use of Channel 272A in this area, either as an Erie assignment or if use elsewhere is requested.

[10] Commissioner Cox dissenting to the proposal for Waverly, Tenn.; Commissioner Johnson absent.

[47 CFR Part 74]

[Docket No. 18346; FCC 68–998]

INSTRUCTIONAL TELEVISION FIXED STATIONS

Licensing of ITFS Response Stations in Certain Band

In the matter of amendment of Part 74, Subpart I of the Commission rules and regulations governing instructional television fixed stations to provide for the licensing of ITFS response stations in the Band 2686–2690 MHz, Docket No. 18346, RM–1259.

1. On February 23, 1968, the Leland Stanford Junior University (Stanford), filed a petition (RM–1259) requesting that the Commission amend its rules to provide for the use of low-powered, voice modulated radio transmitters in the upper 4 MHz of the instructional television fixed station band, 2500–2690 MHz, so that students receiving instruction via an instructional television fixed station, may communicate with the instructor to ask and respond to questions, exchange ideas and otherwise discuss the subject matter. It is claimed that such communication will enhance the value and effectiveness of instructional television.

2. The petition suggests that the band 2686–2690 MHz be divided into 31 channels, each 129 kHz in width. This would provide one response channel for each of the 31 instructional television fixed station channels. Power requirements would be nominal, in most cases approximately 200 milliwatts. In a few instances, power of up to 2 watts might be required. Frequency modulation would be employed with a carrier excursion at maximum modulation of no more than 25 kHz above and below the unmodulated carrier frequency. Transmitters with a frequency stability of approximately 14 parts-per-million (plus or minus 35 kHz in the proposed band) are said to be practical. Directional transmitting antennas would be employed, concentrating the radiated energy toward the associated instructional television fixed station location and thereby minimizing potential interference to other users. More than one response station at more than one location might be used in conjunction with a single instructional television fixed station. However, all would share the same ITFS response channel.

3. The petition has sufficient merit to warrant the institution of rule making. The frequency band 2500–2690 MHz is allocated to instructional television fixed stations and is also available to operational fixed stations in other services, for the transmission of visual images and accompanying sound under the transmission standards established for instructional television fixed stations. It is divided into 31 channels, each 6 MHz in width. This leaves 4 MHz at the upper end of the band (2686–2690 MHz) unused. The proposed ITFS response service would be placed in that unused portion of the band. No additional spectrum space is sought.

4. The ability of students to communicate directly with the instructor does offer several advantages. Questions may be asked and answered during the course of instruction. Obscure points may be cleared up and ideas exchanged. Psychologically, communication between students and instructor would provide many of the features of personal instruction and thus soften the coldly impersonal aspect of normal television instruction.

5. The channelling suggested by the petition is based on the need of channels approximately 120 kHz in width. The odd figure of 129 kHz is simply the result of dividing 31 into 4,000 kHz. A more orderly "pairing" of ITFS response channels and instructional TV channels can be obtained if 125 kHz channels are used. This will provide 32 channels instead of 31 but the extra channel may be held in reserve to meet unforeseen contingencies.

6. Since these transmitters will operate with extremely low power, will be "paired" with a specific instructional television channel, and normally will be available upon request to the licensee assigned that specific instructional TV channel, some simplified licensing procedure may be desirable. Transmitters and transmitting antennas will be in most cases bought as a package with no substantial construction involved in the installation. The response stations will be a part of the total instructional TV system and no special engineering study by the Commission will be necessary to determine whether their use should be permitted in individual cases. Therefore, it is proposed to authorize the use of ITFS response stations by the rules adopted herein and require only that prior notice be given to the Commission when such transmitters are to be installed. The Commission reserves the right to forbid the commencement of operation and to order such operation to cease if it has already begun. The specific details required to be given in the notification to the Commission will provide sufficient information for such a determination. The notification will become a part of the basic station license for the associated instruction television fixed station and thus comply with the requirements of section 301 of the Communications Act of 1934, as amended. The proposed Notification Form is attached hereto.

7. The rules proposed herein also provide for making changes in the equipment of an ITFS response station and changing the location of such stations upon a notification basis. The ITFS response stations are not considered to be portable or mobile stations but are fixed stations and it is expected that installations will remain at the same location for a reasonable period of time. However, there may be occasions when it will be desirable to move the equipment to a different school to provide response capabilities to a different group of students. The proposed rules treat this in the same manner as a new installation. Licensees are also required to notify the Commission if an ITFS response station is removed from a notified location even though it is not installed at another location. This will permit Commission records to reflect the true status of ITFS response station operation.

8. In most cases, the ITFS response station transmitting antenna will be mounted on the structure supporting the Instructional Television Fixed Station receiving antenna. In some cases the same antenna may be used for receiving the instructional TV fixed station and transmitting the signals of the ITFS response station. If the height of the existing structure is not increased no additional hazard to air navigation will be created. However, there may be cases where the height of the existing antenna structure will be increased or a new structure may be erected so as to require approval by the Federal Aviation Administration. In those cases, the licensee is expected to file the information on a prescribed form, directly with the Federal Aviation Administration, and may not notify the Commission of proposed operation nor engage in any antenna construction until FAA approval has been obtained. If painting and lighting of the proposed structure is required, the Commission will issue the specifications.

9. The proposed rules governing the use of ITFS response stations are placed in a single proposed new § 74.939 for clarity and ease of administration. Except for the addition of a definition in § 74.901, no other rules are proposed to be amended. Since these stations are considered to be a part of the overall instructional television fixed system, no change in the basic frequency allocation in Part 2 of the Commission rules is required.

10. Accordingly, pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, it is proposed to amend Subpart I of Part 74 of the Commission's rules as set forth below.

11. Pursuant to applicable procedures set out in § 1.415 of the rules, interested parties may submit comments on or before November 12, 1968, and replies to such comments on or before November 22, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

12. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: October 2, 1968.

Released: October 4, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

It is proposed to amend Part 74, Subpart I of the Commission rules in the following regard:

[1] Commissioner Cox dissenting; Commissioner Johnson absent.

1. Section 74.901—Insert the following definition in the appropriate alphabetic sequence.

§ 74.901 Definitions.

* * * * *

ITFS response station. A fixed station operated at an authorized receiving location of an instructional television fixed station to provide voice communication with the instructional television fixed station.

* * * * *

2. Section 74.939 is added to read as follows:

§ 74.939 Special rules governing ITFS response stations.

(a) An ITFS response station is authorized to provide voice communications with its associated instructional television fixed station so that students may ask and answer questions and otherwise discuss with the instructor, the subject being taught. Other voice communications concerning the technical operation of the system may be carried on when necessary.

(b) An ITFS response station may be operated only by the licensee of an instructional television fixed station and only at an authorized receiving location of the instructional television fixed station with which it communicates. More than one ITFS response station may be operated at the same or different locations by the same licensee. In lieu of an application, Notification Form FCC 330N shall be filed with the Commission in Washington, D.C., at least 10 days prior to the installation and operation of any new ITFS response station or a change in the existing station. A separate Notification Form shall be filed for each transmitter and shall supply the following information:

(1) The name and mailing address of the licensee.

(2) The name of the school or other description of the building in which the ITFS response station will be located, the address, and the geographic coordinates of the ITFS response station transmitting antenna.

(3) The call sign and location of the instructional television fixed station with which it will communicate.

(4) The manufacturer's name, type number, operating frequency and power output, of the proposed ITFS response station transmitter.

(5) The type of transmitting antenna, power gain, and azimuthal orientation of the major lobe of radiation in degrees measured clockwise from True North.

(6) A sketch giving pertinent details of the ITFS response station transmitting antenna installation including ground elevation of the transmitter site above mean sea level; overall height above ground of any ground mounted tower or mast on which the transmitting antenna will be mounted or, if the tower or mast is or will be located on an existing building or other manmade structure, the separate heights above ground of the building and the tower or mast; the location of the tower or mast on the

building; the location of the transmitting antenna on the tower or mast; and, the overall height of the transmitting antenna above ground.

(c) Antenna installations which increase the height of an existing authorized antenna supporting structure and new antenna supporting structures which exceed certain specified heights may require prior approval by the Federal Aviation Administration (FAA). In cases where FAA notification is required, no construction shall be undertaken until FAA approval has been obtained and Notification Form FCC 330N, accompanied by a copy of the FAA approval has been filed with the Commission in accordance with paragraph (b) of this section. Form FAA–117 shall be filed with the Federal Aviation Administration in the following cases:

(1) If the proposed ITFS response station antenna increases the overall height of any existing authorized antenna supporting structure, so that it is more than 20 feet above ground or more than 20 feet above an existing building or other manmade structure on which it may be mounted.

(2) If a new antenna and supporting structure is proposed to be erected which will have an overall height of more than 20 feet above ground if mounted on the ground, or will increase the height of any building or other manmade structure by more than 20 feet, if mounted on such a structure.

Part 17 of the Commission Rules sets forth the circumstances under which painting and lighting of antenna structures will be required. In cases where such hazard marking is required, the Commission will notify the licensee as to the painting and lighting specifications.

(d) The Commission shall be promptly notified whenever an ITFS response station is removed from a notified location. If the transmitter is to be installed at another location, Notification Form FCC 330N shall be filed at least 10 days prior to the contemplated installation, pursuant to the provisions of paragraph (b) of this section. Similar notification shall be filed for any changes to be made in an existing ITFS response station which alters the data filed in the original notification.

(e) The Commission reserves the right to notify the licensee not to commence contemplated operation or to order such operation to cease, if it has already begun, when in its opinion such action is necessary.

(f) All ITFS response stations communicating with a single instructional television fixed station shall operate on the same frequency. The specified frequency which may be used is determined by the channel assigned to the instructional television fixed station with which it is communicating, as shown in the following table. Operation on other ITFS response channels is prohibited.

ITFS Channel No.	Response Frequency (MHz)	ITFS Channel No.	Response Frequency (MHz)
A–1	2686.0625	E–1	2686.5625
A–2	2687.0625	E–2	2687.5625
A–3	2688.0625	E–3	2688.5625
A–4	2689.0625	E–4	2689.5625
B–1	2686.1875	F–1	2686.6875
B–2	2687.1875	F–2	2687.6875
B–3	2688.1875	F–3	2688.6875
B–4	2689.1875	F–4	2689.6875
C–1	2686.3125	G–1	2686.8125
C–2	2687.3125	G–2	2687.8125
C–3	2688.3125	G–3	2688.8125
C–4	2689.3125	G–4	2689.8125
D–1	2686.4375	H–1	2686.9375
D–2	2687.4375	H–2	2687.9375
D–3	2688.4375	H–3	2688.9375
D–4	2689.4375	***	2689.9375

NOTE: The frequency 2689.9375 MHz, listed at the end of the Group H column, is not paired with any specified ITFS channel. It will be held in reserve to meet unforeseen contingencies.

(g) Transmitter power output will normally be limited to no more than 250 milliwatts. Upon a special showing of need transmitter power output of up to 2 watts may be permitted.

(h) The channels assigned to ITFS response stations are 125 kHz in width. The assigned frequency is at the center of the channel. Either frequency or amplitude modulation may be employed. If amplitude modulation is used, the carrier shall not be modulated in excess of 100 percent. If frequency modulation is employed, the maximum carrier excursion resulting from modulation shall not be greater than 25 kHz above and below the unmodulated carrier frequency. Any excursion appearing outside the authorized channel, including radio frequency harmonics, shall be attenuated no less than 60 decibels below the peak power of the unmodulated carrier. Greater attenuation may be required if interference is caused by out-of-band emissions.

(i) The unmodulated carrier frequency shall be maintained within 35 kHz of the assigned frequency at all times. Adequate means shall be provided to insure compliance with this rule.

(j) A directive transmitting antenna shall be employed, oriented toward the transmitter site of the associated instructional television fixed station. The beam-width between half power points shall not exceed 15° and radiation in any minor lobe of the antenna radiation pattern shall be at least 20 decibels below the power in the main lobe of radiation.

(k) The transmitter of an ITFS response station may be operated unattended provided that the transmissions are observed by the operator on duty at the associated instructional television fixed station, who shall take such steps as may be necessary to correct any condition of improper operation. The overall performance of the ITFS response station transmitter shall be checked as often as is necessary to insure that it is functioning in accordance with the requirements of the Commission Rules and in any case, at intervals of no more than 1 month. The licensee of an ITFS response station is responsible for the proper operation of the transmitter at all times. The transmitter shall be installed and protected in such manner as to prevent tampering or operation by unauthorized persons.

(l) Transmitting apparatus employed at ITFS response stations shall have type acceptance in accordance with § 74.952.

(m) An ITFS response station shall be operated only when engaged in communication with its associated instructional television fixed station or for necessary equipment or system tests and adjustments. Radiation of an unmodulated carrier and other unnecessary transmissions are forbidden.

(n) The requirements of § 74.981 apply with regard to logging requirements.

(o) Individual call signs will not be assigned to ITFS response stations. It is assumed that in normal usage the location and identity of an ITFS response station can be determined by the content of its communications. If such is not the case, provision shall be made to announce the location at intervals of no more than one-half hour whenever the transmitter is being operated.

FCC Form 330N.

PROPOSED NOTIFICATION OF PROPOSED INSTALLATION AND OPERATION OF AN ITFS RESPONSE STATION

This form shall be filed in triplicate with the Federal Communications Commission, Washington, D.C. 20554, at least 10 days prior to the installation and operation of a new or modified ITFS Response Station. All of the information called for by this form shall be supplied herein whether or not it appears elsewhere in Commission records. It shall be signed by the licensee of the associated Instructional Television Fixed Station or by a person authorized to sign for the licensee.

1. Name and address of licensee:

Name _____
Mailing address _____
(Street and number)
_____ _____ _____
(City) (State) (Zip code)

2. Purpose of notification:
Install a new ITFS Response Station ☐.
Modify an existing station ☐.

3. Instructional Television Fixed Station with which it will communicate:

Call sign _____.
Location _____.
(City and State)
ITFS channel _____.

4. Location of proposed ITFS Response Station:

Name of school _____
Address _____
(Street and number)
_____ _____ _____
(City) (State) (Zip code)
Geographic coordinates __°__'__" N. latitude; __°__'__" W. longitude.

5. Transmitter:

Manufacturer _____.
Type No. _____.
Rated power output _____ milliwatts.
Frequency _____ MHz.

NOTE: Proposals to use transmitter power output in excess of 250 milliwatts must be

accompanied by a satisfactory showing of exceptional circumstances which warrant higher power. In no case will power output in excess of 2 watts be permitted.

6. Transmitting antenna:

Type _____. Power gain _____db. Direction of main lobe _____° True.
Will the proposed antenna be mounted on an existing tower or mast or will a new tower or mast be erected?

New tower ☐.

Existing tower ☐.

A vertical plan sketch of the proposed transmitting antenna installation shall be submitted in triplicate herewith showing the ground elevation above mean sea level at the proposed antenna site; overall height above ground of any ground mounted tower or mast used to support the antenna or, if the tower or mast will be located on an existing building or other man-made structure, the separate heights above ground of the building and the tower or mast; the location of the tower or mast on the building; the position of the transmitting antenna on the tower or mast; and, the overall height of the transmitting antenna above ground.

NOTE: Section 74.939(c) of the Commission rules sets forth the circumstances under which Form FAA–117 must be filed with the Federal Aviation Administration, FAA approval must be obtained and evidence thereof submitted with this Notification Form in all such cases.

The licensee hereby waives any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise. (See section 304 of the Communications Act of 1934, as amended.)

CERTIFICATION

I certify that the statements made in this notification are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this _____ day of _____, _____ 19 _____.

_____
(Name of licensee)

By _____
(Signature)

Title _____

Willful false statements made on this form are punishable by fine and imprisonment. United States Code, title 18, section 1001.

[F.R. Doc. 68–12285; Filed, Oct. 8, 1968; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 2729]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, serial number A 2729 for the withdrawal of lands described below, from mineral location and entry under the General Mining Laws, subject to existing valid existing rights.

The Forest Service desires this withdrawal to establish a strip of land 200 feet each side of centerline of a realigned portion of U.S. Highway 60, so the land will remain in Federal ownership and prevent activities adverse to its use as a roadside zone; and to establish the Globe Administrative Site.

For a period of 30 days from the date of publication of this notice all persons who wish to submit comments, suggestions, or objections, in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

ROADSIDE ZONE, U.S. HIGHWAY 60

A strip of land 200 feet each side of the centerline of U.S. Highway 60 as it passes through the following legal subdivisions:

T. 2 N., R. 16 E. (Unsurveyed),
Sec. 5, NE¼NE¼, S½NE¼, and E½W½SE¼;
Sec. 8, E½NW¼NE¼, SW¼NE¼, SE¼SW¼, and W½SE¼;
Sec. 17, E½NW¼ and SW¼;
Sec. 19, NE¼NE¼, S½NE¼, SE¼SW¼, and N½SE¼;
Sec. 20, NW¼NW¼.

The area described aggregates approximately 174 acres.

GLOBE ADMINISTRATIVE SITE

T. 1 S., R. 16 E. (Unsurveyed),
Sec. 5, that portion of the NW¼SW¼ lying south of Forest Service Roadside Zone Withdrawal Public Land Order 2919, of Jan. 30, 1963, and west of the surveyed centerline of State Highway 77.

The area described aggregates approximately 13 acres.

The total areas described above aggregate approximately 187 acres within the Tonto National Forest.

Dated: October 1, 1968.

