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NOTICE

New Location of Federal Register Office.

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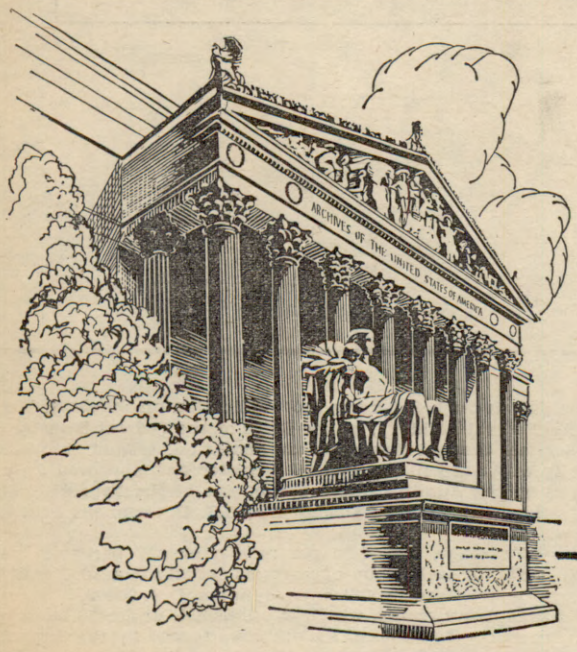

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FEDERAL REGISTER

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1969, and specifies how they are affected.

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CFR CHECKLIST

1969 Issuances

This checklist prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1969. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (as of Jan. 1, 1969):		Price
3	1936–1938 Compilation	$6.00
	1968 Compilation	.75
4	(Rev.)	.50
7	Parts:	
	0–45 (Rev.)	2.50
	46–51 (Rev.)	1.75
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	750–899 (Rev.)	1.75
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	1000–1029 (Rev.)	1.50
	1030–1059 (Rev.)	1.25
	1060–1089 (Rev.)	1.25
	1090–1119 (Rev.)	1.25
	1120–1199 (Rev.)	1.25
	1200–1499 (Rev.)	2.50
	1500–end (Rev.)	1.50
8	(Rev.)	1.00
10	(Rev.)	1.50
11	[Reserved]	
12	Parts:	
	1–299 (Rev.)	2.00
	300–end (Rev.)	2.00
13	(Rev.)	1.25
14	Parts:	
	1–59 (Rev.)	2.75
	60–199 (Rev.)	2.50
15	(Rev.)	2.00
16	Parts:	
	0–149 (Rev.)	2.75
	150–end (Rev.)	2.00
18	(Rev.)	4.00
20	(Rev.)	3.50
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22	(Rev.)	1.75
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24	(Rev.)	2.00
25	(Rev.)	1.75
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	1 (§§ 1.301–1.400) (Rev.)	1.00
	1 (§§ 1.501–1.640) (Rev.)	1.25
	1 (§§ 1.641–1.850) (Rev.)	1.50
	2–29 (Rev.)	1.25
	30–39 (Rev.)	1.25
	40–169 (Rev.)	$2.50
	300–499 (Rev.)	1.25
	500–599 (Rev.)	1.50
	600–end (Rev.)	.65
27	(Rev.)	.45
28	(Rev.)	1.00
29	Parts:	
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	500–899 (Rev.)	3.00
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	5–5D (Rev.)	1.25
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	18 (Rev.)	3.25
	19–100 (Rev.)	1.00
	101–end (Rev.)	1.75
43	Parts:	
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Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 18, 1965 (30 F.R. 7893), June 7, 1966 (31 F.R. 8020), October 11, 1966 (31 F.R. 13114), November 1, 1966 (31 F.R. 13939), November 23, 1966 (31 F.R. 14826), February 14, 1967 (32 F.R. 20843), April 15, 1967 (32 F.R. 6021), August 26, 1967 (32 F.R. 12441), September 29, 1967 (32 F.R. 13650), February 9, 1968 (33 F.R. 2756), March 7, 1968 (33 F.R. 4248), July 13, 1968 (33 F.R. 10085), July 31, 1968 (33 F.R. 10839), August 15, 1968 (33 F.R. 11587), September 25, 1968 (33 F.R. 14399), November 8, 1968 (33 F.R. 16382), December 14, 1968 (33 F.R. 18573), February 1, 1969 (34 F.R. 1586), and June 3, 1969 (34 F.R. 8697), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

WITHIN METROPOLITAN AREA

ONE HOUR

Add: Stapleton International Airport (served from Arvada, Colo.).

This commuted travel time period has been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this instruction effective less than 30 days after publication in the FEDERAL REGISTER.

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

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

Done at Hyattsville, Md., this 25th day of June 1969.

R. E. OMOHUNDRO,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-7726; Filed, June 30, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 7]

PART 722—COTTON

Subpart—Marketing Quotas for the 1966 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton

1969 RATES OF PENALTY

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to establish the 1969 rates of penalty for excess upland cotton and extra long staple cotton.

It is essential that the penalty rates be made available to producers and cotton buyers as soon as possible. Establishment of such rates involves a mathematical computation in accordance with the statutory formula. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.100 of the regulations for Marketing Quotas for the 1966 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton (31 F.R. 6573, 9445, 13035, 15791, 32 F.R. 9298, 33 F.R. 6701, and 9387) is amended by adding the following new paragraph (d) at the end thereof:

§ 722.100 Penalty rate for each crop year.

* * * * *

(d) *1969 crop*—(1) *Upland cotton.* The parity price for upland cotton effective as of June 15, 1969, is 47.80 cents per pound. The rate of penalty for upland cotton produced in 1969 as calculated on the basis of 50 percent of such parity price in accordance with § 722.79 shall be 23.9 cents per pound of upland lint cotton.

(2) *Extra long staple cotton.* The parity price for ELS cotton, effective as of June 15, 1969, is 77 cents per pound. The rate of penalty for ELS cotton produced in 1969 as calculated on the basis of 50 percent of such parity price shall be 38.5 cents per pound of ELS lint cotton.

(Secs. 346, 347, 375, 63 Stat. 674, as amended, 63 Stat. 675, as amended, 52 Stat. 66, as amended, 7 U.S.C. 1346, 1347, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on June 25, 1969.

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

[F.R. Doc. 69-7749; Filed, June 30, 1969; 8:49 a.m.]

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

[Grapefruit Reg. 67, Amdt. 5]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; this amendment relieves restrictions on the handling of grapefruit (grown in Regulation Area I) during the period June 27, through July 6, 1969, and on the handling of all Florida grapefruit during the period July 7, through September 14, 1969.

Order. In § 905.506 (Grapefruit Reg. 67, 33 F.R. 14066, 14169, 17893, 18429, 34 F.R. 7897), paragraph (a) is deleted and a new paragraph (a) is substituted in lieu thereof to read as follows:

§ 905.506 Grapefruit Regulation 67.

(a) *Order.* (1) During the period June 27, through July 6, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1 Golden;

(ii) Any seedless grapefruit, grown in Regulation Area I, which are smaller than 3 7/16 inches in diameter except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit;

(iii) Any seeded grapefruit, grown in the production area, which are smaller than 3 15/16 inches in diameter except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Grapefruit; or

(iv) Any seedless grapefruit, grown in Regulation Area II, unless such grapefruit grade at least Improved No. 2 and are not smaller than 3 9/16 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Grapefruit: *Provided,* That seedless grapefruit, grown in Regulation Area II, which grade at least U.S. No. 1 Golden may be shipped if such grapefruit are not smaller than 3 7/16 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Grapefruit.