FRED J. WEILER,
State Director.

[F.R. Doc. 68-12235; Filed, Oct. 8, 1968; 8:45 a.m.]

[S-2182—S-2185]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Multiple Use Management

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

2. Publication of this notice has the effect of segregating (a) all public lands described below from appropriation only under the agricultural land laws (43 U.S.C., Chapters 7 and 9; 25 U.S.C., sec. 334) and from sale under sec. 2455 of the revised statutes (43 U.S.C. 1171) and (b) the lands described in paragraph 4 from appropriation under the mining laws (30 U.S.C., Ch. 2). The lands shall remain open to all other applicable forms of appropriation.

3. The public lands are located within Siskiyou, Trinity, and a small portion of Modoc Counties and include the Scott Valley, Mt. Dome, Middle Klamath, and Trinity Planning Units. For the purpose of this proposed classification, the lands within each planning unit have been subdivided into blocks, each of which have been analyzed in detail and described in documents and on maps available for inspection at the Redding District Office, Bureau of Land Management, 2460 Athens Avenue, Redding, Calif. 96001, and in the California State Office, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825.

TRINITY PLANNING UNIT (S-2185) TRINITY COUNTY

MOUNT DIABLO MERIDIAN, CALIFORNIA

Block I

All public lands in Trinity County in:
T. 31 N., R. 7 W.,
Sec. 6.
T. 31 N., R. 8 W.,
Secs. 1 to 6, inclusive, 8 to 11, inclusive.
T. 32 N., R. 8 W.,
Secs. 28, 29, 30, 32, 33, and 34.
T. 33 N., R. 8 W.,
Secs. 2, 3, 10 to 20, inclusive, 23, 24, 26, and 30.
T. 32 N., R. 9 W.,
Secs. 2 to 8, inclusive, 14, 18, 19, 20, 22, 23, and 25 to 34, inclusive.
T. 33 N., R. 9 W.,
Secs. 12, 13, 14, 19, 20, 22, 23, 24, and 26 to 35, inclusive.
T. 32 N., R. 10 W.,
Secs. 1, 2, 3, 10, 11, 12, 14, 23, and 26.
T. 33 N., R. 10 W.,
Secs. 3 to 11, inclusive.
Sec. 12, SW¼SW¼, S½SE¼SW¼.
Sec. 13, SW¼NE¼, NW¼, E½NE¼SW¼, N½SW¼SW¼, N½S½SW¼, NE¼SE¼SW¼, W½SE¼.
Secs. 14 to 29, inclusive, 32, 34, 35, and 36.
T. 34 N., R. 10 W.,
Secs. 8, 17 to 20, inclusive, and 29 to 32, inclusive.
T. 33 N., R. 11 W.,
Secs. 1, 12, 13, and 24.
T. 34 N., R. 11 W.,
Secs. 3, 4, 9, 10, 14, 15, 16, 20 to 23, inclusive, 25 to 28, inclusive, and 33 to 36, inclusive.

The public lands proposed to be classified for multiple use management in the Trinity Planning Unit aggregate approximately 40,438.58 acres.

SCOTT VALLEY PLANNING UNIT (S-2183) SISKIYOU COUNTY

MOUNT DIABLO MERIDIAN, CALIFORNIA

Block I

All public lands in:
T. 41 N., R. 7 W.,
Secs. 3 to 10, inclusive.
T. 42 N., R. 7 W.,
Secs. 3 to 10, inclusive, 14 to 23, inclusive, and 26 to 35, inclusive.
T. 43 N., R. 7 W.,
Secs. 2 to 11, inclusive, 14 to 22, inclusive, and 27 to 34, inclusive.
T. 44 N., R. 7 W.,
Secs. 31 and 32.
T. 40 N., R. 8 W.,
Secs. 2 to 11, inclusive.
T. 41 N., R. 8 W.,
Secs. 1, 2, 3, 10 to 15, inclusive, 20, 21, 22, 27, 28, 29, 32, 33, and 34.
T. 42 N., R. 8 W.,
Secs. 1 to 30, inclusive, 34, 35, and 36.
T. 43 N., R. 8 W.,
Secs. 1, 2, 3, 10 to 15 inclusive, 22 to 28 inclusive and 33 to 36 inclusive;
T. 44 N., R. 8 W.,
Secs. 34, 35, and 36;
T. 42 N., R. 9 W.,
Sec. 12.

Block II

All public lands in:
T. 43 N., R. 9 W.,
Secs. 5, 6, 7, and 18;
T. 44 N., R. 9 W.,
Secs. 18, 31, and 32;
T. 43 N., R. 10 W.,
Secs. 1, 2, 11, 12, and 13;
T. 44 N., R. 10 W.,
Secs. 12, 13, 24, 25, 26, and 36.

Block III

All public lands in:
T. 44 N., R. 8 W.,
Sec. 32, Lot 1.

The public lands proposed to be classified for multiple-use management in the Scott Valley Planning Unit aggregate approximately 23,637.83 acres.

MT. DOME PLANNING UNIT (S–2182) SISKIYOU AND MODOC COUNTIES

MOUNT DIABLO MERIDIAN, CALIFORNIA

Block I

All public lands in:
T. 45 N., R. 1 E.,
Secs. 4, 5, and 6;
T. 46 N., R. 1 E.,
Secs. 1 to 4 inclusive and 9 to 36 inclusive;
T. 47 N., R. 1 E.,
Secs. 1 to 5 inclusive, 8 to 17 inclusive, 21 to 28 inclusive and 33 to 36 inclusive.
T. 48 N., R. 1 E.,
Secs. 13 to 17 inclusive, 20 to 29 inclusive and 32 to 36 inclusive;
T. 45 N., R. 2 E.,
Secs. 1 to 12 inclusive, 17 and 18;
T. 46 N., R. 2 E.,
Secs. 1 to 36 inclusive;
T. 47 N., R. 2 E.,
Secs. 1 to 36 inclusive;
T. 48 N., R. 2 E.,
Secs. 13 to 36 inclusive;
T. 47 N., R. 3 E.,
Secs. 1 to 20 inclusive, 23 to 26 inclusive and 30;
T. 48 N., R. 3 E.,
Secs. 14 to 23 inclusive, and 25 to 36 inclusive.
T. 46 N., R. 1 W.,
Sec. 24.

Block II

All public lands in:
T. 48 N., R. 5 E.,
Sec. 25;
T. 47 N., R. 6 E.,
Secs. 2 to 6 inclusive;
T. 48 N., R. 6 E.,
Secs. 14 to 23 inclusive and 26 to 35 inclusive;
T. 47 N., R. 1 W.,
Secs. 14 and 22.

The public lands proposed to be classified for multiple-use management in the Mount Dome Planning Unit aggregate approximately 16,488.68 acres.

MIDDLE KLAMATH PLANNING UNIT (S–2184) SISKIYOU COUNTY

MOUNT DIABLO MERIDIAN, CALIFORNIA

All public lands in:
T. 47 N., R. 2 W.,
Sec. 18;
T. 48 N., R. 3 W.,
Secs. 23, 24, and 34;
T. 47 N., R. 4 W.,
Secs. 2 and 9.
T. 48 N., R. 4 W.,
Secs. 30 and 35;
T. 42 N., R. 5 W.,
Sec. 4;
T. 43 N., R. 5 W.,
Sec. 34;
T. 47 N., R. 5 W.,
Secs. 6, 8, 18, 20, and 30;
T. 48 N., R. 5 W.,
Secs. 18, 20, 22, 24, 28, and 30;
T. 46 N., R. 6 W.,
Secs. 4, 5, 6, 18, and 30;
T. 47 N., R. 6 W.,
Secs. 12 and 32;
T. 48 N., R. 6 W.,
Secs. 14, 22, 24, 26, and 34;
T. 46 N., R. 7 W.,
Secs. 12, 24, and 25.

The public lands proposed to be classified for multiple-use management in the Middle Klamath Planning Unit aggregate approximately 10,080.47 acres.

4. As provided in paragraph 2 above, the following lands are further segregated from appropriation under the mining laws (totaling approximately 2,668.38 acres).

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 46 N., R. 6 W.,
Sec. 5, NE¼SW¼NE¼, E½SW¼SW¼NE¼, NE¼SE¼;
T. 46 N., R. 6 W.,
Sec. 30, E½NE¼;
T. 47 N., R. 6 W.,
Sec. 32, SE¼SE¼;
T. 46 N., R. 7 W.,
Sec. 24, SW¼NE¼;
T. 32 N., R. 9 W.,
Sec. 6, Lot 3, S½ Lot 4, Lots 5 and 8, SW¼ Lot 11 and Lot 12;
T. 32 N., R. 9 W.,
Sec. 18, Lot 4;
T. 32 N., R. 9 W.,
Sec. 28, SW¼SW¼;
T. 32 N., R. 9 W.,
Sec. 30, E½ Lot 2.
T. 32 N., R. 9 W.,
Sec. 32, E½NE¼.
T. 32 N., R. 9 W.,
Sec. 33, W½NW¼.
T. 33 N., R. 9 W.,
Sec. 20, all.
T. 33 N., R. 9 W.,
Sec. 27, NE¼NE¼.
T. 33 N., R. 9 W.,
Sec. 28, N½NE¼, W½SW¼NE¼, E½SE¼NE¼, W½.
T. 33 N., R. 9 W.,
Sec. 32, N½, SE¼NE¼SW¼NE¼SW¼, E½SE¼SW¼NE¼SW¼, W½W½SW¼SW¼NE¼SW¼, E½W½SE¼SW¼NE¼SW¼, W½SE¼SW¼NW¼SW¼, SE¼SE¼SW¼NW¼SW¼, S½NE¼SE¼NW¼SW¼, S½SE¼NW¼SW¼, NE¼NW¼NW¼SW¼, NW¼SE¼NW¼NW¼SW¼, NE¼SE¼, NE¼NW¼SE¼, NW¼SW¼SE¼, E½SW¼SW¼SE¼, S½SE¼SW¼SE¼, E½NE¼SE¼SE¼, S½SE¼SE¼.
T. 33 N., R. 10 W.,
Sec. 18, lot 12.
T. 33 N., R. 10 W.,
Sec. 28, E½SW¼, W½SE¼.
T. 34 N., R. 11 W.,
Sec. 25, NE¼NE¼.
T. 34 N., R. 11 W.,
Sec. 26, SW¼NW¼, SE¼NE¼.

5. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Redding District Manager, Bureau of Land Management, 2460 Athens Avenue, Redding, Calif. 96001, or at the public hearing.

6. A public hearing on this proposed classification for Siskiyou County will be held at 10 a.m., October 17, 1968, in the Supervisors' Chambers, County Courthouse, Yreka, Calif.

7. A public hearing on this proposed classification for Trinity County will be held at 10 a.m., October 18, 1968, Conference Room, Civil Defense Building, Weaverville, Calif.

For State Director.

RICHARD L. THOMPSON,
District Manager.

[F.R. Doc. 68–12236; Filed, Oct. 8, 1968; 8:45 a.m.]

[OR 3051]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

OCTOBER 2, 1968.

The notice of classification appearing as F.R. Doc. 68–9167 on pages 10950 and 10951 of the issue for Thursday, August 1, 1968, is hereby amended as follows:

The description appearing at the bottom of column 1 on page 10951 for T. 12 S., R. 41 E., reading:

Secs. 1 to 5, inclusive, W½NW¼, NW¼, E½SE¼, sec. 6, NE¼NE¼, S½N½, sec. 7, secs. 8 to 16, inclusive, secs. 19 to 29, inclusive, and secs. 35 and 36.

is amended to read:

Secs. 1 to 5, inclusive, SW¼NE¼, NW¼, E½SE¼, sec. 6, NE¼NE¼, S½N½, sec. 7, secs. 8 to 16, inclusive, secs. 19 to 29, inclusive, and secs. 35 and 36.

IRVING W. ANDERSON,
Acting State Director.

[F.R. Doc. 68–12238; Filed, Oct. 8, 1968; 8:45 a.m.]

[OR 3051]

OREGON

Notice of Termination of Proposed Classification of Public Lands

OCTOBER 2, 1968.

Notice of a proposed classification of public lands for multiple-use management was published as F.R. Doc. 68–3626 on pages 5051 and 5052 of the issue for March 27, 1968. The proposed classification has been canceled insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR 2411.2(e)(2)(ii), such lands will be at 10 a.m. on November 7, 1968, relieved of any segregative effect the above-mentioned proposed classification may have had.

The lands involved in this notice of termination are:

WILLAMETTE MERIDIAN

T. 8 S., R. 38 E.,
Sec. 22, SE¼NE¼, S½SW¼, and E½SE¼.
T. 9 S., R. 39 E.,
Sec. 34, E½, N½, N½NW¼, SW¼NW¼, and W½SW¼.
T. 10 S., R. 39 E.,
Sec. 29, NW¼NE¼.
T. 10 S., R. 42 E.,
Sec. 30, S½S½;
Sec. 33, NE¼, E½NW¼, and S½.
T. 11 S., R. 37 E.,
Sec. 19, NE¼, NW¼NW¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 20, N½, N½S½, SE¼SW¼, and SW¼SE¼;
Sec. 21, NE¼, S½NW¼, SW¼, and N½SE¼;
Sec. 22, NW¼ and N½SW¼;
Sec. 27, S½N½ and S½;
Sec. 29, E½, E½W½, and W½SW¼;
Sec. 35, NW¼NE¼, NW¼, NW¼SW¼, S½SW¼, and SW¼SE¼.
T. 11 S., R. 38 E.,
Sec. 25, NW¼NE¼;
Sec. 26, SW¼NE¼, NE¼NW¼, S½NW¼, SW¼, N½SE¼, and SW¼SE¼;
Sec. 27, NW¼NE¼, S½NE¼, SW¼NW¼, and S½.

T. 11 S., R. 39 E.,
Sec. 29, E½, E½W½, and NW¼SW¼;
Sec. 30, W½SE¼.
T. 11 S., R. 40 E.,
Sec. 12, N½NE¼, SE¼NW¼, SW¼, and S½SE¼;
Sec. 13, N½N½, SW¼NW¼, N½SW¼, SE¼SW¼, and E½SE¼;
Sec. 24, NE¼NE¼;
Sec. 26, SW¼, N½SE¼, and SW¼SE¼;
Sec. 35, W½NE¼ and NW¼.
T. 11 S., R. 41 E.,
Sec. 14, E½, NE¼NW¼, and SW¼SW¼;
Sec. 18, S½NE¼, NW¼, N½SW¼, SW¼SW¼, and SE¼;
Sec. 21, W½NE¼, NW¼, and N½SW¼;
Sec. 22, SW¼SE¼;
Sec. 28, NE¼NE¼;
Sec. 31, SW¼SE¼.
T. 12 S., R. 36 E.,
Sec. 22, NE¼ and NE¼SE¼.
T. 12 S., R. 37 E.,
Sec. 5, E½ and N½NW¼;
Sec. 6, NW¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 7, S½SW¼ and SW¼SE¼;
Sec. 8, NW¼NE¼, S½NE¼, and SE¼SE¼.
T. 12 S., R. 39 E.,
Sec. 10, NW¼ and E½SE¼;
Sec. 11, SW¼ and W½SE¼.
T. 12 S., R. 40 E.,
Sec. 12, SW¼.
T. 12 S., R. 41 E.,
Sec. 6, N½NE¼ and SE¼NE¼.

IRVING W. ANDERSON,
Acting State Director.

[F.R. Doc. 68–12239; Filed, Oct. 8, 1968; 8:46 a.m.]

[Oregon 018286]

OREGON

Order Providing for Opening of Public Lands

OCTOBER 2, 1968.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 21 S., R. 35 E.,
Sec. 22, E½SE¼;
Sec. 23, SW¼ and W½SE¼;
Sec. 26, W½NE¼ and W½;
Sec. 27, E½E½;
Sec. 34, NE¼NE¼;
Sec. 35, N½NW¼.

The areas described aggregate 1,000 acres.

2. The lands are located in Harney County. They are semiarid in character and are not suitable for farming.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location and selection. All valid applications received at or prior to 10 a.m., November 7, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 68–12254; Filed, Oct. 8, 1968; 8:46 a.m.]

[OR 698]

OREGON

Order Providing for Opening of Public Lands

OCTOBER 2, 1968.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 13 S., R. 37 E.,
Sec. 1, S½SW¼;
Sec. 11, NE¼NE¼;
Sec. 12, NE¼, W½, N½SE¼, and SW¼SE¼.

The areas described aggregate 720 acres.

2. The lands are located in Baker County. They are semiarid in character and are not suitable for farming.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location and selection. All valid applications received at or prior to 10 a.m., November 7, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 68–12255; Filed, Oct. 8, 1968; 8:46 a.m.]

[Serial No. 15419]

WYOMING

Notice of Amendment of Proposed Withdrawal and Reservation of Lands

OCTOBER 3, 1968.

Notice of Bureau of Land Management, U.S. Department of the Interior application, Serial No. Wyoming 15419, for the withdrawal of certain vacant public domain lands and patented lands with mineral estate owned by the United States from all forms of appropriation under the public lands laws, including the mining laws but not State Selections, the Recreation and Public Purposes Act, 1964 Public Sale Act and the Mineral Leasing Act, pursuant to the authority of Executive Order 10355, was published in the F.R. Doc. 68–11660 on pages 14477 and 14478 of the issue for Thursday, September 26, 1968. The subject Notice is hereby amended to add to the listed vacant public lands the following described lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 47 N., R. 86 W.,
Sec. 2, E½SW¼NE¼ and SW¼;
Sec. 4, lot 2, SW¼NE¼ and SE¼;
Sec. 10, NE¼NE¼;
Sec. 11, NW¼NW¼.