(2) During the period July 7, through September 14, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 3 15/16 inches in diameter except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than 3 7/16 inches in diameter except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Grapefruit.

* * * * *

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

Dated June 26, 1969, to become effective June 27, 1969.

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

[F.R. Doc. 69-7750; Filed, June 30, 1969; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Miscellaneous Interpretations

§ 226.605 Rate charts and tables unavailable.

(a) Subject to certain conditions, § 226.6(f) of Regulation Z permits a creditor to use an estimate or approximation of information when the information is "unknown or not available to the creditor, and the creditor has made a reasonable effort to ascertain it."

(b) It appears that some creditors who require special charts or tables in order to operate with necessary efficiency in compliance with Regulation Z, and who have placed orders for such charts or tables with suppliers of them, may be unable to obtain such charts or tables by July 1, 1969, the effective date of Regulation Z.

(c) In the circumstances indicated, when the necessary charts or tables have been ordered prior to July 1, 1969, and are temporarily unavailable to a creditor who has thus made a reasonable effort to obtain them, § 226.6(f) permits the creditor to use an estimate or approximation of the annual percentage rate and other information during the interim until they become available, subject, of course, to the other requirements of that paragraph.

(Interprets and applies 15 U.S.C. 1631.)

§ 226.810 Disclosures—variable interest rates.

(a) In some cases a note, contract, or other instrument evidencing an obligation provides for prospective changes in the annual percentage rate or otherwise provides for prospective variation in the rate. The question arises as to what disclosures must be made under these circumstances when it is not known at the time of consummation of the transaction whether such change will occur or the date or amount of change.

(b) In such cases, the creditor shall make all disclosures on the basis of the rate in effect at the time of consummation of the transaction and shall also disclose the variable feature.

(c) If disclosure is made prior to the consummation of the transaction that the annual percentage rate is prospectively subject to change, the conditions under which such rate may be changed, and, if applicable, the maximum and minimum limits of such rate stipulated in the note, contract, or other instrument evidencing the obligation, such subsequent change in the annual percentage rate in accordance with the foregoing disclosures is a subsequent occurrence under § 226.6(g) and is not a new transaction.

(Interprets and applies 15 U.S.C. 1634.)

§ 226.903 Refinancing and increasing—disclosures and effects on the right of rescission.

(a) In some cases the creditor of an obligation will refinance that obligation at the request of a customer by permitting the customer to execute a new note, contract, or other document evidencing the transaction under the terms of which one or more of the original credit terms, including the maturity date of the obligation, is changed. Although such refinancing constitutes a new transaction, and all disclosures required under § 226.8 must be made, the question arises as to whether that transaction is subject to the right of rescission under § 226.9 where the obligation is already secured by a lien on real property which is used or expected to be used as the principal residence of that customer.

(b) If the amount of such new transaction does not exceed the amount of the unpaid balance plus any accrued and unpaid finance charge on the existing obligation, § 226.9 does not apply to the transaction.

(c) If, however, the amount of such new transaction is for an increased amount, that is for an amount in excess of the amount of the unpaid balance plus any accrued and unpaid finance charge on the existing obligation, § 226.9 applies to the transaction. However, such right of rescission applies only to such excess and does not affect the existing obligation (or related security interest) for the unpaid balance plus accrued and unpaid finance charge.

(d) The provisions of paragraph (b) of this section and the second sentence of paragraph (c) of this section do not apply in the event that the obligation is refinanced by a creditor other than the creditor of the existing obligation.

(Interprets and applies 15 U.S.C. 1635)

Dated at Washington, D.C., the 20th day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7713; Filed, June 30, 1969; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 550—PAY ADMINISTRATION (GENERAL)

Pay Differentials for Irregular or Intermittent Hazardous Duty

Appendix A to Subpart I of Part 550 is amended by revising and consolidating the two previous schedules of irregular or intermittent duties for which hazard differential is authorized into one schedule. The consolidation results from the amendment of § 550.904 effective December 10, 1958, making only one schedule necessary. This amendment is effective on the first day of the first pay period beginning after July 1, 1969.

APPENDIX A

SCHEDULE OF PAY DIFFERENTIALS AUTHORIZED FOR IRREGULAR OR INTERMITTENT HAZARDOUS DUTY UNDER SUBPART I

HAZARD PAY DIFFERENTIAL, OF PART 550 PAY ADMINISTRATION (GENERAL)

Irregular or intermittent duty	Rate of hazard pay differential	Effective date
Exposure to Hazardous Weather or Terrain:		
(1) *Work in rough and remote terrain.* When working on cliffs, narrow ledges, or near vertical mountainous slopes where a loss of footing would result in serious injury or death, or when working in areas where there is danger of rock falls or avalanches.	25%	First pay period beginning after July 1, 1969.
(2) *Traveling under hazardous conditions.* (a) When travel over secondary or unimproved roads to isolated mountain top installations is required at night, or under adverse weather conditions (such as snow, rain, or fog) which limits visibility to less than 100 feet, when there is danger of rock, mud, or snow slides.	25%	Do.
(b) When travel in the wintertime, either on foot or by means of vehicle, over secondary or unimproved roads or snow trails, in sparsely settled or isolated areas to isolated installations is required when there is danger of avalanches, or during "whiteout" phenomenon which limits visibility to less than 10 feet.	25%	Do.
(c) When work or travel in sparsely settled or isolated areas results in exposure to temperatures and/or wind velocity shown to be of considerable danger, or very great danger, on the windchill chart (Appendix A-1), and shelter (other than temporary shelter) or assistance is not readily available.	25%	Do.
(3) *Snow or ice removal operations.* When participating in snowplowing or snow or ice removal operations, regardless of whether on primary, secondary or other class of roads, when (a) there is danger of avalanche, or (b) there is danger of missing the road and falling down steep mountainous slopes because of lack of snow stakes, "white-out" conditons, or sloping ice-pack covering the snow.	25%	Do.
(4) *Water search and rescue operations.* Participating as a member of a water search and rescue team in adverse weather conditions when winds are blowing at 35 m.p.h. (classified as gale winds) or in water search and rescue operations conducted at night.	25%	Do.
(5) *Travel on Lake Pontchartrain.* (a) When embarking, disembarking or traveling in small craft (boat) on Lake Pontchartrain when wind direction is from north, northeast, or northwest, and wind velocity is over 15 knots; or	25%	Do.
(b) When travelling in small crafts, where craft is not radar equipped, on Lake Pontchartrain is necessary due to emergency or unavoidable conditions and the trip is made in a dense fog under fog run procedures.	25%	Do.