The amended areas described aggregate 339.46 acres of vacant public lands.

AUBREY F. SMITH,
Acting State Director.

[F.R. Doc. 68–12295; Filed, Oct. 8, 1968; 8:50 a.m.]

[Bureau Order 701, Amdt. 5]

LANDS AND RESOURCES

Redelegation of Authority

OCTOBER 3, 1968.

Bureau Order No. 701, dated July 23, 1964, is further amended as follows:

1. Paragraph (d) of section 1.8 and paragraph (d) of section 3.8 are revoked.

2. A new paragraph (1) is added to section 1.2 as follows:

SECTION 1.2 *General and Miscellaneous Matters.*

* * * * *

(1) *Acquisition of Easements and Rights-of-Way.* Act on matters involving the acquisition of easements and rights-of-way and roads under the Federal-Aid Highway Act of 1962 (76 Stat. 1145) and the Act of July 26, 1955 (69 Stat. 374), including purchases, after clearance with the Department of Justice, but not including recommendations to the Attorney General for condemnation proceedings; also the approval of projects for the construction of roads to provide access to the public lands subject to the above acts.

3. Paragraph (c) of section 1.5 is amended to read as follows:

SECTION 1.5 *Classifications and Withdrawals.*

* * * * *

(c) *Restoration Orders.* Issue orders of restoration where revocation or modification of a withdrawal or reservation is not involved. All such orders shall be published in the FEDERAL REGISTER.

4. A new paragraph (1) is added to section 2.3.

SECTION 2.3 *General and Miscellaneous Matters.*

* * * * *

(1) *Acquisition of Easements and Rights-of-Way.*

JOHN O. CROW,
Associate Director.

[F.R. Doc. 68–12240; Filed, Oct. 8, 1968; 8:46 a.m.]

Office of the Secretary

HEIRS OF CERTAIN KAW HALF-BREEDS TO FILE CLAIMS UNDER PRIVATE LAW 90–318

Notice of Time Limit and Place of Filing Claims

Private Law 90–318 enacted on August 8, 1968, authorizing payment to the heirs of the following named Kaw Halfbreeds, provides that the heirs have 1 year from the date of the act in which to file their claims with the Secretary of the Interior to participate in receiving their proportionate intestate share of the amounts shown opposite the names of their ancestors:

Abel Lessert Bellmard	$3,200
Clement Lessert	3,200
Josephine Gonvil Pappan	3,200
Julie Gonvil Pappan	3,200
Pelagie Gonvil Franceour de Aubri	3,200
Victoire Gonvil Pappan	3,200
Marie Gonvil	3,200
Lafleche Gonvil	3,200
Louis Laventure	3,200
Elizabeth Carbonau Vertifelle	3,200
Pierre Carbonau	3,200
Louis Joncas	$3,200
Basil Joncas	3,200
James Joncas	3,200
Elizabeth Datcherute	3,200
Joseph Butler	3,200
William Rodgers	3,200
Joseph Cote	3,200
Four Children of Cicili Compare:	
First	3,200
Second	3,200
Third	3,200
Fourth	3,200
Joseph James	3,200

Authority of the Secretary of the Interior to receive claims under this act is hereby delegated to the Area Director for the Bureau of Indian Affairs at Anadarko, Okla. All inquiries and claims should be sent direct to Mr. Sidney M. Carney, Area Director, Bureau of Indian Affairs, Federal Building, Anadarko, Okla. 73005.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 2, 1968.

[F.R. Doc. 68–12242; Filed, Oct. 8, 1968; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

OCEANIC STEAMSHIP CO.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that the Oceanic Steamship Co. has applied for approval pursuant to section 613 of the Merchant Marine Act, 1936, as amended, of the following cruises:

Ship	Cruise dates 1969	Itinerary (each cruise)
MARIPOSA	July 26–Aug. 9 Aug. 9–Aug. 23 Aug. 24–Sept. 7	San Francisco, Los Angeles, Seattle, Victoria Juneau, Skagway, Sitka, Vancouver, Seattle, 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 October 25, 1968.

In the event an opportunity to present oral argument is also desired, specific reason 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: October 4, 1968.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68–12349; Filed, Oct. 8, 1968; 8:50 a.m.]

Business and Defense Services Administration

MEDICAL COLLEGE OF VIRGINIA

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

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

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

Docket No. 68–00596–33–46500. Applicant: Medical College of Virginia, Medical Education Building, 11th and Marshall Streets, Richmond, Va. 23219. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in studies concerning the fine structure of the kidney and large arteries in experimental hypertension and the effect of hyperlipemia on blood platelets. These require tissues to be prepared for electron microscopy and large numbers of thin sections to be cut of equal thickness. It is of importance that the operator be able to change the cutting thickness in the range of 50 Angstroms to 2 Microns easily and quickly. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The only known comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 Angstroms. The foreign article has the capability of cutting sections down to 50 Angstroms (1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT–2 is specified as 100 Angstroms (1966 catalogue for Sorvall "Porter-Blum" MT–1 and MT–2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more is it possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 10, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultrotome III" catalogue cited above). The Sorvall Model MT–2 is only equipped with a mechanical advance system for all thicknesses. (See Sorvall Model MT–2 catalogue cited above.) In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (see catalogue on "Ultrotome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

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

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such

article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 68-12247; Filed, Oct. 8, 1968; 8:46 a.m.]

NATIONAL COMMUNICABLE DISEASE CENTER

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

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

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

Docket No. 68-00663-33-46500. Applicant: Ecological Investigations Program, National Communicable Disease Center, 2002 West 39th Street, Kansas City, Kans. 66103. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections of biological materials for examination by electron microscopy. This biological material is obtained from persons and animals with leukemia and is examined for presence of virus particles. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The only known comparable domestic instrument is the Model MT-2 Ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting the thinnest possible sections of biological specimens. The foreign article has the capability of cutting sections down to 50 Angstroms (1965 catalogue for the "Ultrotome III" Ultramicrotome LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT-2 is specified as 100 Angstroms (1966 catalogue for Sorvall "Porter-Blum" MT-1 and MT-2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more is it possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultromicrotome capable of reproducing ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 9, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultrotome III" catalogue cited above). The Sorvall Model MT-2 is equipped only with a mechanical advance system for all thicknesses. (See Sorvall Model MT-2 catalogue cited above). In connection with Docket No. 67-00024-33-46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (see catalogue on "Ultratome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

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

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

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

[F.R. Doc. 68-12246; Filed, Oct. 8, 1968; 8:46 a.m.]

NATIONAL INSTITUTES OF HEALTH

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

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

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

Docket No. 68-00681-33-46500. Applicant: National Institutes of Health, Building 8, Room 210, Bethesda, Md. 20014. Article: LKB 8800A Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare serial sections of tissues of equal thickness necessary to carry out a research program in Murine Leukemia-Sarcoma virus complexes using an immuno-electron microscopic approach. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The only known comparable domestic instrument is the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 Angstroms. The foreign article has the capability of cutting sections down to 50 Angstroms (1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT-2 is specified as 100 Angstroms (1966 catalogue for Sorvall "Porter-Blum" MT-1 and MT-2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more is it possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. This capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultrotome III" catalogue cited above). The Sorvall Model MT-2 is equipped only with a mechanical advance system for all thicknesses. (See Sorvall Model MT-2 catalogue cited above.) Ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. In mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The for-

eign article incorporates a device which permits measuring the knife-angle setting to an accuracy of 1° (see catalogue on "Ultrotome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying angle at which the knife enters the specimen.

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

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

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

[F.R. Doc. 68–12248; Filed, Oct. 8, 1968; 8:46 a.m.]

NEW YORK UNIVERSITY

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

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

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

Docket No. 68–00650–33–46500. Applicant: New York University Medical Center, 550 First Avenue, New York, N.Y. 10016. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to section long serial ultrathin sections to be used both in cancer research and student teaching at the graduate level. Cancer research involves the following projects:

1. Investigating the role of melanosomes in the respiration of malignant melanomas.
2. Determining significance of organic free radicals formed from lipoperoxides of cytomembranes.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The only known comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 Angstroms. The foreign article has the capability of cutting sections down to 50 Angstroms (1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT–2 is specified as 100 Angstroms (1966 catalogue for Sorvall "Porter-Blum" MT–1 and MT–2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 25, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultratome III" catalogue cited above). The Sorvall Model MT–2 is equipped only with a mechanical advance system for all thicknesses. (See Sorvall Model MT–2 catalogue cited above.) In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and inherent in such systems are backlash and slippage no matter how slight. HEW further advised that in mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of 1° (see catalogue on "Ultrotome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

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

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

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

[F.R. Doc. 68–12249; Filed, Oct. 8, 1968; 8:46 a.m.]

SMITHSONIAN INSTITUTION

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

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

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

Docket No. 68–00652–91–46500. Applicant: Smithsonian Institution, 10th Street and Constitution Avenue NW., Washington, D.C. 20560. Article: LKB 4800 Ultrotome I Ultramicrotome. Manufacturer: LKB Produkter Fabriksaktiebolag, Sweden. Intended use of article: The applicant states:

The LKB microtome will be used for the preparation of thin sections for viewing with the electron microscope. It will be generally used for botanical material, which is known to be difficult to section. Our work on the micromorphology of unicellular algae requires an ultratome which will yield series of sections of equal thickness. The thickness of these sections should be easily determined by the operator and range from 50A to 2 microns. Only with this precision it is possible to do quantitative work.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The only known comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 Angstroms. The foreign article has the capability of cutting sections down to 50 Angstroms (1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT–2 is specified as 100 Angstroms (1966 catalogue for Sorvall "Porter-Blum" MT–1 and MT–2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Connecticut). The better thin-sectioning capability of the foreign article is pertinent because the thinner

the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 25, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultrotome III" catalogue cited above). The Sorvall Model MT–2 is equipped only with a mechanical advance system for all thicknesses. (See Sorvall Model MT–2 catalogue cited above). In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy to 1° (see catalogue on "Ultrotome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

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

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

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

[F.R. Doc. 68–12250; Filed, Oct. 8, 1968; 8:46 a.m.]

WASHINGTON UNIVERSITY

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

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

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

Docket No. 68–00629–00–11000. Applicant: Washington University School of Medicine, Lindell and Skinker, St. Louis, Mo. 63130. Article: Gas chromatograph-mass spectrometer accessories; one mass marker and one heated inlet. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in conjunction with a gas chromatograph-mass spectrometer for medical research. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign articles, a mass marker and heated inlet, are accessories for a mass spectrometer, manufactured by LKB Produkter AB, Stockholm, Sweden, now in the applicant's possession.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article.

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

[F.R. Doc. 68–12251; Filed, Oct. 8, 1968; 8:46 a.m.]

[BDSA Reporting Delegation 2; Revocation]

ASSISTANT SECRETARY OF DEFENSE FOR INSTALLATIONS AND LOGISTICS

Revocation of Delegation of Authority To Collect Information Under the Defense Production Act of 1950, as Amended, Relating to Copper

OCTOBER 10, 1968.

BDSA Reporting Delegation 2 (31 F.R. 13360) is hereby revoked. This revocation does not affect the validity of any action taken pursuant to said delegation prior to the effective date of this revocation.

This revocation shall take effect October 10, 1968.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
RODNEY L. BORUM,
Administrator.

[F.R. Doc. 68–12252; Filed, Oct. 8, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

SCHENE LIVESTOCK AUCTION CO. ET AL.

Notice of Changes in Names of Posted Stockyards

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

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
CALIFORNIA	
Schene Livestock Auction Company, Dixon, Nov. 6, 1959.	Schene Sheep Auction, Mar. 1, 1968.
ILLINOIS	
Slater Sale Pavilion, Pana, Nov. 19, 1959	Pinkston Sale Pavilion, Sept. 18, 1968.
IOWA	
Creston Sales Company, Creston, May 22, 1959	Creston Livestock Auction, Sept. 6, 1968.
KANSAS	
Lawrence Livestock Sale, Lawrence, Feb. 15, 1963	Lawrence Livestock Sale, Inc., Feb. 2, 1968.
MISSOURI	
Lamar Community Sale, Lamar, May 26, 1959	Lamar Community Sale, Inc., Nov. 27, 1967.
NEW JERSEY	
Harris Sales Corp., Dec. 31, 1959	Skip and Stoney Auctioneers, Inc., Sept. 18, 1968.
SOUTH DAKOTA	
Wall Commission Co., Wall, May 30, 1959	Wall Livestock Auction, Inc., Sept. 20, 1968.
TEXAS	
Caldwell Livestock Commission Co., Caldwell, Mar. 9, 1959.	Caldwell Livestock Commission Company, Inc., July 1, 1968.

Original name of stockyard location, and date of posting	*Current name of stockyard and date of change in name*
WISCONSIN	
Fennimore Livestock Exchange, Fennimore, Apr. 29, 1960.	Midwest Livestock Producers Cooperative, June 1, 1968.
Wisconsin Dairy Herd Replacement & Livestock Marketing Cooperative, Division of Wisconsin Feeder Pig Marketing Cooperation, Francis Creek, Sept. 2, 1964.	Midwest Livestock Producers Cooperative, Feb. 19, 1968.
Nolan Livestock Auction, Inc., Lomira, Dec. 13, 1963.	Midwest Livestock Producers Cooperative, July 1, 1968.
Nolan Livestock Auction, Inc., Marion, Apr. 27, 1960.	Midwest Livestock Producers Cooperative, July 1, 1968.

Done at Washington, D.C., this 2d day of October 1968.

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

[F.R. Doc. 68-12256; Filed, Oct. 8, 1968; 8:47 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT, REGION II (PHILADELPHIA)

Redelegation of Authority With Respect to Historic Preservation Grant Program

The redelegations of authority from the Regional Administrator, Region II (Philadelphia), to the Assistant Regional Administrator for Metropolitan Development and the Deputy Assistant Regional Administrator for Metropolitan Development, Region II (Philadelphia), effective November 9, 1966 (32 F.R. 4082, Mar. 15, 1967), are hereby amended under section A by adding a new paragraph 8 as follows:

SECTION A. *Redelegations of authority.* * * *

8. Historic Preservation Grant Program under Title VII of the Housing Act of 1961, as amended (42 U.S.C. 1500-1500e).

(Redelegations of authority by Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7359-7360, May 20, 1966), as amended effective July 1, 1966 (31 F.R. 8969, June 29, 1966); May 18, 1966 (31 F.R. 13148, Oct. 11, 1966); and May 23, 1967 (33 F.R. 11099, Aug. 3, 1968))

Effective date. This amendment of redelegations of authority shall be effective as of August 22, 1968.

WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 68-12253; Filed, Oct. 8, 1968; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 19923; Agreement C.A.B. No. 19891-A5]

REVISED AIRLINE TIME LIMIT RULES FOR FILING OVERCHARGE CLAIMS

Order Approving Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3d day of October 1968.

By an agreement among all domestic scheduled route air carriers[1] filed September 6, 1968, all the carriers have agreed to maintain, and Alaska Airlines, Inc., Mohawk Airlines, Inc., New York Airways, Inc., Ozark Air Lines, Inc., Southern Airways, Inc., and Trans-Texas Airways, Inc., have agreed to revise their tariff rules[2] to match all other participants in the tariff by providing that claims for overcharges must be made in writing to the originating or delivering carrier within 2 years after the date of acceptance of the shipment by the originating carrier. These six carriers previously maintained a rule requiring the filing of overcharge claims within 9 months. Further, the tariff would amend their present rule which provides that for recovery of overcharges, action-at-law shall begin within 2 years from the date of delivery, or tender of delivery of shipment by the carrier. These six carriers will match the other carriers in the tariff by adoption of a proviso that, if a claim for overcharge has been presented in writing to the carrier within such 2-year period, that period shall be extended to include 6 months from the time notice in writing is given by the carrier to claimant for disallowance of the claim.

A tariff proposing these rule changes on behalf of these six carriers was also filed with the Board on September 6, 1968, for effectiveness October 6, 1968, and, as previously noted, the proposed tariff provisions are the same as those presently in effect for all other participating carriers in the domestic rules tariff.

No complaints against the tariff filing or the carriers' agreement have been received.

The extension of the time periods for filing claims and beginning action will benefit shippers and attain domestic industry standardization as to this rule.[3] The Board, therefore, will permit the tariff filing to become effective and approve the agreement.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof,

It is ordered, That:

Agreement C.A.B. No. 19891-A5 is approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12288; Filed Oct. 8, 1968; 8:49 a.m.]

[1] Agreement No. 19891-A5.

[2] Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 96, Rules 60 and 62.

[3] The Board's requirements for retention of records by certificated route carriers specifies a 2-year period for shipping documents.

[Docket 19970]

LLOYD INTERNATIONAL AIRWAYS, LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on October 10, 1968, at 10 a.m., e.d.t., in Room 211, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., October 7, 1968.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 68-12380; Filed, Oct. 8, 1968; 11:30 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

MICROWAVE SERVICE CO., AND AMERICAN TELEVISION RELAY, INC.

[Docket Nos. 18341, 18342]

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Frank K. Spain doing business as Microwave Service Co., Docket No. 18341, File No. 993-C1-P-69; for construction permit in the Domestic Public Point-to-Point Microwave Radio Service for the establishment of a second receiver site (or point of communication) for station KNK45, Edom Hill, Calif., in Palm Springs, Calif.; American Television Relay, Inc., Docket No. 18342, File No. 994-C1-P-69; for construction permit in the Domestic Public Point-to-Point Microwave Radio Service for modification of station KNK67, Toro Peak, Calif., to provide service to Palm Springs, Calif.

1. The Commission has before it the captioned, mutually exclusive microwave applications each proposing to provide one channel of video relay service (the signal of KNBC, Los Angeles) to Desert Empire Television Corp. (Desert Empire) in Palm Springs, Calif. Both applications were received on August 19, 1968, and appeared on the Commission's Common Carrier public notice of August 26, 1968 (Report No. 402).

2. American Television Relay, Inc. (ATR), has an existing facility at Santiago Peak, Calif., which receives off the

air various Los Angeles television signals, including that of KNBC, and transmits them to station KNK67 at Toro Peak, Calif., for subsequent relay. ATR proposes to serve Desert Empire in Palm Springs from the microwave station at Toro Peak.[1] Microwave Service Co. (MSC) has an existing facility at San Gorgonio Mountain, Calif., which also receives off the air various Los Angeles television signals, including that of KNBC, and transmits them to station KNK45 at Edom Hill from which point they are relayed to Palm Springs and other nearby communities. MSC proposes to erect an antenna and receiving equipment at the studio of Desert Empire to receive the signal on the existing transmission path from KNK45.[2]

3. Both carriers have requested special temporary authortiy to provide service to Desert Empire which is permittee of a new UHF television broadcast station, channel 36, in Palm Springs. Desert Empire expects to begin broadcast service on or before October 15, 1968, and needs the KNBC signal which it will use for its NBC network service. Under the circumstances it is obvious that the rendition of service cannot await the outcome of a comparative hearing on the relative merits of the two applications.

4. In determining whether a conditional grant pursuant to § 21.27(g) of the Commission's rules is in order and justified, it is noted that the cost of both proposals is relatively small (estimated at $8,300 for ATR and $11,200 for MSC). Furthermore, each applicant was queried on the cost of dismantling the facilities, including the cost of equipment which could not be profitably used elsewhere, in the event it received the requested temporary authority but was subsequently denied permanent authority. ATR estimated such cost at $350 and MSC at $1,000. Both indicated that the estimates are for labor only since all equipment can be reused. While the divergency in cost estimates is not understandable,[3] neither figure is of substantial consequence. Therefore, it appears that a conditional grant to one party would not be unduly prejudicial to the other and that such action is otherwise justified and in the public interest because of the immediate need for service.

5. On the basis of the limited information now before the Commission, it appears that the public interest would best be served by grant of a conditional authorization to MSC. At the present time there is no information available to indicate a preference for either carrier on the basis of quality or reliability of service. However, MSC is selected principally because it is the carrier now serving Palm Springs and because its proposal would not require additional use of the radio spectrum.

6. *Accordingly, it is hereby ordered,* That Frank K. Spain, doing business as Microwave Service Co., is granted, pursuant to § 21.27(g) of the Commission's rules, interim authority to construct and operate additional receiving facilities in Palm Springs, Calif., for station KNK45 as proposed in application file No. 993-C1-P-69 pending final Commission action on the application. This conditional grant is without prejudice to further Commission order and is made upon the express condition that it is subject to being withdrawn if, at the hearing, it is shown that the public interest will be better served by the grant of the competing ATR application.

7. *It is further ordered,* Pursuant to authority delegated in § 0.292(a) of the Commission's rules and in accordance with section 309(e) of the Communications Act of 1934, as amended, that the captioned applications are designated for hearing, in a consolidated proceeding at the Commission's offices in Washington, D.C., before an examiner and on a date to be hereafter specified by separate order, upon the following issue:

To determine on a comparative basis whether, and to what extent, the proposal of MSC or ATR would better serve the public interest, convenience and necessity, considering factors including, but not limited to, the following:

(a) Conservation of radio spectrum,

(b) Quality and reliability of proposed service,

(c) Costs, and

(d) Charges and conditions of service.

8. *It is further ordered,* That American Television Relay, Inc., Frank K. Spain doing business as Microwave Service Co. and the Chief, Common Carrier Bureau are made parties to the proceeding.

9. *It is further ordered,* That the parties desiring to participate herein shall file their appearances in accordance with § 1.221 of the Commission's rules.

Adopted: October 1, 1968.

Released: October 3, 1968.

FEDERAL COMMUNICATONS COMMISSION,
[SEAL] BERNARD STRASSBURG,
Chief,
Common Carrier Bureau.

[F.R. Doc. 68-12286; Filed, Oct. 8, 1968; 8:49 a.m.]

[1] Palm Springs is approximately 21 miles northwest of Toro Peak. A new frequency path to Palm Springs would be created by power split technique from an existing transmitter.

[2] The existing MSC receiving facilities in Palm Springs, which serve a CATV system, are reportedly only about one-half block from Desert Empire's studio.

[3] If anything, the MSC estimate should be lower since it would have to dismantle only the receiving facilities while ATR would also have to modify its transmitter facilities.

[Canadian Change List No. 246]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

SEPTEMBER 27, 1968.

Notification under the provision of Part III, Section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignment of Canadian broadcast stations modifying appendix containing assignments of Canadian Stations (Mimeograph No. 47214-3) attached to the recommendation of the North American Regional Broadcasting Agreement Engineering Meeting.

Call Letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		610 kilocycles				
New	Whitehorse, Yukon Territory.	1 kw	ND	U	III	E.I.O. 9-15-69.
		1200 kilocycles				
New	Frobisher, Northwest Territory.	0.25 kw	ND	U	II	Do.
		1340 kilocycles				
New	Grand Forks, British Columbia.	1 kwD/0.25 kwN.	ND	U	IV	Do.
		1340 kilocycles				
New	Whitehorse, Yukon Territory.	1 kw	ND	U	IV	Do.

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

[F.R. Doc. 68-12289; Filed, Oct. 8, 1968; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

ALASKA STEAMSHIP CO., AND STATES STEAMSHIP CO.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with

reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. H. Randolph, States Steamship Co., 320 California Street, San Francisco, Calif. 94104.

Agreement 9746, between Alaska Steamship Co. and States Steamship Co., establishes a through billing arrangement for cargo in the trade from ports in Alaska served by Alaska Steamship Co. to ports in Japan served by States Steamship Co. with transshipment at Seattle, Wash., in accordance with the terms and conditions set forth in the Agreement.

Dated: October 4, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-12287; Filed, Oct. 8, 1968; 8:49 a.m.]

FOREIGN-TRADE ZONES BOARD

MAINE PORT AUTHORITY

Public Hearing on Application for Foreign-Trade Zone and Subzone

Notice is hereby given that on October 7, 1968, the attached self-explanatory letter was forwarded to all Members of the 90th Congress.

Dated: October 7, 1968.

RICHARD E. HULL,
Acting Executive Secretary.

FOREIGN-TRADE ZONES BOARD
DEPARTMENT OF COMMERCE BUILDING
WASHINGTON, D.C. 20230

OCTOBER 7, 1968.

DEAR CONGRESSMAN:
DEAR SENATOR:

On September 18, a notice appeared in the FEDERAL REGISTER (33 F.R. 14139), announcing that an application by the Maine Port Authority for a general purpose foreign-trade zone in Portland, Maine, and a special purpose oil refining subzone in Machiasport, Maine, had been officially filed with the Foreign-Trade Zones Board. This notice also advised that a public hearing was scheduled to begin in Portland on October 10, as part of the investigation of this application by the Hearing Examiners Committee.

In view of widespread Congressional interest in this hearing, and in recognition of the busy schedules of Members of Congress, the Hearing Examiners Committee will adjourn to Washington, D.C., on Tuesday, October 15, to hear the testimony of any Senators or Congressmen who wish to express their views in favor of, or against, this application. This phase of the Hearing will begin at 10 a.m. in Room 4817 of the Main Building of the Department of Commerce. Any interested party may attend, but only Senators and Congressmen will be heard by the Committee. Any Members of Congress who find it more convenient to testify in Portland, Maine, as provided in the aforementioned FEDERAL REGISTER notice of September 18, may retain their option to do so.

In order to assist the Examiners Committee in planning the Washington phase of this Hearing, should you plan to testify on October 15, you are respectfully requested to so advise the Executive Secretariat of the Foreign-Trade Zones Board, on Code 189, Extension 4882, no later than Friday, October 11.

Sincerely yours,

RICHARD E. HULL,
Acting Executive Secretary.

[F.R. Doc. 68-12363; Filed, Oct. 8, 1968; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ALCAR INSTRUMENTS, INC.

Order Suspending Trading

OCTOBER 3, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alcar Instruments, Inc., 225 East 57th Street, New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 4, 1968, through October 13, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-12257; Filed, Oct. 8, 1968; 8:47 a.m.]

[812-2333]

ALLEGHANY CORP.

Notice of Filing of Application for Order of Exemption

OCTOBER 3, 1968.

Notice is hereby given that Alleghany Corp. ("Applicant"), 350 Park Avenue, New York, N.Y., a registered closed-end nondiversified management investment company has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting Applicant from the provisions of section 7(a) of the Act for the period February 1, 1968, to April 10, 1968 and from the provisions of sections 23(a) and 23(b) of the Act in respect of the issuance of shares of Applicant's common stock upon the (i) conversion of Applicant's outstanding 6 percent convertible preferred stock, (ii) exercise of Applicant's outstanding stock purchase warrants and (iii) exercise of stock options which were outstanding prior to February 1, 1968. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

For some time prior to February 1, 1968 by virtue of Applicant's control of The New York Central Railroad Co. (the "Central"), a noncarrier regulated as a carrier under sections 20 and 20(a) of the Interstate Commerce Act, Applicant was subject to regulation by the Interstate Commerce Commission. Applicant therefore relied upon section 3(c)(9) of the Act to except it from the definition of an investment company. On February 1, 1968, the merger of the Pennsylvania Railroad Co., and the Central into the Pennsylvania New York Central Transportation Co. ("Penn-Central") became effective. As of March 31, 1968, Applicant owned approximately 0.85 percent of the capital stock of the "Penn-Central" and Applicant's controlling stockholders held approximately 1.69 percent of the outstanding Penn-Central capital stock. On April 10, 1968, Applicant filed with the Commission a notification of registration registering as a closed-end nondiversified management investment company.

Section 7(a) of the Act prohibits transactions in interstate commerce by unregistered investment companies. Applicant requests an exemption from section 7(a) of the Act, for the period from the date of the Penn-Central merger, (Feb. 1, 1968), to the date of Applicant's registration as an investment company (Apr. 10, 1968), in order to eliminate any uncertainty as to the validity and binding nature of Applicant's corporate activities and transactions between those dates. Applicant represents that during the interim it engaged only in normal business operations.

Applicant's outstanding securities include convertible preferred stock, perpetual bearer warrants and options to purchase Applicant's common stock. Sections 23 (a) and (b) of the Act provide, in pertinent part, that no registered closed-end investment company may issue any of its securities for services or sell any common stock of which it is the issuer at a price below the current net asset value of such stock. Applicant requests exemptions from section 23 (a) and (b) of the Act to the extent necessary to permit the issuance of Applicant's common stock on the (i) conversion of outstanding convertible preferred stock, (ii) exercise of outstanding warrants, and (iii) exercise of stock options outstanding prior to February 1, 1968. The preferred stock and warrants have been outstanding since 1956 and 1952, respectively. As of March 31, 1968, there were outstanding 330,786 shares of convertible preferred stock and 563,763 warrants.

Applicant's Stock Option Plan has been in effect since 1964. Applicant currently has outstanding options to purchase 50,000 shares of its capital stock: Options on 12,000 shares issued in 1964, options on 8,000 shares issued on November 30, 1967, and options on 30,000 shares issued on

April 1, 1968. No exemption is sought with respect to those options issued on April 1, 1968. The application states that the number of shares subject to option for which the exemption is sought represents less than one-fourth of 1 percent of the stock outstanding on December 31, 1967, after allowing for exercise of warrants and conversion of preferred stock. It also states that (based on Dec. 31, 1967 figures, and allowing for exercise of warrants and conversion of preferred stock) the dilution in net asset value per share resulting from the immediate exercise of such options would be less than 0.07 percent. Applicant asserts that such options were issued prior to the Penn-Central merger, at a time when substantial uncertainty existed as to whether the Penn-Central merger would ever be effected. Applicant represents that the granting of the requested exemptions from sections 23 (a) and (b) of the Act would permit it to honor contractual obligations incurred when there was no question of its exemption from regulation under the Act.

Applicant represents that the requested order is necessary and appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act. Section 6(c) of the Act provides that the Commission, by order upon application, may exempt any person, security or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 24, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application, shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 68–12258; Filed, Oct. 8, 1968; 8:47 a.m.]

[81–84]

CALIFORNIA CONSUMERS CORP.

Order Granting Application

OCTOBER 3, 1968.

California Consumers Corp., 950 South Raymond Avenue, Pasadena, Calif. 91105, has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934 (Act), in which it requests an exemption from the registration requirements of section 12(g) of the Act. Exemption from section 12(g) will have the additional effect of exempting National from sections 13 and 14 of the Act and any officer, director, or beneficial owner of more than 10 percent of any class of equity security from section 16 thereof.

The Commission on September 9, 1968, issued a public notice of the filing of the application, which set forth certain facts and considerations urged by the company in support of the requested exemption and afforded interested persons an opportunity to request a hearing (see Release No. 8408 for summary thereof). No such request for a hearing having been filed, the company having waived a hearing, and it appearing to the Commission that a hearing is not necessary in the public interest; and

It further appearing to the Commission that the granting of such exemption is not inconsistent with the public interest or protection of investors;

It is ordered, That California Consumers Corp. be and hereby is exempted from the provisions of section 12(g) of the Act.

By the Commission.

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

[F.R. Doc. 68–12259; Filed, Oct. 8, 1968; 8:47 a.m.]

[81–85]

C. M. CO.

Order Granting Application

OCTOBER 3, 1968.

C. M. Co., 328 North Westwood Avenue, Toledo, Ohio, has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934 ("Act"), for an order exempting C. M. Co. from the provisions of section 12(g) of the Act. Exemption from section 12(g) will have the additional effect of exempting C. M. Co. from sections 13 and 14 of the Act and any officer, director, or beneficial owner of more than 10 percent of any class of equity security from section 16 thereof.

The Commission on September 12, 1968, issued a public notice of the filing of the application, which set forth certain facts and considerations urged by the company in support of the requested exemption and afforded interested persons an opportunity to request a hearing (see Release 34–8408 for summary thereof). No such request for hearing having been filed, and it appearing to the Commission that a hearing is not necessary or appropriate in the public interest.

It is ordered, That C. M. Co. be and hereby is exempted from the provisions of section 12(g) of the Act.

By the Commission.

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

[F.R. Doc. 68–12260; Filed, Oct. 8, 1968; 8:47 a.m.]

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

OCTOBER 3, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, 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 October 4, 1968, through October 13, 1968, both dates inclusive.

By the Commission.

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

[F.R. Doc. 68–12261; Filed, Oct. 8, 1968; 8:47 a.m.]

[811–1592]

ESTAFUND, INC.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

OCTOBER 3, 1968.

Notice is hereby given that Estafund, Inc. ("Applicant"), 15 State Street Boston, Mass. 02101, a Massachusetts corporation registered as a diversified, open-end management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on

file with the Commission for a statement of the representations contained therein which are summarized below.

Pursuant to section 8(a) of the Act, Applicant filed on February 1, 1968, a notification of registration. Applicant has only one class of securities authorized consisting of 100,000 shares of capital stock (par value $1), of which there is presently outstanding one share which is owned beneficially and of record by an individual who is a general partner of Estabrook & Co.

At the time of filing of the notification of registration, Applicant proposed to offer its shares to the public. No shares of Applicant were offered, or sold to anyone except for the one share sold to the individual referred to above, and Applicant has no assets other than the $100 in cash received from that individual. By reason of business considerations, Applicant has abandoned its contemplated public offering, is not presently making any public offering of its securities and does not propose to make any public offering.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect, and that, if necessary for the protection of investors such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than October 23, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 68–12262; Filed, Oct. 8, 1968; 8:47 a.m.]

[81–83]

LAWTON COMMUNITY HOTEL, INC.

Notice of Application and Opportunity for Hearing

OCTOBER 3, 1968.

Notice is hereby given that Lawton Community Hotel, Inc. ("Lawton") Fourth and E Avenue, Lawton, Okla. 73501, an Oklahoma corporation, having registered its common stock pursuant to section 12(g) of the Securities Exchange Act of 1934, as amended ("Act"), has filed an application pursuant to section 12(h) of the Act for an order of the Commission exempting it from the requirements of section 12(g) of the Act. Exemption from section 12(g) of the Act will have the additional effect of exempting Lawton from sections 13 and 14 of the Act and any officer, director, or beneficial owner of more than 10 percent of any class of equity security from section 16 thereof.

Section 12(g) of the Act requires the registration of the equity security of every issuer which is engaged in, or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce and, on the last day of its fiscal year, has total assets exceeding $1 million, and a class of equity security held of record initially by 750 or more persons, and after July 1, 1966, by 500 or more persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemption from the insider reporting and trading provisions of the Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The application states in part that Lawton was chartered on July 6, 1951, under the laws of the State of Oklahoma. It was organized by community action of the citizens of Lawton, Okla., to provide hotel accommodations for Oklahoma's third largest city. Its common stock was initially sold to more than 1,700 citizens of the community. The directors are local businessmen who serve without remuneration.