APPENDIX A—Continued

Irregular or intermittent duty	Rate of hazard pay differential	Effective date
Exposure to Physiological Hazards:		
(1) *Pressure chamber subjects.* Participating as a subject in diving research tests which seek to establish limits for safe pressure profiles by working in a pressure chamber simulating diving or, as an observer to the test or as a technician assembling underwater mock-up components for the test, when the observer or technician is exposed to high pressure gas piping systems, gas cylinders, and pumping devices which are susceptible to explosive ruptures.	25%	First pay period beginning after July 1, 1969.
(2) *Simulated altitude chamber subjects/Observers.* Participating in simulated altitude studies ranging from 18,000 to 150,000 feet either as subject or as observer exposed to the same conditions as the subject.	25%	Do.
(3) *Centrifuge subjects.* Participating as subject in centrifuge studies involving elevated G forces above the level of 5 G's whether or not at reduced atmospheric pressure.	25%	Do.
(4) *Rotational flight simulator subject.* Participating as a subject in a Rotational Flight Simulator in studies involving continuous rotation in one axis through 360° or in a combination of any axes through 360° at rotation rates greater than 15 r.p.m. for periods exceeding three minutes.	25%	Do.
Exposure to Hazardous Agents, work with or in close proximity to:		
(1) *Explosive or incendiary materials.* Explosive or incendiary materials which are unstable and highly sensitive.	25%	Do.
(2) *At-sea shock and vibration tests.* Arming explosive charges and/or working with, or in close proximity to, explosive armed charges in connection with at-sea shock and vibration tests of naval vessels, machinery, equipment and supplies.	25%	Do.
(3) *Toxic chemical materials.* Toxic chemical materials when there is a possibility of leakage or spillage.	25%	Do.
(4) *Fire retardant materials tests.* Conducting tests on fire retardant materials when the tests are performed in ventilation restricted rooms where the atmosphere is continuously contaminated by obnoxious odors and smoke which causes irritation to the eyes and respiratory tract.	25%	Do.
(5) *Virulent biologicals.* Materials of micro-organic nature which when introduced into the body are likely to cause serious disease or fatality and for which protective devices do not afford complete protection.	25%	Do.
Participating in Liquid Missile Propulsion Tests and Certain Solid Propulsion Operations:		
(1) *Tanking and detanking.* Tanking or detanking operations of a missile or the test stand "run" bottles with liquid propellants.	25%	Do.
(2) *Hoisting a tanked missile.* Hoisting a tanked missile or a solid propellant propulsion system into and/or over the test stand.	25%	Do.
(3) *Pressure tests.* Pressure tests on loaded missiles, missile tanks, or run bottles during prefire preparations.	25%	Do.
(4) *Test stand tests.* Test stand operations on loaded missiles under environmental conditions where the high or low temperatures could cause a failure of a critical component.	25%	Do.
(5) *Disassembly and breakdown.* Disassembly and breakdown of a contaminated missile system or test stand plumbing after test.	25%	Do.
(6) *"Go" condition test stand work.* Working on any test stand above the 50-foot level or any stand work while the system is in a "go" condition.	25%	Do.
(7) *Arming and dearming propulsion systems.* Arming, dearming or the installation and/or removal of any squib, explosive device, or a component thereof connected to, or part of, any live or potentially expended liquid or solid propulsion system.	25%	Do.
(8) *Demolition and destruct tests.* Demolition, hazards classification, or destruct type tests where the specimen is nonstandard and/or unproven and the test techniques do not conform to standard or proven procedures.	25%	Do.
Work in Fuel Storage Tanks: When inspecting, cleaning or repairing fuel storage tanks where there is no ready access to an exit, under conditions requiring a breathing apparatus because all or part of the oxygen in the atmosphere has been displaced by toxic vapors or gas, and failure of the breathing apparatus would result in serious injury or death within the time required to leave the tank.	25%	Do.
Firefighting:		
(1) *Forest and range fires.* Participating as a member of a firefighting crew in fighting forest and range fires on the fireline.	25%	Do.
(2) *Equipment, installation, or building fires.* Participating as an emergency member of a firefighting crew in fighting fires of equipment, installations, or buildings.	25%	Do.
(3) *In-water under-pier firefighting operations.* Participating in in-water under-pier firefighting operations (involving hazards beyond those normally encountered in firefighting on land, e.g., strong currents, cold water temperature, etc.).	25%	Do.
Work in Open Trenches: Work in an open trench 15 feet or more deep until proper shoring has been installed.	25%	Do.

APPENDIX A—Continued

Irregular or intermittent duty	Rate of hazard pay differential	Effective date
Underground Work: Work underground performed in the construction of tunnels and shafts, and the inspection of such underground construction, until the necessary lining of the shaft or tunnel has eliminated the hazard.	25%	First pay period beginning after July 1, 1969.
Underwater Duty:		
(1) *Submerged submarine or deep research vehicle.* Duty aboard a submarine or deep research vehicle when it submerges.	25%	Do.
(2) *Diving.* Diving, including SCUBA (self-contained underwater breathing apparatus) diving, required in scientific and engineering pursuits, or search and rescue operations, when: (a) at a depth of 20 feet or more below the surface; or, (b) visibility is restricted; or, (c) in rapidly flowing or cold water; or, (d) vertical access to the surface is restricted by ice, rock, or other structure; or, (e) testing or working with hardware which presents special hazards (such as work with high voltage equipment or work with underwater mockup components in an underwater space simulation study).	25%	Do.
Sea Duty Aboard Deep Research Vessels: Participating in sea duty wherein the team member is engaged in handling equipment on or over the side of the vessel when the sea-state is high (12-knot winds and 3-foot waves) and the work is done on deck in relatively unprotected areas.	25%	Do.
Collection of Aircraft Approach and Landing Environmental Data: When operating or monitoring camera equipment adjacent to flight deck in the area of maximum hazard during landing sequence while conducting photographic surveys aboard aircraft carriers during periods of heavy aircraft operations.	25%	Do.
Experimental Landing/Recovery Equipment Tests: Participating in tests of experimental or prototype landing and recovery equipment where personnel are required to serve as test subjects in spacecraft being dropped into the sea or laboratory tanks.	25%	Do.
Land Impact or Pad Abort of Space Vehicle: Actual participation in dearming and safing explosive ordnance, toxic propellant land high pressure vessels on vehicles that have land impacted or on vehicles on the aunch pad that have reached a point in the countdown where no remote means are available for returning the vehicle to a safe condition.	25%	Do.
Height Work: Working on any structure of at least 50 feet above the base level, ground, deck, floor, roof, etc., under open conditions, if the structure is unstable or if scaffolding guards or other suitable protective facilities are not used, or if performed under adverse conditions such as snow, sleet, ice on walking surfaces, darkness, lightning, steady rain, or high wind velocity.	25%	Do.
Flying, participating in:		
(1) *Pilot proficiency training.* Flights for pilot proficiency training in aircraft new to the pilot under simulated emergency conditions which parallel conditions encountered in performing flight tests.	25%	Do.
(2) *Delivery of new aircraft for flight testing.* Flights to deliver aircraft which has been prepared for one-time flight without being test flown prior to delivery flight.	25%	Do.
(3) *Test flights of new modified, or repaired aircraft.* Test flights of a new or repaired aircraft or modified aircraft when the modification may affect the flight characteristics of the aircraft.	25%	Do.
(4) *Reduced gravity—parabolic arc flights—subjects/observers.* Reduced gravity flight testing in an aircraft flying a parabolic flight path and providing a testing environment ranging from weightlessness up through +2 gravity conditions.	25%	Do.
(5) *Launch and recovery.* Test flights involving launch and recovery aboard an aircraft carrier.	25%	Do.
(6) *Limited control flights.* Flights undertaken under unusual and adverse conditions (such as extreme weather, maximum load or overload, limited visibility, extreme turbulence, or low level flights involving fixed or tactical patterns) which threaten or severely limit control of the aircraft.	25%	Do.
(7) *Flight tests of expandable aircraft tires.* Landing to test aircraft tires designed to deflate upon retraction, undertaken to appraise the normal deflate-reinflate cycle and also to evaluate the capability to make a satisfactory landing with the tires deflated.	25%	Do.
(8) *Landing and taking-off in polar areas.* Landing in polar areas on unprepared snow or ice surfaces and/or taking-off under the same conditions.		
Experimental Parachute Jumps: Participating as a jumper in field exercises to test and evaluate new types of jumping equipment and/or jumping techniques.	25%	Do.
Ground Work Beneath Hovering Helicopter: Participating in ground operations to attach external load to helicopter hovering just overhead.	25%	Do.