As of December 31, 1966, Lawton had 1,450 shareholders of record. There are 8,955 shares of common stock outstanding out of a total of 10,000 shares authorized. There are no pre-emptive rights or rights of redemption and all stock is fully paid and nonassessable. The Security Bank & Trust Co. of Lawton, Okla., owns slightly in excess of 11 percent of the outstanding shares and is the only large stockholder. Officers and directors as a group own about 10 percent of the outstanding shares. In 1964, 1,386 shares were involved in various types of transfers, the largest yearly total since Lawton's organization.

As of June 30, 1967, Lawton's total assets were approximately $1,531,000. Net income for the year ended December 31, 1966 was $23,430, and for the 6 months ended June 30, 1967 was $25,124.

For a more detailed statement of matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than October 25, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

By the Commission.

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

[F.R. Doc. 68–12263; Filed, Oct. 8, 1968; 8:47 a.m.]

[70–4648]

MICHIGAN CONSOLIDATED GAS CO. AND MICHIGAN CONSOLIDATED HOMES CORP.

Notice of Proposed Acquisition of Capital Stock and Notes of Newly Organized Housing Company

OCTOBER 3, 1968.

Notice is hereby given that Michigan Consolidated Gas Co. ("Michigan Consolidated") 1 Woodward Avenue, Detroit, Mich. 48226, a public-utility subsidiary company of American Natural Gas Co., a registered holding company, and its wholly owned subsidiary company, Michigan Consolidated Homes Corp. ("Homes Corporation"), a nonutility company recently organized under Delaware law, have filed an application-declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10,

and 12, and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Michigan Consolidated distributes and sells natural gas at retail in various cities and towns in the State of Michigan, including the city of Detroit. As of May 31, 1968, Michigan Consolidated had operating revenues of $259,797,451 and net plant of $463,960,643. Homes Corporation was organized for the purpose of constructing, owning and operating low and moderate income housing projects under section 221(d)(3) of the National Housing Act, as amended. It is stated that Homes Corporation would be a "limited dividend" corporation under regulations issued by the Federal Housing Administration, which would qualify that company for 40-year mortgage loans at 3 percent per annum under the provisions of the Housing Act.

The filing states that Michigan Consolidated has an interest in the development of such housing projects in the city of Detroit since large percentage of its total sales and revenues are derived from its Detroit District, which includes the city of Detroit, and Michigan Consolidated has actually suffered a decline in customers over the past 10 years in the city of Detroit, and particularly in the innercity area. It is stated that Michigan Consolidated desires to participate, through Homes Corporation, in the construction of low and moderate income housing projects. As an initial project, Homes Corporation proposes to construct approximately 125 housing units on a parcel of land in the Detroit innercity area which has been cleared by the Detroit Housing Commission and has been tentatively committed to Homes Corporation. The total cost of the project will be approximately $2,500,000, of which approximately 90 percent will be covered by a mortgage loan from the Federal National Mortgage Association upon completion of construction.

Michigan Consolidated proposes to acquire, and Homes Corporation proposes to issue, up to 5,000 shares of the $100 par value common stock of Homes Corporation to provide the equity capital required by the project, including organizational expenses and working capital during construction. Michigan Consolidated also proposes to acquire, and Homes Corporation proposes to issue up to $3 million of short-term promissory notes to provide construction funds for the project and other expenses, which will be repaid by Homes Corporation from the proceeds of the mortgage loan. The notes will bear interest at the rate concurrently paid by Michigan Consolidated for short-term loans or, in the absence of such loans, at the prime rate of National Bank of Detroit.

The filing also states that, since Homes Corporation will take accelerated depreciation for Federal income tax purposes on depreciable property and will have substantial interest payments which are deductible expenses for tax purposes, it is anticipated that Homes Corporation will have tax losses each year during the period it owns the properties to be constructed. It is requested that an exception to the Commission's Rule 45(b)(6) be granted which will permit the allocation of such tax losses to Michigan Consolidated.

The application-declaration states that no approval or consent of any regulatory body, other than this Commission, is necessary for the proposed transactions. Fees and expenses to be incurred by Michigan Consolidated and Homes Corporation in connection with the proposed transactions are estimated at $1,000, including legal fees of $500.

Notice is further given that the Division of Corporate Regulation of the Commission has advised the Commission that it has made a preliminary examination of the application-declaration, as amended, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice however, to the presentation of additional matters and questions upon further examination of the proposed transactions:

1. Whether the Commission, pursuant section 10(c)(1) of the Act, should not approve this application-declaration on the ground that it is detrimental to the carrying out of the provisions of section 11 of the Act.

2. Whether the issue and sale of the securities described above satisfies the standards of sections 6 and 7 of the Act.

Notice is further given that any interested person may, not later than October 25, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-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 applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. 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.

The Division further advises that the record in this proceeding can be completed without a formal hearing and that the applicants-declarants have agreed to file additional information and documents as requested by the Division. The applicants-declarants request that, when the record is thus completed, the matter be considered and heard on briefs and oral argument, if no hearing is requested by any interested person.

The Commission, considering the aforesaid procedure appropriate in the light of the issues presented;

It is ordered, That the applicants-declarants shall file their brief not later than 30 days from the date of the notice in this proceeding and the Division of Corporate Regulation shall file its brief not later than 45 days after the filing of the brief of applicants-declarants. The Secretary of the Commission shall advise the parties of the date for oral argument.

By the Commission.

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

[F.R. Doc. 68-12264; Filed, Oct. 8, 1968; 8:47 a.m.]

[81-88]

NATIONAL GROCERY CO., INC.

Order Granting Application

OCTOBER 3, 1968.

National Grocery Co., Inc., has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934 ("Act"), for an order exempting National from the provisions of section 12(g) of the Act. Exemption from section 12(g) will have the additional effect of exempting National from sections 13 and 14 of the Act and any officer, director or beneficial owner of more than 10 percent of any class of equity security from section 16 thereof.

The Commission on September 12, 1968, issued a public notice of the filing of the application, which set forth certain facts and considerations urged by the company in support of the requested exemption and afforded interested persons an opportunity to request a hearing (see Release 34-8408 for summary thereof). No such request for hearing having been filed, and it appearing to the Commission that a hearing is not necessary or appropriate in the public interest; and

It further appearing to the Commission that by reason of Mayfair Super Markets, Inc.'s 100 percent ownership of National's common stock, National's lack of individual identity and Mayfair's undertaking to provide the preferred stockholders of National with all materials required under section 12(g), the granting of such exemption is not inconsistent with the public interest or protection of investors,

It is ordered, That National Grocery Co., Inc. be and hereby is exempted from the provisions of section 12(g) of the Act.

By the Commission.

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

[F.R. Doc. 68-12265; Filed, Oct. 8, 1968; 8:47 a.m.]

[File No. 1–4371]

WESTEC CORP.

Order Suspending Trading

October 3, 1968.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., 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 American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 4, 1968, through October 13, 1968, both dates inclusive.

By the Commission.

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

[F.R. Doc. 68–12266; Filed, Oct. 8, 1968; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

October 4, 1968.

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. 41460—*Class and commodity rates from and to McClary, Miss., West Cordele, Ga., and Westvaco, Ky.* Filed by O. W. South, Jr., agent (No. A6056), for interested rail carriers. Rates on property moving on class and commodity rates, between McClary, Miss., West Cordele, Ga., and Westvaco, Ky., on the one hand, and points in the United States and Canada, on the other. Grounds for relief—New stations and grouping.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–12269; Filed, Oct. 8, 1968; 8:48 a.m.]

[Notice 519]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

October 4, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 44447 (Deviation No. 25), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus, Ohio 43212, filed September 23, 1968. Carrier's representative: Taylor C. Burneson, Suite 1680, 88 East Broad Street, Columbus, Ohio 43215. Carrier proposes to operate as a *common carrier,* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route as follows: Between Chicago, Ill., and Cleveland, Ohio, over Interstate Highway 90, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Chicago, Ill., and Cleveland, Ohio, over U.S. Highway 20.

No. MC 44447 (Deviation No. 26), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus, Ohio 43212, filed September 23, 1968. Carrier's representative: Taylor C. Burneson, Suite 1680, 88 East Broad Street, Columbus, Ohio 43215. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: Between Gary, Ind., and Boston Heights, Ohio, over Interstate Highway 80, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Gary, Ind., over U.S. Highway 20 to Cleveland, Ohio, thence over Ohio Highway 8 to Boston Heights, Ohio, and return over the same route.

No. MC 60186 (Deviation No. 3), NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, Conn. 06066, filed September 26, 1968. Carrier's representative: James E. Wilson, 1735 K Street, NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over deviation routes as follows: (1) From New York, N.Y., over Interstate Highway 87 to Albany, N.Y., (2) from New York, N.Y., over Interstate Highway 95 to junction Interstate Highway 287, thence over Interstate Highway 287 to junction Interstate Highway 87, thence over Interstate Highway 87 to Albany, N.Y., (3) from New York, N.Y., over the George Washington Bridge (Interstate Highway 95) to junction Interstate Highway 80, thence over Interstate Highway 80 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction Interstate Highway 87, thence over Interstate Highway 87 to Albany, N.Y., (4) from Greenfield, Mass., over Interstate Highway 91 to Springfield, Mass., (5) from Springfield, Mass., over Interstate Highway 91 to New Haven, Conn., thence over Interstate Highway 95 to New York, N.Y., and (6) from Waterbury, Conn., over Interstate Highway 84 to Brewster, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From New York, N.Y., over New York Highway 22 to junction New York Highway 119, thence over New York Highway 119 to the Tappan Zee Bridge, thence over the Tappan Zee Bridge to junction U.S. Highway 9W, thence over U.S. Highway 9W to junction New York Highway 32, thence over New York Highway 32 to Albany, N.Y., (2) from Greenfield, Mass., over U.S. Highway 5 to Springfield, Mass., (3) from Springfield, Mass., over U.S. Highway 5 to New Haven, Conn., thence over U.S. Highway 1 to New York, N.Y., and (4) from Waterbury, Conn., over U.S. Highway 6A to junction U.S. Highway 202, thence over U.S. Highway 202 to Danbury, Conn., thence over U.S. Highway 6 to Brewster, N.Y., and return over the same routes.

No. MC 98399 (Sub-No. 1) (Deviation No. 1), SHULL TRUCK LINE COMPANY, INC., Pickwick Road, Savannah, Tenn. 38372, filed September 20, 1968. Carrier's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Carrier proposes to operate as a *common carrier,* by motor vehicle of *general commodities,* with certain exceptions, over deviation routes as follows: (1) From Nashville, Tenn., over Interstate Highway 40 to junction Tennessee Highway 22, thence over Tennessee Highway 22 to junction Tennessee Highway 69, thence over Tennessee Highway 69 to junction U.S. Highway 64, thence over U.S. Highway 64 to Savannah, Tenn.; and (2) from Nashville, Tenn., over Interstate Highway 65 to an exit approximately 4 miles south of junction Tennessee Highway 96, thence over said exit approximately 3 miles to junction U.S. Highway 31, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Nashville, Tenn., over U.S. Highway 31 to Columbia, Tenn., thence over U.S. Highway 43 to Lawrenceburg, Tenn., thence over U.S. Highway 64 to Waynesboro, Tenn., thence over Tennessee Highway 13 to Collinwood, Tenn.; and (2) from Waynesboro, Tenn., over U.S. Highway 64 to Savannah, Tenn., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 475) (Cancels Deviation No. 468), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed September 23, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Memphis, Tenn., over Interstate Highway 55 to junction U.S. Highway 82, thence over U.S. Highway 82 (an access road) to junction U.S. Highway 51 to Winona, Miss.; (2) from Canton, Miss., over Mississippi Highway 22 (an access road) to junction Interstate Highway 55, thence over Interstate Highway 55 to junction U.S. Highway 51, south of Ponchatoula, La.; and (3) also over the following access routes; (a) from Crystal Springs, Miss., over Mississippi Highway 27 to junction Interstate Highway 55; (b) from McComb, Miss., over U.S. Highway 98 to junction Interstate Highway 55; and (c) from McComb, Miss., over Mississippi Highway 24 to junction Interstate Highway 55, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From St. Louis, Mo., over U.S. Highway 67 to Mehlville, Mo., thence over U.S. Highway 61 to junction old U.S. Highway 61 at a point approximately 1 mile northeast of Turrell, Ark., thence over old U.S. Highway 61 to Turrell, thence over U.S. Highway 61 via Clarksdale, Miss., to Vicksburg, Miss.; (2) from Clarksdale, Miss., over U.S. Highway 49 to Tutwiler, Miss., thence over U.S. Highway 49E to a point approximately 1.3 miles north of Yazoo City, Miss., thence over old U.S. Highway 49E to Yazoo City, Miss., thence over old U.S. Highway 49 to Jackson, Miss.; and (3) from Jackson, Miss., over U.S. Highway 51 to Laplace, La., and return over the same routes.

No. MC 1515 (Deviation No. 476), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed September 26, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 41 and U.S.B.R. Highway (Business Route) 41 at Patoka, Ind., over U.S. Highway 41 to junction U.S.B.R. Highway 41 approximately 2 miles north of Kings, Ind.; and (2) from Princeton, Ind., over Indiana Highway 64 to junction U.S. Highway 41, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Paris, Ill., over U.S. Highway 150 to Terre Haute, Ind., thence over U.S. Highway 41 at Patoka, Ind., thence over U.S. Highway Business Route 41 (formerly portion U.S. Highway 41) via Princeton, Ind., to junction U.S. Highway 41 (approximately 2 miles north of Kings, Ind.), thence over U.S. Highway 41 to Evansville, Ind., and return over the same route.

No. MC 13300 (Deviation No. 13), CAROLINA COACH COMPANY, 1201 South Blount Street, Raleigh, N.C. 27602, filed September 20, 1968. Carrier's representative: James E. Wilson, 1735 K Street, Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Wilmington, Del., and Chester, Pa., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Salisbury, Md., and Philadelphia, Pa., over U.S. Highway 13.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-12270; Filed, Oct. 8, 1968; 8:48 a.m.]

[Notice 1225]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 4, 1968.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 58719 (Sub-No. 9) (Republication) filed January 22, 1968, published in the FEDERAL REGISTER issue of March 7, 1968, and republished this issue. Applicant: INGRAM BUS LINES, INC., 313 Jordon Avenue, Tallassee, Ala. 36078. Applicant's representative: J. Douglas Harris, 410–412 Bell Building, Montgomery, Ala. 36104. By application filed January 22, 1968, applicant (I) seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, (a) over regular routes, of passengers and their baggage and small packages, express, mail, and newspapers, between Wedowee, Ala., and Lineville, Ala., over Alabama Highway 48; and (b) over irregular routes, of passengers and their baggage, in special and charter operations, beginning and ending at points on the above-described route and extending to points in the United States; (II) seeks modification of its present certificate to read as follows, taking into account the route described in (I) above: Passengers, their baggage and small packages, express, mail, and newspapers: (1) Between Montgomery, Ala., and Columbus, Ga., from Montgomery in a northeasterly direction over U.S. Highway 231 to Wetumpka; thence in an easterly direction over Alabama Highways 14 and 15 to Opelika through Claud, Good Hope, Burlington, Tallassee, East Tallassee, Carrville, Notasulga, Loachapoka, and Auburn; thence in a southeasterly direction over U.S. Highways 280 and 431 through Bleecker, to Columbus, Ga. (also from Claud, in a northerly direction over Alabama Highway 63 to Eclectic, Ala.; thence in an easterly direction over an unnumbered county road to Kent, Ala.; thence in a southeasterly direction over Alabama Highway 229 to Burlington (on Alabama Highway 14) and return).

(2) Over Interstate Highway 85 between Montgomery and Lanett, Ala., for operating convenience only: (3) Between Eclectic, and Alexander City, Ala., over Alabama Highway 63: (4) Between Eclectic, and Wetumpka, Ala., commencing at a point approximately 1 mile north of Eclectic on Alabama Highway 63; thence in a westerly direction over an unnumbered county road to junction Alabama Highway 14, approximately 2 miles northeast of Wetumpka, Ala., through Rushingville; thence over Alabama Highway 14, to Wetumpka, and return over the same route: (5) From Tallassee in a westerly direction over unnumbered county road to Hall's Store, through Friendship, Ala., thence in a westerly direction over unnumbered county road to junction U.S. Highway 231, at Red Land Store, and return over the same route: (6) From Dorsey's Farm to junction of Alabama Highways 37 and 169, north over Alabama Highway 169 from junction Moore's Mill Road at Dorsey's Farm to junction Alabama Highway 37, serving the off-route point of Springvilla: (7) Between Opelika, and Anniston, Ala., (a) from Opelika over U.S. Highway 431 (formerly Alabama Highway 37) to junction Alabama Highway 9, thence over Alabama Highway 9 to Heflin, Ala., and thence over U.S. Highway 78 to Anniston, and return over the same route, serving all intermediate points; (b) from Opelika over U.S. Highway 431 (formerly Alabama Highway 37) to junction U.S. Highway 78, thence over U.S. Highway 78 to Anniston, and return over the same route, serving all intermediate points; and (c) over Interstate Highway 20 between Anniston and Heflin, for convenience only.

(8) Between Roanoke, Ala., and La Grange, Ga., from Roanoke over unnumbered highway through Standing Rock, Ala., to La Grange, and return, serving all intermediate points; and (a) Rock Mills, Ala., over Alabama Highway

22 from Roanoke, Ala., and return serving all intermediate points; and (b) Glenn, Ga., over Georgia Highway 109 from unnumbered highway northwest of La Grange, Ga., and return over the same route, serving all intermediate points. (9) Between Lafayette, Ala., and Columbus, Ga., from Lafayette over Alabama Highway 50 to Lanett, Ala., thence over U.S. Highway 29 to Fairfax, Ala., thence over unnumbered highway to junction U.S. Highway 280 (formerly U.S. Highway 241), thence over U.S. Highway 280 to Columbus, and return over the same route, serving all intermediate points between Lafayette and junction unnumbered highway and U.S. Highway 280. (10) Between Wedowee Ala., and Bowden, Ga., from Wedowee over Alabama Highway 48 (formerly unnumbered highway) through Woodland and Graham, Ala., to junction Alabama Highway 46, thence over Alabama Highway 46 to the Alabama-Georgia State line, thence over Georgia Highway 166 (formerly Georgia Highway 8A), to Bowden, and return over the same route, serving all intermediate points. (11) Between Opelika, Ala., and Columbus, Ga., from Opelika, over Alabama Highway 37 to Marvyn, thence over U.S. Highway 80 to Columbus, Ga., and return over the same route. (12) Between Wedowee and Lineville, Ala., over Alabama Highway 48.

(13) Between Auburn and Opelika, Ala., through Opelika Mill Village and Pepperell Mill Village, over U.S. Highway 29 and county roads and/or village streets, serving all intermediate points and the Auburn-Opelika Airport as an off-route point, over unnumbered country road. (14) Between Columbus, Ga., and Auburn, Ala., from Columbus over U.S. Highway 80 to junction unnumbered county highway known as Old Auburn Highway, at or near Phenix City, Ala., thence over said unnumbered county road to junction Alabama Highway 169, thence over Alabama Highway 169 to junction unnumbered highway known as Moore's Mill Road, thence over said unnumbered county road through Bush, Heaths, Duke, and Madden, Ala., to Auburn, and return over the same route, serving all intermediate points; and (III) seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of passengers and their baggage, in special and charter operations, beginning and ending at points on the routes described in Parts I and II above, and extending to points in the United States.

A report and order of the Commission, Operating Rights Board, served September 20, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, as described in able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued, subject to the conditions described below, and further subject to (1) the coincidental cancellation at applicant's written request of its certificate No. MC–58719 (Sub-No. 1); and (2) the right of the Commission, which is hereby expressly reserved, impose such terms, conditions, and limitations in the future as may be deemed necessary in the light of the final decision in Ex Parte No. MC–29 (Sub-No. 1); and that the application, except in all other respects should be denied. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 42212 (Sub-No. 3), filed September 20, 1968. Applicant: HARDER'S EXPRESS, INC., Route 9–H, Claverack, N.Y. 12513. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) *General commodities* (except dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Regular routes: (1) Between Philmont and New York, N.Y., as follows: From Philmont over New York Highway 217 to junction New York Highway 23, thence over New York Highway 23 to junction New York Highway 9H, thence over New York Highway 9H to junction U.S. Highway 9, thence over U.S. Highway 9 to New York City, also from Philmont over New York Highway 217 to junction New York Highway 23, thence over New York Highway 23 to junction Interstate Highway 87 (New York State Thruway), thence over Interstate Highway 87 to Suffern, N.Y., thence over New Jersey Highway 17 to: (1) Junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to New York City; (2) junction New Jersey Highway 3, thence over New Jersey 3 to junction Interstate Highway 495, thence over Interstate Highway 495 to New York City.

(3) Junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U.S. Highways 1 and 9, thence over U.S. Highways 1 and 9 to junction Interstate Highway 78, thence over Interstate Highway 78 to New York City, and return over the same routes, serving the following: (a) All intermediate points on said routes in New York; the villages of Brewster and Wappinger Falls, the cities of New Rochelle, Kingston, and Hudson, N.Y., and the towns of Poughkeepsie, Lloyd, Hempstead, and North Hempstead, N.Y.; (b) points in New Jersey in the New York, N.Y., commercial zone as defined by the Commission, restricted to the interchange of traffic with other common carriers. (2) Irregular routes: Between points in Albany, Columbia, Dutchess, Orange, and Ulster Counties, N.Y., on the one hand, and, on the other, points in Albany, Columbia, Delaware, Dutchess, Greene, Orange, Putnam, Rensselaer, Rockland, Schenectady, Sullivan, Ulster, and Westchester Counties, N.Y., (3) between points in Westchester County, N.Y., on the one hand, and, on the other, points in Rensselaer County, N.Y., and (4) between the cities of Schenectady, Troy, Watervliet, Rensselaer, and Cohoes, N.Y., the villages of Menands, Green Island, and Waterford, N.Y., and the towns of Rotterdam, Glenville, Niskayuna, Colonie, East Greenbush, North Greenbush, Brunswick, and Waterford, N.Y., on the one hand, and, on the other, points in Columbia and Rensselaer Counties, N.Y., (B) *textile mill equipment, machinery, supplies and materials* used in the manufacture of textiles, from points in Washington County, N.Y., to points in Columbia County, N.Y., and (C) *textiles*, between New York City, N.Y., on the one hand, and, on the other, points in Columbia County, N.Y. NOTE: Applicant states that the authority sought herein could be joined with applicant's present authority in certificate No. 42212 which authorizes service between Albany, N.Y., and Hudson, Chatham, and Philmont, N.Y. The instant application is a matter directly related to MC–F–10257, published in FEDERAL REGISTER issue October 2, 1968, wherein applicant seeks to convert the certificate of registration under MC 42212 (Sub-No. 2) into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Albany or New York, N.Y.

No. MC 109397 (Sub-No. 161) (Amendment), filed August 20, 1968, published in FEDERAL REGISTER issue of September 5, 1968, amended September 13, 1968, and republished as amended this issue. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Interstate Business Route I–44, Joplin, Mo. 64802. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting agents, blasting materials and supplies*, between points in Colorado, with the right to tack at Holly, Colo., with its Sub 48. NOTE: Applicant's Sub 48 authorizes service between Holly, Colo., on the one hand, and, on the other, points in Kansas and contains a restriction that in connection with the operations authorized, service at Holly shall be restricted to interchange with other motor carriers. This application is a matter

directly related to Docket No. MC–F–10228, published in FEDERAL REGISTER issue of August 28, 1968. The purpose of this republication is to show service at Holly shall be restricted, to interchange with other motor carriers. If a hearing is deemed necessary, applicant does not specify a location.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10174 (Supplement) (INTERSTATE MOTOR FREIGHT SYSTEM—purchase—SOUTHWEST FREIGHT LINES, INC., & DIRECT TRANSPORTS, INC.), published in the July 10, 1968, issue of the FEDERAL REGISTER, on page 9931. Supplement filed October 2, 1968, to show joinder of FUQUA INDUSTRIES, INC., 3800 First National Bank Building, Atlanta, Ga. 30303, as the party in control of the vendee corporation.

No. MC–F–10264. Authority sought for purchase by THE GRAY LINE, INC., 25 Webber Street, Roxbury, Mass. 02119, of the operating rights and property of RAWDING LINES, INC., 25 Webber Street, Roxbury, Mass. 02119, and for acquisition by ABRAHAM S. CAPLAN, LEONARD CAPLAN, both also of Roxbury, Mass., and MELVIN CAPLAN, 88 Central Park West, New York, N.Y., of control of such rights and property through the purchase. Applicants' attorney: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Operating rights sought to be transferred: Passengers and their baggage, in special operations (round-trip or sight-seeing service), as a *common carrier,* over regular routes, between the fixed termini below; (a) during the Easter or Spring season and during the season extending from the 1st day of July to the 30th day of September, inclusive, from Norfolk, Va., over U.S. Highway 17 via Tappahannock, Va., to Fredericksburg, Va. (also from Tappahannock over U.S. Highway 360 to Warsaw, Va., thence over Virginia Highway 3 to Fredericksburg), thence over U.S. Highway 1 to Washington, D.C., and certain specified points in Virginia; (b) during the season extending from the 1st day of July to the 30th day of September, inclusive, from Norfolk, Va., to Salisbury, N.C.; and (c) during the Easter or Spring season, from Salisbury, N.C., to Norfolk, Va., from Salisbury over the above-specified route to Norfolk, serving no intermediate points; passengers and their baggage, restricted to traffic originating at the points indicated, in round-trip or one-way charter operations, over irregular routes, from Boston, Mass., to points within 20 miles of Boston, to points in Connecticut, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont; and passengers and their baggage, restricted to traffic originating and terminating at the point indicated, in special operations, on round-trip sight-seeing or pleasure tours, during the season extending from the 1st day of April to the 31st day of October, from Boston, Mass., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, Maine, New Hampshire, Vermont, and the District of Columbia, from Boston, Mass., to points at the international boundary between Canada and Maine, on trips to points in Canada and return. Vendee is authorized to operate as a *common carrier* in Massachusetts, New Hampshire, Vermont, New York, Maine, Rhode Island, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10265. Authority sought for continuance in control by DIXIE CARRIERS, INC., 1616 West Loop South, Houston, Tex., of DIXIE TRANSPORT CO. OF TEXAS, Post Office Box 5447, Beaumont, Tex., upon issuance to it of a certificate applied for in pending Docket No. MC–129445 Sub-2, and for acquisition by GEORGE A. PETERKIN, 2807 Buffalo Speedway, Houston, Tex. 77006, GEORGE PETERKIN, JR., 1616 West Loop South, Houston, Tex. 77027, and PATRICIA PETERKIN BEAN, 1001 River Bend Drive, Houston, Tex., of control of DIXIE TRANSPORT CO. OF TEXAS through the acquisition by DIXIE CARRIERS, INC. Applicants' attorneys: Donald Macleary and Peter A. Greene, both of 1625 K Street NW., Washington, D.C. 20006. Operating rights sought to be controlled: In pending Docket No. MC–129445 Sub-2, covering the transportation of asphalt, asphaltic products and road oils, in bulk, in tank vehicles, as a common carrier, over irregular routes, from points in Jefferson and Orange Counties, Tex., to points in Louisiana. DIXIE CARRIERS, INC., is authorized to operate as a common carrier by water, between ports and points along the Gulf Intracoastal Waterway System. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10266. Authority sought for purchase by WRIGHT MOTOR LINES, INC., 1401 North Little Street, Cushing, Okla. 74023, of a portion of the operating rights and certain property of BEN HAMRICK, INC., Post Office Box 6946, Fort Worth, Tex. 76115, and for acquisition by EARL BRAY, INC., and, in turn by SAM E. CARPENTER, FRANK E. COCHRAN, and MARY BRAY COCHRAN, all also of Cushing, Okla., of control of such rights and property through the purchase. Applicants' attorneys: Marion F. Jones, Leslie R. Kehl, both of 420 Denver Club Building, Denver, Colo. 80202, and M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Operating rights sought to be transferred: *Bananas,* as a *common carrier,* over irregular routes, from New Orleans, La., and Galveston, Tex., to Fort Worth, Tex., from Galveston, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming, from Houston, Tex., to points in Texas, New Mexico, Arizona, Colorado, California, Oklahoma, Missouri, Nebraska, Kansas, Minnesota, Utah, Iowa, Arkansas, Illinois, Indiana, Louisiana, Michigan, and Wisconsin, from New Orleans, La., to points in Texas, from Freeport, Tex., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, South Dakota, Oklahoma, and Texas; *bananas* and *coconuts and pineapples* when transported in mixed loads with bananas, from Gulfport, Miss., to points in Arkansas, Texas, Oklahoma, Colorado, New Mexico, and Arizona.

Frozen potatoes and frozen potato products, from certain specified points in Minnesota, Fargo, N. Dak., and Sioux City, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Mississippi, Tennessee, Louisiana, Missouri, Nebraska, Kansas, Oklahoma, and Texas; *fresh coconuts and fresh pineapples* from New Orleans, La., to points in Louisiana, Texas, New Mexico, Arizona, Colorado, California, Oklahoma, Missouri, Nebraska, Kansas, Minnesota, Utah, Iowa, Arkansas, Illinois, Indiana, Michigan, and Wisconsin; *canned foods,* from Lindale, Tex., to points in Arizona and New Mexico, from Muncie and Plumtree, Ind., to Macon and Atlanta, Ga., Clarksville and Nashville, Tenn., and certain specified points in Louisiana; *canned and bottled foodstuffs,* from Cade and Lozes, La., to points in Arizona, California, Idaho, New Mexico, Nevada, Oregon, Texas, Utah, and Washington; *frozen potatoes, frozen potato products, and frozen onion rings,* from Grand Forks, N. Dak., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, Oklahoma, and Texas; *foodstuffs* (except bananas and commodities in bulk), from the plantsites and warehouse sites of Mississippi Federated Cooperatives (AAL) at or near Collins, New Albany, Canton, Crystal Springs, and Jackson, Miss., to points in Colorado, Georgia, Indiana, Louisiana, Michigan, Minnesota, North Dakota, Ohio, South Dakota, and Texas, with restriction; and *charcoal briquets, and lump wood charcoal,* in containers, from Lehigh, N. Dak., to points in Colorado, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b). NOTE: MC–114364 Sub-183 is a matter directly related.

No. MC–F–10267. Authority sought for purchase by ARKANSAS - BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901, of the operating rights of FAST FREIGHT INC., 2054 Delaware Road, Akron, Ohio 44312, and for acquisition by ARKANSAS BEST CORPORATION, also of Fort

Smith, Ark., of control of such rights through the purchase. Applicant's attorneys: Thomas Harper, Post Office Box 43, Fort Smith, Ark. 72901, and George, Greek, King and McMahon, all of 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Mansfield, Ohio, and New York, N.Y., serving all intermediate points, and the off-route points of Clarence Center and Akron, N.Y., between Silver Creek, N.Y., and junction New York Highways 31B and 5, between Cleveland, Ohio, and Ebensburg, Pa., between Canton, Ohio, and Scranton, Pa., between West Springfield, Pa., and Scranton, Pa., between Fredonia, N.Y., and Jamestown, N.Y., between Horseheads, N.Y., and Cortland, N.Y., between Syracuse, N.Y., and Binghamton, N.Y., between Montpelier, Ohio, and Upper Sandusky, Ohio, between Toledo, Ohio, and Lima, Ohio, between Dayton, Ohio, and junction Ohio Highway 15 and Alternate U.S. Highway 20, between Findlay, Ohio, and Kenton, Ohio, between Fostoria, Ohio, and Canfield Ohio, between Wooster, Ohio, and Warren, Ohio, between Akron, Ohio, and Youngstown, Ohio, between Akron, Ohio, and Cleveland, Ohio, serving all intermediate points, with restriction; between Buffalo, N.Y., and Niagara Falls, N.Y., serving all intermediate points, and the off-route point of Wurlitzer, and with service at Niagara Falls restricted to traffic moving in truckload lots only; over two alternate routes for operating convenience only; *compressed gases,* over irregular routes, from from Caroide, W. Va., to Cleveland and Canton, Ohio.