(5 U.S.C. 5595, E.O. 11257; 3 CFR 1964–1965 Comp., p. 357)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–7780; Filed, June 30, 1969; 8:51 am.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69–SO–51]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Auburn, Ala., transition area.

The Auburn transition area is described in § 71.181 (34 F.R. 4637). In the description, an extension is predicated on the Tuskegee, Ala., VOR 056° radial to provide controlled airspace protection for aircraft executing the VOR–1 instrument approach procedure. A new prescribed instrument approach procedure to Auburn-Opelika Airport, utilizing the Columbus, Ga., VOR 270° radial, is to become effective August 21, 1969. Concurrently, the existing VOR–1 instrument approach procedure will be canceled. It is necessary to alter the transition area description to provide required controlled airspace protection for IFR aircraft executing the new VOR RWY 28 instrument approach procedure, and revoke the extension predicated on the Tuskegee, Ala., VOR 056° radial.

Since this amendment is less restrictive in nature and lessens the burden on the public, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 21, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Auburn, Ala., transition area is amended to read:

AUBURN, ALA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Auburn-Opelika Airport (lat. 32°36'55" N., long. 85°26'10" W.); within 2.5 miles each side of Columbus, Ga., VOR 270° radial, extending from the 5-mile radius area to 17.5 miles west of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on June 19, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69–7688; Filed, June 30, 1969; 8:45 a.m.]

[Airspace Docket No. 69–SO–42]

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

Designation of Transition Area

On May 13, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7616), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Mount Pleasant, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 35°-33'15" N., long. 87°10'50" W.) for Maury County Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by appropriately inserting the geographic coordinate for the airport.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 21, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

MOUNT PLEASANT, TENN.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Maury County Airport (lat. 35°-33'15" N, long. 87°10'50" W.); within 9.5 miles southeast and 4.5 miles northwest of the 060° and 227° bearings from Maury County RBN (lat. 35°33'20" N., long. 87°10'-57" W.), extending from the 9.5-mile radius area to 18.5 miles northeast and southwest of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on June 19, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69–7689; Filed, June 30, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–584, Amdt. 7]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of June 1969.

On May 12, 1969, by notice of rule making EDR–163 (34 F.R. 7707), the Board proposed to amend Part 288 of the economic regulations by setting new minimum rates for Logair and Quicktrans domestic military cargo charters. Written data, views, and arguments have been filed in response to the notice by Overseas National Airways, Inc., Universal Airlines, Inc., and the Department of Defense.[1] All comments and supporting materials before the Board have been carefully considered, and all contentions not otherwise disposed of herein are rejected.

Upon consideration of the comments the Board has determined to establish as the fair and reasonable minimum rates the rates listed as adopted in the following table, which also sets forth the current minimum rates and the minimum rates proposed in the notice:

Aircraft type	Linehaul rate per course-flown statute mile		Rate per directed landing
	Logair	Quicktrans	
Current minimum rates			
C–46	$0.8645	$0.8305	$50
AW–650	1.2654	1.3124	100
DC–6A	1.2016	1.1559	125
DC–7B/C/BF/CF, L1049H	1.6923	1.6316	150
L–100	1.7534	1.7905	150
L–188C	1.6013	1.6414	150
DC–9–30	1.6013	1.6414	150
B–727	1.9076	1.9587	150
CL–44	2.0869	2.1311	160
Proposed minimum rates			
AW–650	$1.4119		$100
DC–6A	1.1535	$1.1535	125
L–188C	1.4172	1.4601	150
DC–9–30	1.4172	1.4601	150
L–100–20	1.7253	1.7763	150
B–727	1.7253	1.7763	150
DC–8–55F	2.8346	2.9014	225
DC–8 61CF	3.3058	3.3764	275
Minimum rates adopted			
C–46	$0.8645	$0.8305	$50
AW–650	1.3334		125
DC–6A	1.1535	1.1535	125
L–188C	1.4144	1.4573	150
DC–9–30	1.4144	1.4573	150
L–100–20	1.6953	1.7494	150

Rates for aircraft not included in the notice. DoD recommended that rates be established for all jets of the standard (B–707/DC–8–50) and stretched (DC–8–61 and 63) series and for the CL–44, DC–7, and C–46. However, of the jet series mentioned, cost information has not been supplied for aircraft other than the DC–8–55F and the DC–8–61/CF (for which rates were proposed), these aircraft have not previously had rates established for Logair or Quicktrans, and there is no information indicating the extent of anticipated requirements. The CL–44 and DC–7 aircraft have been used in prior years, but as indicated in the notice, current cost information has not been submitted for them and fiscal year

[1] No comments were received from the other three carriers which submitted cost forecasts, Airlift International, Inc., Saturn Airways, Inc., and World Airways, Inc. Northwest Airlines, Inc., which has a contract with Military Airlift Command (MAC) for international charters, has petitioned in Docket 21084 for extension of Part 288 beyond July 1, 1969, to permit continuation of such services pending completion of the rate review for these operations.

1969 rates were predicated on costs reflecting substantial annual operations at reasonable daily utilizations, rather than the occasional and infrequent use apparently contemplated by DoD. Therefore, we will not establish rates for those aircraft which were not covered by our notice. Moreover, in view of DoD's advice that it does not have an immediate requirement for three- and four-engine jet aircraft, we will defer action on minimum rates for the B–727, DC–8–50F, and DC–8–61CF aircraft.[2] On the other hand, in the case of the C–46, a current solicitation of bids (RFP) indicates that a regular service is currently envisioned to meet a special need for this limited capacity[3] aircraft. Accordingly, in the absence of information disclosing that the fiscal 1969 rate no longer reflects costs appropriate for minimum rate purposes, we shall accommodate DoD's needs by extending the current C–46 rate as the fair and reasonable minimum rate for fiscal 1970.

Separate rates for B–727 and L–100–20 aircraft. Our grouping of aircraft types was based upon similarity of costs after adjustment. However, DoD states that the B–727 and the L–100–20 are not sufficiently interchangeable in ability to support its airlift requirements since the L–100–20 has capabilities[4] not met by the B–727. In view of these representations we will establish separate rates for the two aircraft types, based on their individual cost characteristics. As indicated above, action on the B–727 rate will be deferred to a later date.

Depreciation. DoD urges the use of 15 percent residual values for turbojet and AW–650 aircraft (rather than the 10 percent used in the notice) and the use of an 8-year service life for the L–188C (rather than the 6-year life proposed).

As to the residual values, DoD argues that continuing maintenance avoids deterioration and that the resale values are a minimum of 15 percent, especially in view of the interchangeability of high cost repairable sub-systems and serviceable engines. It states that a 2-year increase in service life does not warrant a one-third reduction in residual values; that used turbojet aircraft have in recent years consistently been sold for amounts substantially higher than depreciated book value; and that 15 percent is a conservative figure in light of persistent inflationary factors inherent in the economy and of the rising cost/price pattern for sophisticated aircraft. With respect to the AW–650 residual value, DoD states that a decrease from last years' 15 percent residual was not requested by any carrier and has not been supported.[5]

In our judgment, DoD's position is meritorious and we have decided to use 15 percent as the residual value for all equipment covered by this order.[6] In addition to the points raised by DoD, it may be noted that a 14-year service life with a 15 percent residual value is within the range of industry usage for the DC–9–30 as shown on the carrier's Form 41 reports, and conforms to the depreciation policy of Overseas, the only carrier which has offered the DC–9–30 for MAC domestic operations. With respect to the other aircraft types, a 15 percent residual was used in establishing rates for fiscal year 1968, and we agree with the DoD position that there are insufficient grounds for reducing those values at this time.

With respect to the proposed 6-year service life for the L–188C, DoD argues that this aircraft is, for all practical purposes, a new type, notes that in the past the Board used an 8–10-year life for the turboprop L–100, CL–44, and AW–650 aircraft, and points out that the AW–650 entered revenue service in 1959, at the same time as the L–188. Accordingly, DoD suggests that an 8-year service life be used. We have determined to adhere to the service life proposed in the notice. The notice extended the service life from 5 years to 6 years, and in view of the age of the basic aircraft we believe this extension more reasonable than the 8-year life advocated by DoD. Several L–188 aircraft were retired by domestic certificated carriers last year, and while the L–188C aircraft appear to be feasible for commercial usage, it has a somewhat limited suitability. Moreover, comparison with the AW–650 service life is not valid, since that life started some 5 years prior to the L–188C conversion.

Overseas' utilization for L–188 aircraft. Overseas contends that the daily aircraft utilization proposed in the notice for the L–188 is excessive. It urges that because of the requirement of the Quicktrans RFP that aircraft be "dedicated",[7] the aircraft utilization will be less than contemplated. The carrier has also studied the RFP's in an attempt to analyze aircraft preferences and has noted the patterns it believes will be awarded for various equipment types. On the basis of this determination, ONA has charted operations and maintenance times and arrived at utilization figures at 6.6 hours with six aircraft for Logair and 5.4 hours with 5.1 aircraft for Quicktrans for the L–188. ONA also has provided a compilation of delays in Quicktrans service (both Government caused and caused by weather and other factors) and claims that the magnitude of the delays would result in unacceptable schedule reliability if its utilization figure is not accepted.

One difficulty with the carrier's position is that it would alter L–188 utilization because of the preferences it detects in the RFP's, but makes no changes in utilization of other aircraft. Thus, no change is indicated by ONA in utilization for the DC–9 aircraft it offers, which are grouped with the L–188, and no basis is given for changes in utilization for the L–100–20, which also will compete with the L–188 for preference according to ONA. Further, if ONA is correct with respect to the aircraft patterns for which preference will be given to the L–100–20, there will be a substantial reduction in L–188 Quicktrans procurement. However, we are advised that no bid has been submitted for Quicktrans operations utilizing the L–100–20, and thus a major premise to ONA's conclusion may be contrary to fact. The short of the matter is that the RFP's do not, in this instance, give a valid basis for concluding what awards will be made to the carriers for the various aircraft types, and are an insufficient predicate for changing utilization proposed in the notice, especially on a piece-meal basis.

Universal's landing rate for AW–650 aircraft. Universal takes issue with the rate per directed landing element for its AW–650 aircraft. The carrier refers to its modification contract with the manufacturer and states that the contract establishes a safe life based upon the number of landings to be performed. In light of this, the carrier contends that aircraft amortization should be based upon a "safe life" tied to the number of landings rather than upon conventional depreciation methodology based upon years of anticipated service life. Accordingly, the carrier states that it would delete from the linehaul portion of the rate the allowance for depreciation and obsolescence and add into the stop charge an amortization element which would produce a somewhat higher cost. It would also increase the return allowance somewhat, because of the impact on operating margin, apply this charge to the linehaul element, and then adjust the two elements to obtain an even $150 per landing figure (as opposed to the $100 per landing proposed in the notice). The result would be to increase the total rate per statute mile flown at a 350-mile/stage length from $1.6976 to $1.7033.

DoD opposes this change as incompatible with the rate structuring method heretofore used and accepted. It also urges that landing charges should not be adjusted to reflect a "safe life", stating that Universal's support for that contention, the contract between the carrier and the manufacturer, in no way expresses the potential maximum structural integrity of the airplane, but rather represents a minimum service warranty.

[2] Since we are not now establishing rates for the DC–8–50F and DC–8–61CF we need not act now on the suggestion that uniform ton-mile costs be used for these aircraft types.

[3] The C–46 ACL approximates 13,000 pounds, as contrasted to the 22,000-pound ACL for the AW–650, which is the lowest capacity aircraft included in our notice.

[4] Truck bed height of cargo deck, multiple pallet-loading, ability to handle specialized cargo, and straight-in tail end loading.

[5] DoD questions the full service life method used in applying our depreciation policy to the AW–650 modification, but we note that this is the same method which has been used in the case of other aircraft types.

[6] We are not at this time passing upon the proper depreciation rates for three- and four-engine jet aircraft.

[7] A specified number of aircraft to be used in performing the contract cannot be used in other revenue service without prior permission.

We agree with DoD as to the nature of the agreement with the manufacturer and would not apportion a "safe life" charge to landings in lieu of depreciation charged to both linehaul and stop charge elements. However, we have reviewed the AW–650 rates proposed in the notice and have now concluded that the rate structure should be revised to reflect a higher landing charge and a concomitant decrease in the linehaul charge. It appears that the rate proposed in the notice of $100 per landing is out of line with the landing charges for other comparable aircraft. The matter assumes importance because the costs developed in the notice were predicated upon a stage length of 350 miles, whereas it appears that the average stage lengths to be performed on the basis of the RFP's will be 269 miles. Since landing costs will have a greater significance in the overall cost of the operation, it is important that these costs not be understated. Accordingly, we have determined to change the structure by increasing the landing charge to $125 (which conforms to the charge for the DC–6A) and decreasing the linehaul rate from $1.4119 to $1.3334.

Incorporation by reference. No other comments were received with respect to the minimum rates proposed, and, except to the extent modified herein, the costs and other findings contained in the notice are incorporated herein by reference. For convenience of the users, the modified adjusted costs [8] are summarized below:

[8] These costs are detailed in the Appendix which is filed as part of the original document.