Empty gas cylinders, from Cleveland, and Canton, Ohio, to Carbide, W. Va.; *asphaltic roofing materials, building paper, materials, and supplies* used in the installation of such articles, and *paint,* from Tonawanda, N.Y., to points in that part of Pennsylvania on and west of U.S. Highway 220; *steel-mill products,* from Youngstown, Ohio, and points within 15 miles of Youngstown, to certain specified points in Michigan, Pennsylvania, and New York, from Beaver Falls, Pa., to Dayton, Ohio, points in Ohio on and north of U.S. Highway 40, and certain specified points in Michigan and New York as immediately above, from Buffalo, and Lackawanna, N.Y., and Monroe, Mich., to points in Ohio on and east of U.S. Highway 21, and on and north of U.S. Highway 40; *roofing and siding materials, building paper, materials and supplies* used in the installation of such articles, and *roof coating,* from certain specified points in New York, to points in West Virginia on and north of U.S. Highway 50, certain specified points in Ohio; *insulation materials,* from Buffalo, N.Y., to points in Pennsylvania on and west of U.S. Highway 220; *cement,* in bulk, in tank vehicles, from points in the town of Hamburg, N.Y., to Bradford, Pa., and points in Erie County, Pa.; and *roofing, roof coating materials, paint, building paper, siding, and materials and supplies* used in the installation thereof, from certain specified points in New York, to points in that part of West Virginia on and south of U.S. Highway 50 and on and west of U.S. Highway 219, and points in that part of Michigan on and south of Michigan Highway 46 and on and east of U.S. Highway 27. Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, Texas, Missouri, Oklahoma, Illinois, Kansas, Louisiana, Arkansas, Mississippi, Tennessee, Wisconsin, and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10268. Authority sought for purchase by AUTO EXPRESS, INC., Remington Avenue and Elm Street, Scranton, Pa., of a portion of the operating rights and certain property of LOTTIE E. GREGGS, doing business as GREGGS MOTOR LINES, 2409 Amelia Avenue, Scranton, Pa., and for acquisition by CHARLES W. COLBORN, RALPH W. COLBORN, RUSSELL J. COLBORN, and ELIZABETH COLBORN, all also of Remington Avenue and Elm Street, Scranton, Pa., of control of such rights and property through the purchase. Applicants' representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. Operating rights sought to be transferred: *General commodities,* except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, as a *common carrier,* over a regular route, between Scranton, Pa., and Hawley, Pa., serving all intermediate points and the off-route points within 3 miles of Scranton. Vendee is authorized to operate as a *common carrier* in Pennsylvania, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10269. Authority sought for purchase by DOVER MOVING & STORAGE, INC., 753 North du Pont Highway, Dover, Del., of the operating rights of C. F. SCHWARTZ, INC., 1060 North State St., Dover, Del., and for acquisition by RICHARD BERRY, Rodney Apartments, Dover, Del., WILLIAM L. BERRY, Fox Hill Road, Dover, Del., and GERTRUDE V. BERRY, Easton, Md., of control of such rights through the purchase. Applicants' attorney: Wilmer A. Hill, 529 Transportation Building, Washington, D.C. 20006. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over irregular routes, from Baltimore, Md., and Philadelphia, Pa., to certain specified points in Delaware, from points in Pennsylvania, Maryland, and the District of Columbia within 90 miles of Wyoming, Del., to Wyoming, Del.; *canned goods, applebutter, ketchup, and pickles* in containers, from points in Kent County, Del., to Norfolk and Richmond, Va., Washington, D.C., Baltimore, Md., New York, N.Y., Atlantic City, N.J., certain specified points in Pennsylvania, and points in that part of New Jersey on and within 15 miles of U.S. Highway 1; *lumber and shingles,* from Elizabeth City, N.C., and Suffolk and Norfolk, Va., to Dover, Del.; *coal,* from certain specified points in Pennsylvania, to points within 8 miles of Dover, Del., including Dover, from Renova, Pa., to Dover, Del.; *tomato plants,* from Pembroke, Ga., to Houston and Wyoming, Del., from Omega, Ga., to Houston, Del.; *agricultural commodities,* from points in Kent and Sussex Counties, Del., and Allen, Md., to Baltimore, Md., Newark, N.J., Philadelphia, Pa., New York, N.Y., and Washington, D.C., from points in Kent and Sussex Counties, Del., to Baltimore, Md., Philadelphia, Pa., and points in the District of Columbia; *empty cartons,* from Dalair, N.J., to Wyoming and Houston, Del.; *concrete pipe,* from Dover, Del., and Norfolk, Va., to points in Northampton and Accomac Counties, Va., certain specified points in Maryland, and Kent and Sussex Counties, Del.

Household goods, as defined by the Commission, between points in Delaware, on the one hand, and, on the other, points in New York, New Jersey, Maryland, Pennsylvania, Virginia, and the District of Columbia; *concrete pipe and machinery and equipment* used or useful in the manufacture of concrete pipe, between Dover, Del., and Norfolk, Va.; *vinegar,* from Biglersville, Pa., to Wyoming, Del.; *insecticides and spray materials,* from Philadelphia, Pa., and Baltimore, Md., to points in Kent and Sussex Counties, Del.; *grain,* from points in Kent County, Del., to Philadelphia, Pa., Ellicott City, and Baltimore, Md.; *canned goods,* from Frederica, Del., to Philadelphia, Pa., certain specified points in Maryland, and points in the District of Columbia; *lumber and fertilizer,* from Baltimore, Md., to points in New Castle County, Del., except Wilmington, Del.; and *radio cabinets,* from Middletown, Del., to Philadelphia, Pa. DOVER MOVING & STORAGE, INC., holds no authority from this Commission. However, one of its controlling stockholders, WILLIAM L. BERRY, is affiliated with L. F. BERRY, doing business as BERRY VAN LINES, North Aurora Extended, Easton, Md., which is authorized to operate as a *common carrier* in New York, New Jersey, Maryland, Delaware, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Virginia, Florida, Georgia, Indiana, Illinois, Maine, Massachusetts, New Hampshire, North Carolina, Ohio, South Carolina, Vermont, West Virginia, Iowa, Kentucky, Michigan, Missouri, Tennessee, Wisconsin, Arkansas, Kansas, Oklahoma, Texas, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10270. Authority sought for purchase by ENNIS TRANSPORTATION CO., INC., 106 Knight Hurst, Post Office Box 447, Ennis, Tex. 75119, of a portion of the operating rights of CEMENT TRANSPORTS, INC., 3300 Republic National Bank Building, Dallas, Tex. 75201, and for acquisition by CLYDE C. DENT, VIVIAN D. DENT, and MARGARET HABA, all also of Ennis, Tex., of control of such rights through the purchase. Applicants' attorney: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201.

Operating rights sought to be transferred: *Gypsum, gypsum products,* and, when moving in the same vehicle and at the same time as gypsum products, *materials* used in connection with the installation of gypsum products, as a *common carrier,* over irregular routes, from the plantsite of the Flintkote Co., at or near Sweetwater, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, New Mexico, and Oklahoma, from the plantsite of the Flintkote Co., at or near Sweetwater, Tex., to points in Missouri and Mississippi, from the plantsite of the Flintkote Co. at or near Sweetwater, Tex., to points in Tennessee. ENNIS TRANSPORTATION CO., INC., holds no authority from this Commission. However, one of its controlling stockholders, CLYDE C. DENT, is authorized to operate under a certificate of registration, as a common carrier within the State of Texas. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10271. Authority sought for purchase by MICHIGAN EXPRESS, INC., 1122 Freeman Avenue SW., Grand Rapids, Mich. 49502, of the operating rights and property of (1) WILLIAM L. TRIPP AND HENRY T. WINCHESTER, doing business as TRIPP TRUCKING COMPANY, Walter Street, Allegan, Mich., and (2) WOOD & MYERS TRUCK LINES, INC., U.S. Highway 31, South Haven, Mich., and for acquisition by THE VOTING TRUST (B. E. TIMMER, 3003 East Fulton Street, East Grand Rapids, Mich. 49506, C. E. THORNQUIST, 900, One Vandenberg Center, Grand Rapids, Mich. 49502, and G. W. RYKSE, 1122 Freeman Avenue SW., Grand Rapids, Mich. 49502, Trustees), of control of such rights and property through the purchase. Applicants' attorney: J. M. Neath, Jr., 900, One Vandenberg Center, Grand Rapids, Mich. 49502. Operating rights sought to be transferred: (1) *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Allegan, Mich., and Chicago, Ill., serving certain intermediate points without restriction, and Plainwell and Kalamazoo, Mich., restricted to northbound traffic only; and (2) *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between South Haven, Mich., and Chicago, Ill., serving certain intermediate and off-route points; *canned goods,* from Fennville, Mich., to Indianapolis, Ind., serving the intermediate points of South Haven and Benton Harbor, Mich., for pickup only; and the off-route point of Fort Benjamin Harrison, Ind., for delivery only; and *tin cans and covers therefor,* over irregular routes, from Elwood, Ind., to certain specified points in Michigan. MICHIGAN EXPRESS, INC., is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii), and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10272. Authority sought for (1) control and purchase by WOMELDORF, INC., Post Office Box 232, Lewistown, Pa. 17044, of BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, Washington, Pa.; and (2) purchase by WOMELDORF, INC., Post Office Box 232, Lewistown, Pa. 17044, of the operating rights and property of ROBERT C. BEATTY, doing business as WASHINGTON MOTOR EXPRESS, Jefferson Avenue Extension, Washington, Pa., and for acquisition by DARL D. WOMELDORF, also of Lewistown, Pa., of control of such rights and property through the transaction. Applicants' attorneys: V. Baker Smith, 123 South Broad Street, Philadelphia, Pa. 19109, and Henry Wick, 2310 Grant Building, Pittsburgh, Pa. 15219. Operating rights sought to be (1) controlled and purchased; and (2) transferred: (1) *General commodities,* with certain specified exceptions, and numerous other specified commodities, as a *common carrier,* over regular and irregular routes, from, to and between specified points in the States of Pennsylvania, New York, West Virginia, Massachusetts, Ohio, Maryland, Kentucky, Rhode Island, Indiana, New Jersey, Delaware, Illinois, Michigan, Virginia, Maine, North Carolina, Connecticut, New Hampshire, and the District of Columbia, with certain restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC–123322 Sub 1 and numerous other subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof; and (2) *Paper, glass products, and supplies and equipment,* used in the production of glass products, as a *common carrier,* over irregular routes, between points in Canton Township, Washington County, Pa., on the one hand, and, on the other, certain specified points in Ohio, Pittsburgh, Pa., and Wyoming, Del.

Glass products, supplies, equipment, and machinery used in the manufacture of glass, and *paper boxes,* between points in Canton Township, Washington County, Pa., on the one hand, and, on the other, certain specified points in Ohio; *glass products,* from points in Canton Township, Washington County, Pa., to Salem, Ohio; *glass containers,* from Washington, Pa., to Orrville and Medina, Ohio; *preserved fruits,* from Orrville, Ohio, to Wheeling, W. Va., and points in that part of Pennsylvania on and south of U.S. Highway 422, and on and west of U.S. Highway 119; *food products,* in containers, from Salem, Ohio, to Wheeling, W. Va., and points in that part of Pennsylvania on and south of U.S. Highway 422 and on and west of U.S. Highway 119, from Medina, Ohio, to certain specified points in Pennsylvania; and *food products,* canned or in glass, from Medina, Ohio, to Wheeling, W. Va., and points in that part of Pennsylvania on and south of U.S. Highway 422 and on and west of U.S. Highway 119; with restriction. WOMELDORF, INC., is authorized to operate as a *common carrier* in Pennsylvania, West Virginia, Maryland, New Jersey, Delaware, New York, Virginia, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10273. Authority sought for purchase by TWIN CITY FREIGHT, INC., 2280 Ellis Avenue, St. Paul, Minn., of the operating rights and property of OSCAR L. JANKE (JOHN JANKE, SPECIAL ADMMINISTRATOR), doing business as MAHNOMEN-DETROIT LAKES TRANSFER, Detroit Lakes, Minn., and for acquisition by W. E. ELSHOLTZ, also of St. Paul, Minn., of control of such rights and property through the purchase. Applicants' attorney and representative: Alan Foss and Thomas J. Van Osdel, both of 502 First National Bank Building, Fargo, N. Dak. 58102. Operating rights sought to be transferred: *General commodities,* except those of unusual value, and except dangerous explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings") commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier,* over a regular route, between Mahnomen, Minn., and Detroit Lakes, Minn., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Minnesota, and North Dakota. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10274. Authority sought for purchase by OLD COLONY TRANSPORTATION CO., INC., 676 Dartmouth Street, South Dartmouth, Mass. 02748, of the operating rights and property of STANLEY W. HOLDEN, doing business as HOLDEN'S EXPRESS LINE, 18 Ferris Avenue, Utica, N.Y. 13501, and for acquisition by GEORGE VIGEANT, 6 Stetson Street, New Bedford, Mass., of control of such rights and property through the purchase. Applicants' attorney: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over a regular route, between Syracuse, N.Y., and Herkimer, N.Y., and all intermediate points; and the off-route points of Chadwicks, Clark Mills, Clinton, Durhamville, New York Mills, Oriskany, and Vernon Center, N.Y. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, New Jersey, New York, Connecticut, Vermont, Maine, and New Hampshire. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–12271; Filed, Oct. 8, 1968; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 4, 1968.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. D–T5251, filed March 19, 1968. Applicant: STAR INDUSTRIES, INC., doing business as STAR EXPRESS, 58 Caldwell Road, Nashau, N.H. Applicant's representative: Andre J. Barbeau, 795 Elm Street, Manchester, N.Y. 03101. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* except commodities of unusual value, those injurious or contaminating to other lading, liquid products in bulk, bulk commodities in dump trucks, commodities requiring special equipment, livestock and household goods as defined in RSA 375–A between points and places in New Hampshire. Both interstate and intrastate authority is sought.

HEARING: Thursday, November 7, 1968, Room 208, State House Annex, Concord, N.H., at 10 a.m. Requests for procedural information, including the time for filing protest, concerning this application should be addressed to the New Hampshire Public Utilities Commission, Concord, N.J. 03301, and should not be directed to the Interstate Commerce Commission.

State Docket Case MT–8727, filed August 12, 1968. Applicant: J. W. MARTIN TRUCKING & DELIVERY SERVICE, INC., 131 Nassau Parkway, Hempstead, N.Y. 11550. Applicant's representative: Derounian, Candee, Guardino & Solomon, 600 Old County Road, Garden City, N.Y. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities and household goods,* from the counties in New York City to Nassau and Suffolk Counties and from Nassau and Suffolk Counties to the counties in New York City. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the New York Public Service Commission, 44 Holland Avenue, Albany, N.Y. 12208, and should not be directed to the Interstate Commerce Commission.

State Docket No. 10309, filed September 19, 1968. Applicant: MORTON JOHN KAVANAUGH, JR., Post Office Box 63, Ruston, La. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* between Packton, La., and Jonesboro, La., over U.S. Highway 167, serving the town of Winnfield, La., only as an intermediate point, with no duplication of existing authorities sought. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Louisiana Public Service Commission, Baton Rouge, La., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–12272; Filed, Oct. 8, 1968; 8:48 a.m.]

[Notice 705]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 4, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR, Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 94265 (Sub-No. 210 TA), filed October 1, 1968. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station (Military Highway), Norfolk, Va. 23502. Applicant's representative: Harry G. Buckwalter (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank or hopper-type vehicles) 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, from John Morell & Co. plantsite at Ottumwa, Iowa, to points in Pennsylvania, New York, Maryland, District of Columbia, and New Jersey, for 180 days. Supporting shipper: John Morell & Co., Ottumwa, Iowa. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 114273 (Sub-No. 33 TA), filed October 1, 1968. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prokuski (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* (except hides and commodities in bulk in tank or hopper type vehicles) 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, from John Morrell & Co. plantsite at Ottumwa, Iowa, to points in Michigan, Ohio, New York, and Pennsylvania, for 180 days. Supporting shipper: John Morrell & Co., Ottumwa, Iowa. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 124899 (Sub-No. 10 TA) (Correction), filed September 19, 1968, published FEDERAL REGISTER issue October 1, 1968, corrected and republished as corrected, this issue. Applicant: RAY BETHERS, Post Office Box 116, Kamas, Utah 84036. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products,* from points in West Yellowstone, Mont.; Montrose and Dolores, Colo., to Salt Lake City, Clearfield, Ogden, Provo, and Kamas, Utah, for the account of Alpine Lumber Sales and from Hamilton, Darby, and West Yellowstone, Mont.; North Fork and Paris, Idaho; Sholow, Ariz.; and Afton, Wyo., to points in Utah for the account of Forest Products Sales, for 180 days. Supporting shippers: Alpine Lumber Sales, 3601 South State Street, Salt Lake City, Utah 84115; and Forest Products Sales, 3140 South Main Street, Salt Lake City, Utah 84115. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111. NOTE: The purpose of this republication is to show "North Fork and Paris" located in Idaho in lieu of Arizona, as previously published.

No. MC 127304 (Sub-No. 2 TA) (Correction), filed September 23, 1968, published FEDERAL REGISTER issue of October 1, 1968, and republished as corrected this issue. Applicant: CLEAR WATER

TRUCK COMPANY, INC., 410 Fourth National Bank Building, Wichita, Kans. 67202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Wichita, Kans., and York, Nebr., to points in Tennessee, Arkansas, Alabama, Georgia, North Carolina, South Carolina, Florida, Iowa, Missouri, Illinois, Nebraska, Indiana, Michigan, Ohio, Kentucky, West Virginia, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, and the District of Columbia, for 180 days. NOTE: The purpose of this republication is to include States of New Jersey and Pennsylvania, which were inadvertently omitted from previous publication. Supporting shipper: Sunflower Packing Co., 1410 East 21st, Post Office Box 8183, Munger Station, Wichita, Kans. 67208. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 129587 (Sub-No. 1 TA), filed October 2, 1968. Applicant: RONALD ROSSANA, doing business as ROSSANA VAN LINES, 141 Main Street, Northport, N.Y. 11768. Applicant's representative: William J. Augello, Jr., Bar Building, 36 West 44th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Loudspeaker cabinets*, in cartons, from Farmingdale, N.Y., to Smithfield, N.C., for 150 days. Supporting shipper: Easco Industries, Inc., 21021 Route 110, Farmingdale, N.Y. 11735. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 129664 (Sub-No. 2 TA) (Amendment), filed September 9, 1968, published in the FEDERAL REGISTER, issues of September 17, 1968, and October 1, 1968, and republished as amended this issue. Applicant: COMET MESSENGER AND DELIVERY SERVICE, INC., 277–283 Clinton Avenue, Newark, N.J. 07108. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dental products; optical products; stationery and office supplies; graphic arts materials; toilet preparations, soap, and related advertising materials; electrical equipment and supplies; drugs, drug sundries and biochemical specimens, other than radio pharmaceuticals; X-ray plates; photographic film and television tapes;* in shipments aggregating not more than 25 pounds from one consignor to one consignee in any one vehicle, in specialized delivery service, (1) between New York, N.Y., on the one hand, and, on the other, points in New Jersey, points in Rockland and Orange Counties, N.Y., and Philadelphia, Pa.; (2) between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, except points in Camden, Salem, Cumberland, Burlington, and Atlantic Counties, and points in Orange, Rockland, Nassau, Suffolk, and Westchester Counties, N.Y.; (3) between Newark, N.J., on the one hand, and, on the other, points in New Jersey; and (4) between points in New Jersey, on the one hand, and, on the other, points in Rockland, Nassau, Orange, Westchester, and Suffolk Counties, N.Y. for 150 days. Restriction: Restricted against shipments having a prior or subsequent movement by air. NOTE: The purpose of this republication is to set forth the authority sought as amended. Supporting shippers: There are approximately 27 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC133197 TA, filed October 1, 1968. Applicant: CLARENCE WYATT TRANSFER, INC., Broad at 17th Street, Richmond, Va. 23219. Applicant's representative: Ralph C. Lynn (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, soap, cosmetics, and related advertising material*, in packages not to exceed 60 pounds each, under a contract or contracts with Avon Products, Inc., Newark, Del., from Richmond, Va., to points in Henrico, Hanover, Charles City, New Kent, Prince George, Dinwiddie, Amelia, Powhatan, King William, Goochland, and Chesterfield Counties, Va., for 180 days. Supporting shipper: Avon Products, Inc., Newark, Del. 19711. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, 10–502 Federal Building, Richmond, Va. 23240.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–12273; Filed, Oct. 8, 1968; 8:48 a.m.]