Carrier	Aircraft type	Number aircraft	Stage length		Adjusted cost per course flown statute mile	
			Logair	Quicktrans	Logair	Quicktrans
Group A:					*Cents*	*Cents*
Overseas	DC–9–30	5	400	450	179.42	179.55
Overseas	L–188C	8	400	450	183.22	182.48
Universal	L–188C	13	400	450	176.13	176.77
Weighted average					178.94	179.06
All other:						
Airlift	L–100–20	3	400	450	207.03	208.27
Saturn	DC–6A	12	414	414	145.54	145.54
Universal	AW–650	8	350		169.05	
(1)	C–46		172	172	115.57	112.17

[1] Based on current rate.

Extension of expiration date. The current rule provides that Part 288 shall expire on June 30, 1969. The rates for Logair and Quicktrans are being established for use during fiscal year 1970 and we will provide for their expiration on June 30, 1970, unless earlier rescinded by the Board. However, as pointed out in the notice, rates for MAC international operations will be established at a later date. Northwest Airlines, Inc., an international contractor, has requested that Part 288 be extended to September 30, 1969, to correspond with the extension by MAC of international contracts for fiscal year 1969, and that amendments to Part 288 be made effective October 1, 1969. We have decided to extend Part 288 to October 31, 1969, for international operations to assure that adequate time will be provided for establishing the international rates. The question of the effective date for these rates will be left open, however, and the extent of any retroactive effect to be given the rates will be determined at the time the rates are established.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 288 of the economic regulations (14 CFR Part 288), effective July 1, 1969,[9] in the following respects:

1. Section 288.7(b) is revised to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(b) For Logair and Quicktrans services, other than specified in paragraph (c) of this section:

Aircraft type	Linehaul rate per course flown statute mile		Rate per directed landing
	Logair	Quicktrans	
C–46	$0.8645	$0.8305	$50
AW–650	1.3334		125
DC–6A	1.1535	1.1535	125
L–188C	1.4144	1.4573	150
DC–9–30	1.4144	1.4573	150
L–100–20	1.6953	1.7494	150

[9] In light of the fact that the exemption provided by Part 288 will expire unless effective action is taken prior to July 1, 1969, and considering the matters discussed in the preceding paragraph of the text, we find that notice with respect to the extension of the exemption and public procedure thereon are impracticable, unnecessary, and contrary to the public interest. For these reasons, as well as the fact that the notice of rule making proposed that the revised rates will be effective July 1, 1969, we find that good cause exists for making the rule effective prior to the expiration of the 30-day notice period.

* * * * *

2. Section 288.18 is revised to read as follows:

§ 288.18 Expiration.

(a) With respect to Logair and Quicktrans services and substitute service within the contiguous 48 States, this part shall expire June 30, 1970, unless rescinded by the Board at an earlier date.

(b) With respect to foreign and overseas transportation, transportation between the 48 contiguous States, on the one hand and Hawaii or Alaska, on the other hand, and for transportation within Alaska, including substitute service therefor, this part shall expire October 31, 1969, unless rescinded by the Board at an earlier date.

(c) The Board reserves the right to rescind this part or any provision thereof at any time, with or without notice or hearing, as the public interest may require.

(d) The transportation services performed pursuant to the authorization granted in this part do not constitute an activity of a continuing nature within the meaning of 5 U.S.C. 558(c).

(Secs. 204, 403, 416, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 771, as amended; 49 U.S.C. 1324, 1373, 1386)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69–7660; Filed, June 30, 1969; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1537]

PART 13—PROHIBITED TRADE PRACTICES

Bernard Spivack & Co., Inc., and Bernard Spivack

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur 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.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Bernard Spivack & Co., Inc., et al., Chicago, Ill., Docket C-1537, May 22, 1969]

In the Matter of Bernard Spivack & Co., Inc., a Corporation, and Bernard Spivack, Individually and as an Officer of Said Corporation

Consent order requiring a Chicago, Ill., manufacturer of fur trimmed ladies' garments to cease misbranding, falsely invoicing, and deceptively guaranteeing 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 Bernard Spivack & Co., Inc., a corporation, and its officers, and Bernard Spivack, 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, or 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 product; 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:

A. Misbranding fur products by:

1. Representing, directly or by implication, on labels that the fur contained in any such fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of sections 4(2) of the Fur Products Labeling Act.

3. Failing to set forth on labels the item numbers or marks assigned to fur products.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required on invoices under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations in abbreviated form.

3. Failing to set forth on invoices the item numbers or marks assigned to fur products.

It is further ordered, That respondents Bernard Spivack & Co., Inc., a corporation, and its officers, and Bernard Spivack, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced, or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

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: May 22, 1969.

By the Commission.

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

[F.R. Doc. 69-7716; Filed, June 30, 1969; 8:47 a.m.]

[Docket No. C-1535]

PART 13—PROHIBITED TRADE PRACTICES

J. C. Best, Inc., and David S. Levine

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-90 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements;* 13.-1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.-1845-70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, J. C. Best, Inc., et al., Braintree, Mass., Docket C-1535, May 22, 1969]

In the Matter of J. C. Best, Inc., a Corporation, and David S. Levine, Individually and as an Officer of Said Corporation

Consent order requiring a Braintree, Mass., retailer of rugs and carpeting to cease misbranding and falsely advertising its textile fiber products.

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

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

A. Misbranding textile fiber products by:

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

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

B. Falsely and deceptively advertising textile fiber products by:

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

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

3. Using a fiber trademark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

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: May 22, 1969.

By the Commission.

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

[F.R. Doc. 69-7714; Filed, June 30, 1969; 8:47 a.m.]

[Docket No. C-1538]

PART 13—PROHIBITED TRADE PRACTICES

Plaza Nine, Ltd., and Shirley M. Zakas

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act; 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act; 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, secs. 2-5, 54 Stat. 1128-1130, 15 U.S.C. 45, 70, 68) [Cease and desist order, Plaza Nine, Ltd., et al., Wichita, Kans., Docket C-1538, May 23, 1969]

In the Matter of Plaza Nine, Ltd., a Corporation, and Shirley M. Zakas, Individually and as an Officer of Said Corporation

Consent order requiring a Wichita, Kans., seller of textile and wool fiber products to cease misbranding its merchandise and failing to keep required records.

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

It is ordered, That respondents Plaza Nine, Ltd., a corporation, and its officers, and Shirley M. Zakas, 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, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported of any textile fiber product which has been advertised or offered for sale in commerce, or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the term "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by failing to affix labels to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Plaza Nine, Ltd., a corporation, and its officers, and Shirley M. Zakas, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing or mutilating, or causing or participating in the removal or mutilation of, the stamp, tag, label, or other identification required by the Textile Fiber Products Identification Act to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce and prior to the time such textile fiber product is sold and delivered to the ultimate consumer, without substituting therefor labels conforming to section 4 of said Act and the rules and regulations promulgated thereunder and in the manner prescribed by section 5(b) of said Act.

It is further ordered, That respondents Plaza Nine, Ltd., a corporation, and its officers, and Shirley M. Zakas, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from failing to keep such records when substituting a stamp, tag, label, or other identification pursuant to section 5(b) as will show the information set forth on the stamp, tag, label, or other identification that was removed, and the name or names of the person or persons from whom such textile fiber product was received.

It is further ordered, That respondents Plaza Nine, Ltd., a corporation, and its officers, and Shirley M. Zakas, 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, into commerce, or the 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 such products by failing to securely affix to or place on, each such product a stamp, tag, label, or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Plaza Nine, Ltd., a corporation, and its officers, and Shirley M. Zakas, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, the stamp, tag, label, or other identification required by the Wool Products Labeling Act of 1939 to be affixed to wool products subject to the provisions of such Act, prior to the time any wool product subject to the provisions of said Act is sold and delivered to the ultimate consumer, without substituting therefor labels conforming to section 4(a)(2) of said Act.

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

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

Issued: May 23, 1969.

By the Commission.

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

[F.R. Doc. 69-7715; Filed, June 30, 1969; 8:47 a.m.]

PART 500—REGULATIONS UNDER SECTION 4 OF THE FAIR PACKAGING AND LABELING ACT

Effective Date

The Federal Trade Commission published in the FEDERAL REGISTER of May 27, 1969 (34 F.R. 8200) the adoption of the regulations previously published in the FEDERAL REGISTER of March 19, 1968 (33 F.R. 4718) pertaining to the Fair Packaging and Labeling Act. The effective date of the subject order was specified in § 500.25(c)(2) as July 1, 1969.

Subsequent to the adoption of the regulations, actions instituted in the courts have raised issues respecting the implementation of the Fair Packaging and Labeling Act by the Federal Trade Commission. The Commission has determined that the effective date of the order should be postponed for a short period of time to afford possible resolution of the problems involved.

Therefore, notice is hereby given that the July 1, 1969 effective date is postponed until further order of the Commission. The new order will provide at least thirty (30) days advance notice of the new effective date.

Issued: June 27, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-7811; Filed, June 30, 1969; 8:51 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS

Bread, Identity Standard; Confirmation of Effective Date of Order Listing Polysorbate 60 as Optional Ingredient

In the matter of amending the definition and standard of identity for bread (21 CFR 17.1) to permit the use of polysorbate 60 as an optional ingredient:

One objection was received to the order in the above-identified matter published in the FEDERAL REGISTER of March 27, 1969 (34 F.R. 5719). The objection questioned the availability of adequate scientific data to justify such use of polysorbate 60.

The Commissioner of Food and Drugs has evaluated the objection and concludes that it is without sufficient support to merit a stay of the order. The objector has been notified by letter and a copy is on file with the Hearing Clerk.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that the amendment promulgated by the subject order became effective May 26, 1969.

Dated: June 23, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7684; Filed, June 30, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

ANTIBIOTIC DRUGS; FEE SCHEDULES AND CHARGES FOR INSPECTION OF FOREIGN MANUFACTURERS

No comments were received in response to the notice published in the FEDERAL REGISTER of May 17, 1969 (34 F.R. 7868), proposing that the antibiotic drug regulations be amended to revise the antibiotic drug certification fee schedules and to provide for charges for followup inspections of the facilities of foreign manufacturers. The Commissioner of Food and Drugs concludes that the proposal should be adopted.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 146 through 149d are amended as follows:

1. Section 146.8(b) is revised to read as follows:

§ 146.8 Fees.

* * * * *

(b) The fee for such services with respect to each batch of a drug, certification of which is provided by the regulations in this chapter, including those published hereafter, is the sum of the fees for all tests required for certification of each batch. The minimum tests for each batch shall be those prescribed in the section relating specifically to such drug.

(1) The fee schedule for antibiotic drug certification is as follows:

Test	Chargeable feet per test
Arquad content	$20
Butanol content	29
Candicidin potency	23
Color identity	4
Crystallinity	4
Cycloserine color assay	17
Dactinomycin potency	35
Disc potency	15
Doxycycline purity	72
Free chloride	26
Gas chromatography (lincomycin)	32
Gentamicin C	191
Heavy metals test	13
Histamine test	35
Infrared identity	17
Karl Fisher moisture	7
LD_{50} toxicity	240
Loss on drying	9
Melting point	5
Metal particles (ophthalmic ointments)	26
Microbiological assay, plate	14
Microbiological assay, turbidimetric	7
Micro-organism count	49
Nonaqueous titrations	11
Paper chromatographic identity	37
Penicillin chemical assay	9
Penicillin contamination	27
Penicillin G content	14
pH	3
Procaine colorimetric	3
Pyrogens test:	
3 rabbits	62
5 rabbits	100
8 rabbits	162
Residue on ignition	17
Residual streptomycin	8
Safety test	26
Specific rotation	30
Specific surface area	17
Sterility test	49
Sulfate content	11
Tablet disintegration	3
Total chlorine	58
Undecylenic acid content	20
Ultraviolet absorptivity	12
Vancomycin identity	53
Zinc titration	26

(2) In the case of a supplemental request submitted pursuant to the provisions of § 144.3 of this chapter, the fee shall be $4.

(3) In the case of persons using the certification services whose manufacturing facilities are not located in the United States or the Commonwealth of Puerto Rico, such persons shall be required to deposit each year sufficient funds to cover costs encountered when their facilities are inspected pursuant to the provisions of section 704 of the act.

2. Section 146a.9(b) is revised to read as follows:

§ 146a.9 Procaine penicillin G-novobiocin-neomycin-dihydrostreptomycin in oil.

* * * * *

(b) *Packing; labeling; requests for certification, samples.* The drug conforms to all requirements and procedures prescribed for penicillin ointment by § 146a.26 (b), (c), and (d), except that procaine penicillin G-novobiocin-neomycin-dihydrostreptomycin in oil may be packaged in plastic tubes, and except that: In addition to complying with the requirements of § 146a.26(d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the dates of the latest tests and assays of the novobiocin (for potency, moisture, pH, and crystallinity), neomycin (for potency, moisture, and pH), and dihydrostreptomycin (for potency, moisture, pH, streptomycin content, and crystallinity if it is crystalline dihydrostreytomycin) used in making the batch; the number of units of penicillin G, the number of milligrams of novobiocin, the number of milligrams of neomycin, and the number of milligrams of dihydrostreptomycin per milliliter. He shall also submit in connection with his request a sample consisting of not less than eight immediate containers of the batch and (unless they were previously submitted) samples consisting of five packages of the neomycin and six packages each of the novobiocin and dihydrostreptomycin used in making the batch, each package containing equal portions of not less than 0.5 gram.

3. Section 146a.10 *Procaine penicillin* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" in the first sentence to read "(c), and (d)".

c. By deleting subparagraph (3).

4. Section 146a.14 *Sodium oxacillin capsules* is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(b), (d), and (e)" in the first sentence to read "(b) and (d)".

5. Section 146a.53 *Capsules penicillin and novobiocin* is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" in the first sentence to read "(c), and (d)".

c. By deleting subparagraph (3).

6. Section 146a.61(b) is revised to read as follows:

§ 146a.61 Potassium phenoxymethyl penicillin (potassium phenoxymethyl penicillin salt).

* * * * *

(b) *Packaging; labeling; requests for certification, samples.* Proceed as directed in § 146a.103 (b), (c), and (d).

7. Section 146a.99 *Capsules crystalline penicillin G* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" in the first sentence to read "(c), and (d)".

8. Section 146a.111 *Procaine penicillin-* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" in the first sentence to read "(c), and (d)".

c. By deleting subparagraph (3).

9. Section 146a.123(b) is revised to read as follows:

§ 146a.123 Ampicillin.

* * * * *

(b) *Packaging; labeling; requests for certification, samples.* Proceed as directed in § 146a.6 (b), (c), and (d).