[Notice 223]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 4, 1968.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–70847. By application filed October 1, 1968, CARPENTER BROS. TRUCKING, INC., Post Office Box 507, Las Animas, Colo., seeks temporary authority to lease the operating rights of SMITH BANANA TRANSPORT, INC., 901 West Fourth Street, Pueblo, Colo., under section 210a(b). The transfer to CARPENTER BROS. TRUCKING, INC., of the operating rights of SMITH BANANA TRANSPORT, INC., is presently pending.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–12274; Filed, Oct. 8, 1968; 8:48 a.m.]

[Notice 704]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 3, 1968.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1805 (Sub-No. 1 TA), filed September 30, 1968. Applicant: DALE NEWELL, doing business as NEWELL TRUCK LINE, Route 3, Wakefield, Kans. 67487. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and fertilizer*, in bags, cartons, or bulk, *twine and customary items handled by a country elevator*, from Kansas City, St. Joseph, and Joplin, Mo., to Wakefield, Kans., and all points within a 25-mile radius of Wakefield, Kans., and to Junction City, Kans., for 180 days. NOTE: Applicant intends to tack the authority here applied for to other authority held by it under No. MC 1805. Supporting shippers: Wakefield Farmers Cooperative Association, Wakefield, Kans. 67487; Morrison Grain Elevator, Inc., Junction City, Kans. 66441. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 112241 (Sub-No. 1 TA), filed September 30, 1968, Applicant: BERT HUSSEY, doing business as HUSSEY's, 1720 Broadway, Vallejo, Calif. 94590. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Household goods*, as defined by the Commission, between

points in San Francisco, Alameda, Contra Costa, Marin, Sonoma, Lake, Napa, Solano, Yolo, Sacramento, and San Joaquin Counties, Calif., for 180 days. Supporting shippers: Empire Uni-Van, New York, N.Y.; Richardson Transfer & Storage Co., Inc., Wilmington, Calif.; American Ensign Van Service, Inc., Wilmington, Calif.; Getz Bros. & Co., Inc., Wilmington, Calif., and Imperial Household Shipping Co., Inc., Union City, Calif. Send protest to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 115331 (Sub-No. 261 TA), filed September 30, 1968. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lime and limestone products,* in bags, and/or containers, from Rockwood, Wis., to points in Madison and St. Clair Counties, Ill., St. Louis, Mo., and St. Louis, St. Charles, and Jefferson Counties, Mo., for 180 days. Supporting shipper: Rockwell Lime Co., Manitowoc, Wis. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 123922 (Sub-No. 12 TA), filed September 30, 1968. Applicant: CHARTER BULK SERVICE, INC., 80 Doremus Avenue, Newark, N.J. 07105. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Water softening compound,* dry, in bulk, from Nashua, N.H., to Port Ivory, Staten Island, N.Y.; Baltimore, Md.; Quincy, Mass.; Augusta, Ga.; Cincinnati, Ohio; Chicago, Ill.; St. Louis, Mo.; Kansas City, Kans.; Dallas, Tex.; and Sacramento, Calif., for 180 days. Supporting shipper: The Procter & Gamble Co., Post Office Box 599, Cincinnati, Ohio 45201. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 125708 (Sub-No. 100 TA), filed September 30, 1968. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Oil and grease,* from Wood River, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin, for 180 days. Supporting shipper: Fox Oil Co., Inc., 39 West Madison, Wood River, Ill. 6209. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 126709 (Sub-No. 2 TA), filed September 30, 1968. Applicant: SABER, INC., 514 South Floyd Boulevard, Sioux City, Iowa 51107. Applicant's representative: Wallace W. Huff, 314 Security Building, Sioux City, Iowa 51101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Nonedible tallow,* in bulk, from Sioux City, Iowa, to points in Nebraska, South Dakota, and points in that part of Minnesota, on and south of Highway No. 212 east to junction with Highway No. 15 to junction Highway No. 218, south to Iowa line; and also; (2) *liquid animal feed supplement,* from Sioux City, Iowa, to points in Nebraska, South Dakota, North Dakota, and Minnesota, for 180 days. NOTE: Applicant does not intend to tack MC 126709 held by applicant. Supporting shippers: Needham Packing Co., Inc., Sioux By-Products Division, Stockyards Station, Sioux City, Iowa 51107; Kay Dee Feed Company, 1919 Grand Avenue, Sioux City, Iowa 51107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 127406 (Sub-No. 4 TA), filed September 30, 1968. Applicant: KINGSWAY LUMBER CARRIERS, INC., Industrial Park, New Rochelle, N.Y. 10803. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber and lumber products,* from Maybrook, N.Y., to points in Fairfield, Litchfield, and New Haven Counties, Conn., points in New Jersey on and north of New Jersey Highway 33, and points in Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties, N.Y., and *returned shipments of lumber and lumber products,* from said destination points to Maybrook, N.Y., for 150 days. Supporting shipper: Delwin R. Hallock, Inc., Ardsley, N.Y. 10502. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC128117 (Sub-No. 2 TA), filed September 30, 1968. Applicant: NORTON-RAMSEY MOTOR LINES, INC., Post Office Box 477, Catawba Avenue, Old Fort, N.C. 28762. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* canned, from Plainview and Lindale, Tex., and points in Hidalgo, Willacy, and Cameron Counties, Tex., to points in Virginia, North Carolina, and South Carolina, for 180 days. Supporting shippers: Alamo Products Co., Alamo, Tex. 78516; Mission-Harlingen Canning Co., Inc., Post Office Drawer 31, 224 North F Street, Harlingen, Tex. 78550; L. H. Morre Canning Co., Post Office Box 1720, McAllen, Tex. 78501; Plains Food, Inc., Plainview, Tex. 79072; Reid Gantt Sales Co., Post Office Drawer 1599, McAllen, Tex. 78501; Woldert Canning Co., 818 West Erwin Street, Post Office Box 1448; Tyler, Tex. 75701. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, BSR Building, Suite 417, 316 East Morehead Street, Charlotte, N.C. 28202.

No. MC 129035 (Sub-No. 1 TA), filed September 30, 1968. Applicant: OAKLEY TRANSFER & STORAGE COMPANY, INC., 4115 Edith Boulevard NE., Albuquerque, N. Mex. 87107. Applicant's representative: Jerry R. Murphy, 708 La Veta Drive NE., Albuquerque, N. Mex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods), restricted to traffic having an immediately prior or subsequent movement by air, between the Albuquerque, N. Mex., Municipal Airport, on the one hand and, on the other, Santa Fe and Los Alamos, N. Mex., for 150 days. Supporting shippers: The Flower Nook, on the Plaza West, Santa Fe, N. Mex. 87501; Public Service Company of New Mexico, Post Office Box 2267, Albuquerque, N. Mex.; New Mexico Steel Co., Post Office Box 691, Albuquerque, N. Mex. 87103; Eberline Instrument Corp., Post Office Box 2108, Santa Fe, N. Mex. 87501; The Camera Shop of Santa Fe, 109 San Francisco, Santa Fe, N. Mex. 87501; Louis Flower Shop, 535 Cerrillos Road, Santa Fe, N. Mex. 87501. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building, U.S. Courthouse, Albuquerque, N. Mex. 87101.

No MC 133119 (Sub-No. 1 TA), filed September 30, 1968. Applicant: DONALD L. HEYL, doing business as HEYL TRUCK LINES, Post Office Box 755, Akron, Iowa 51001. Applicant's representative: E. A. Hutchison, 420 Security Bank Building, Sioux City, Iowa 51101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Pork lungs,* from (a) Winnebago Pet Foods, Inc., plant at Winnebago, Nebr., and (b) Iowa By-Products, Inc., plant at Sioux City, Iowa, to Moore Air Force Base, Mission, Tex., for 150 SUPPORTING SHIPPER: Frank A. Priebe, Division of L. D. Schriber, 110 North Franklin Street, Chicago, Ill. 60606. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-12281; Filed, Oct. 8, 1968; 8:49 a.m.]

[S. O. 1002, Car Distribution Direction 4]

ERIE-LACKAWANNA RAILROAD CO. AND ILLINOIS CENTRAL RAILROAD CO.

Distribution Directions

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions.

(a) Erie-Lackawanna Railroad Co. shall deliver to the Illinois Central Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide Exception: Canadian ownerships

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., October 7, 1968.

(4) Expiration date: This direction shall expire at 11:59 p.m., November 2, 1968, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction 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 notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 3, 1968.

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

[F.R. Doc. 68–12278; Filed, Oct. 8, 1968; 8:48 a.m.]

[S.O. 1002, Car Distribution Direction 6]

LEHIGH VALLEY RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

Distribution Directions

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Lehigh Valley Railroad Co. shall deliver to the Norfolk and Western Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., October 7, 1968.

(4) Expiration date: This direction shall expire at 11:59 p.m., November 2, 1968, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction 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 notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 3, 1968.

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

[F.R. Doc. 68–12280; Filed, Oct. 8, 1968; 8:48 a.m.]

[S.O. 1002, Car Distribution Direction 1]

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

Distribution Directions

Pursuant to section 1(15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Louisville and Nashville Railroad Co. shall deliver to the Chicago, Burlington & Quincy Railroad a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., October 7, 1968.

(4) Expiration date: This direction shall expire at 11:59 p.m., November 2, 1968, unless otherwise modified, changed or suspended by order of this Commission.

It is further ordered, That a copy of this direction 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 notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 3, 1968.

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

[F.R. Doc. 68–12275; Filed, Oct. 8, 1968; 8:48 a.m.]

[S.O. 1002, Car Distribution Direction 5]

SEABOARD COAST LINE RAILROAD CO. AND ILLINOIS CENTRAL RAILROAD CO.

Distribution Directions

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) Seaboard Coast Line Railroad Co. shall deliver to the Illinois Central Railroad Company a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., October 7, 1968.

(4) Expiration date: This direction shall expire at 11:59 p.m., November 2, 1968, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction 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 notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 3, 1968.

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

[F.R. Doc. 68–12279; Filed, Oct. 8, 1968; 8:48 a.m.]

[S.O. 1002, Car Distribution Direction 2]

SOUTHERN RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Distribution Directions

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Southern Railway Co. shall deliver to the Chicago, Burlington & Quincy Railroad a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., October 7, 1968.

(4) Expiration date: This direction shall expire at 11:59 p.m., November 2, 1968, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction 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 term of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 3, 1968.

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

[F.R. Doc. 68–12276; Filed, Oct. 8, 1968; 8:48 a.m.]

[S. O. 1002, Car Distribution Direction 3]

TERMINAL RAILROAD COMPANY OF ST. LOUIS AND ILLINOIS CENTRAL RAILROAD CO.

Distribution Directions

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) Terminal Railroad Company of St. Louis shall deliver to the Illinois Central Railroad Company a weekly total of 175 empty plain serviceable boxcars with inside length less than 44'8'' and doors less than eight feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each seven days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., October 7, 1968.

(4) Expiration date: This direction shall expire at 11:59 p.m., November 2, 1968, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction 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 notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 3, 1968.

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

[F.R. Doc. 68-12277; Filed, Oct. 8, 1968; 8:48 a.m.]

[Notice 222]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 3, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70727. By order of September 27, 1968, the Transfer Board approved the transfer to Mercer Trucking Co., Inc., Greenacres, Wash., of that portion of the operating rights in certificate No. MC-105207 issued January 21, 1966, to Jim's Transfer, Inc., Spokane, Wash., authorizing the transportation, over irregular routes, of ore and ore concentrates, mill and mining machinery and supplies, between points in Shoshone County, Idaho, and iron and steel building materials, heavy machinery, and mining and contractors' equipment and supplies, between points in Spokane County, Wash., on the one hand, and, on the other, points in Boundary, Bonner, Kootenai, Benewah, Latah, Shoshone, Nez Perce, Idaho, and Lewis Counties, Idaho, and the operating rights in certificate No. MC-105207 (Sub-No. 9) issued December 28, 1964, to Jim's Transfer, Inc., Spokane, Wash., authorizing the transportation, over irregular routes, of cement from Riverside, Calif., to points in Idaho, Montana, Oregon, and Washington, and general commodities, except classes A and B explosives, between Ione and Metaline Falls, Wash., on the one hand, and, on the other, points in Pend Orielle County, Wash. George R. Labissoniere, 920 Logan Building, Seattle, Wash. 98101, attorney for applicants.

No. MC-FC-70752. By order of September 30, 1968, the Transfer Board approved the transfer to Magill Truck Lines, Inc., Wichita, Kans., of the operating rights in certificates Nos. MC-123649, MC-123649 (Sub-No. 1), and MC-123649 (Sub-No. 3) issued July 20, 1961, June 3, 1963, and October 19, 1967, respectively, to C. A. Magill, doing business as Magill Truck Line, Wichita, Kans., authorizing the transportation, over irregular routes, of sash and doors, mill work, steel rods, hardwood flooring, and roofing and insulating materials from Wichita, Kans., to Altus, Shawnee, and Tulsa, Okla., asphalt, in drums, in truckloads, from Stroud, Okla., to designated points in Kansas; brick, stone, cement, glass blocks, plaster, and tile, in truckloads, from Wichita, Fredonia, and Brickton, Kans., to points in a designated part of Oklahoma; materials for construction of silos and small buildings from Wichita, Kans., to points in a designated part of Oklahoma; roofing materials from Stroud, Okla., to designated points in Kansas and damaged shipments on return; soybean meal and pellets from Wichita, Kans., to points in Oklahoma; and burned clay products from a plant-site near Concordia, Kans., to points in a designated part of Missouri. Earl C. Moore, 243 North Hillside, Wichita, Kans. 67214, attorney for applicants.

No. MC-FC-70794. By order of September 30, 1968, the Transfer Board approved the transfer to D. & P. Enterprises, Inc., 866 Sumner Avenue, Springfield, Mass. 01108, of the operating rights in certificate No. MC-94962 issued November 5, 1963, to Joseph A. Pellegrino and Anthony J. Pellegrino, a partnership, doing business as D. Pellegrino, 866 Sumner Avenue, Springfield, Mass. 01108, authorizing the transportation, over specified regular routes, of malt beverages, from Cranston, R.I., and New Haven and Derby, Conn., to Springfield, Mass., to Cranston, R.I., and New Haven and Derby, Conn., serving no intermediate points.

No. MC-FC-70795. By order of September 30, 1968, the Transfer Board approved the transfer to Horne Heavy Hauling, Inc., Atlanta, Ga., of the operating rights in certificate No. MC-35045 issued December 21, 1967, to Crabtree Transfer and Storage Co., a corporation, doing business as Horne Heavy Hauling, Atlanta, Ga., authorizing the transportation, over irregular routes, of machinery, equipment, and supplies used in the maintenance and operation of industrial plants, between points within 175 miles of Chattanooga, Tenn., including Chattanooga, and general commodities, except those of unusual value, and classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points within 15 miles of Chattanooga, Tenn., including Chattanooga. Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-12215; Filed, Oct. 7, 1968; 8:47 a.m.]

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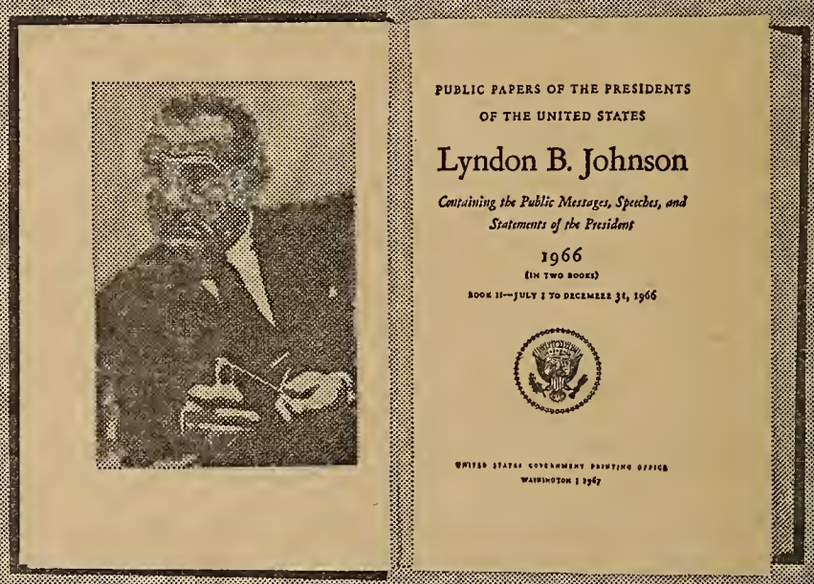

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