10. Section 146b.123(c) is revised to read as follows:

§ 146b.123 Streptomycin-sodium sulfathiazole solution veterinary; dihydrostreptomycin-sodium sulfathiazole solution veterinary.

* * * * *

(c) *Requests for certification, samples.* The person who requests certification of a batch shall submit in connection with his request the same information and number of samples for the batch as prescribed by § 146b.106(d).

11. Section 146b.129 *Streptomycin* * * * is amended in paragraph (a) by deleting "; *fees*" from the paragraph heading.

12. Section 146c.207 *Chlortetracycline* * * * is amended by deleting the last sentence from paragraph (a).

13. Section 146c.218 *Tetracycline hydrochloride* is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" in the first sentence to read "(c), and (d)".

c. By deleting subparagraph (3).

14. Section 146c.225 *Tetracycline hydrochloride-nystatin tablets* is amended by deleting the last sentence.

15. Section 146c.232 *Tetracycline phosphate complex* is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" to read "(c), and (d)".

16. Section 146c.242 *Tetracycline-neomycin* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By deleting subparagraph (3).

17. Section 146c.253 *Demethylchlortetracycline* is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" to read "(c), and (d)".

18. Section 146c.266 *Demethylchlortetracycline hydrochloride tablets* is amended by deleting the last sentence.

19. Section 146d.310 *Chloramphenicol tablets* is amended by deleting the last sentence.

20. Section 146d.314 *Chloramphenicol* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" in the first sentence to read "(c), and (d)".

21. Section 146d.315 *Chloramphenicol* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" to read "(c), and (d)".

c. By deleting subparagraph (4) (ii).

22. Section 146e.423 *Soluble bacitracin* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" to read "(c), and (d)".

23. Section 146e.427 *Feed grade bacitracin* * * * is amended in paragraph (b):

a. By deleting "*fees;*" from the paragraph heading.

b. By changing "(d), (e), and (f)" to read "(d), and (f)".

24. Section 146e.431 *Feed grade manganese* * * * is amended by deleting *fate* * * * is amended by deleting para- (b).

25. Section 147.5 *Sodium colistimethate* * * * is amended by deleting paragraph (a)(5).

26. Section 147.6 *Streptomycin sulfate* * * * is amended by deleting paragraph (a)(5).

27. Paragraph (b) is deleted from: §§ 146a.52, 146a.55, 146a.56, 146a.57, 146a.60, 146a.70, 146a.71, 146a.78, 146a.81, 146a.88, 146a.101, 146a.102, 146c.231, 146c.240, 146d.309, 146e.407, 146e.409, 146e.410, 146e.411, 146e.412, 146e.414, 146e.421, 146e.422, and 146e.424.

28. Paragraph (c) is deleted from: §§ 146a.20, 146a.23, 146a.87, 146a.90, 146a.91, 146a.92, 146a.106, 146b.132, and 146c.246.

29. Paragraph (d) is deleted from: §§ 146a.54, 146a.83, 146a.85, 146a.89, 146a.90, 146a.93, 146a.108, 146b.120, 146b.-130, 146c.216, 146c.223, 146c.224, 146c.228, 146c.229, 146c.237, 146c.243, 146c.263, 146d.311, 146d.313, 146d.316, and 146e.-426.

30. Paragraph (e) is deleted from: §§ 146a.2, 146a.3, 146a.6, 146a.7, 146a.8, 146a.11, 146a.12, 146a.13, 146a.15, 146a.16, 146a.17, 146a.18, 146a.19, 146a.21, 146a.22, 146a.24, 146a.25, 146a.26, 146a.27, 146a.28, 146a.29, 146a.30, 146a.31, 146a.32, 146a.33, 146a.34, 146a.35, 146a.36, 146a.37, 146a.38, 146a.39, 146a.40, 146a.41, 146a.42, 146a.43, 146a.44, 146a.45, 146a.46, 146a.47, 146a.48, 146a.49, 146a.50, 146a.51, 146a.58, 146a.59, 146a.62, 146a.63, 146a.64, 146a.65, 146a.66, 146a.67, 146a.68, 146a.69, 146a.72, 146a.74, 146a.75, 146a.76, 146a.77, 146a.79, 146a.80, 146a.82, 146a.84, 146a.86, 146a.94, 146a.95, 146a.97, 146a.98, 146a.103, 146a.104, 146a.105, 146a.112 through 146a.122, 146a.126, 146a.127, 146b.101, 146b.102, 146b.104, through 146b.119, 146b.121, 146b.122, 146b.124, 146b.126, 146b.127, 146b.128, 146b.131, 146b.133, 146b.134, 146c.201 through 146c.206, 146c.208, 146c.211 through 146c.215, 146c.217, 146c.219, 146c.220, 146c.221, 146c.222, 146c.226, 146c.227, 146c.230, 146c.235, 146c.236, 146c.241, 146c.244, 146c.247 through 146c.252, 146c.254, 146c.255, 146c.256, 146c.259, 146c.264, 146c.265, 146c.267, 146c.268, 146c.271, 146d.301 through 146d.308, 146d.312, 146d.317, 146d.318, 146e.401, 146e.402, 146e.403, 146e.405, 146e.408, 146e.416 through 146e.419, 146e.425, 146e.429, 146e.430, 146e.432 through 146e.436, 147.2, and 147.4.

31. Paragraph (f) is deleted from: §§ 146c.233 and 146e.413.

32. Parts 148a through 148z and 149a through 149d are amended by deleting paragraph (a)(4) from each section; except for §§ 148e.3, 148i.1, 148i.22, 148m.1, 148p.1, 148p.8, 148s.1, 148t.1, 148w.1, 148w.2, 148x.5, 149a.2, 149a.3, 149b.3, and 149d.2, paragraph (a)(5) is deleted instead; and except for §§ 148i.11 and 148i.30b which are not amended.

The fee changes made by this order are necessary to provide, equip, and maintain an adequate antibiotic-drug certification service; therefore, a 30-day delay in effective date is not a prerequisite to this promulgation.

Effective date. This order shall become effective on July 1, 1969. The fee for testing all batches of antibiotic drugs certified on or after July 1, 1969, shall be computed on the basis of the above fee schedule.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: June 24, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-7725; Filed, June 30, 1969; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart I—Nondiscrimination and Equal Opportunity in Housing and Group Practice Facilities

In Part 200, Subpart I, in the Table of Contents § 200.330 is deleted.

Section 200.315 is amended to read as follows:

§ 200.315 Prohibition against discriminatory practice.

No person, firm, or other entity receiving the benefits of Federal Housing Administration mortgage insurance or doing business with the Federal Housing Administration shall engage in a "discriminatory practice" as such term is defined in this subpart.

In Part 200, Subpart I, § 200.330 is deleted as follows:

§ 200.330 Federal Housing Administration-owned properties. [Deleted]

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1708, 1715b, 1742, 1747k, 1748f, 1750f)

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

In Part 203, Subpart A, in the Table of Contents §§ 203.16a and 203.41 are deleted and the headings of §§ 203.30 and 203.92 are amended as follows:

Sec.
203.30 Certificate of nondiscrimination by mortgagor.
203.92 Certificate of nondiscrimination by borrower.

Subpart A—Eligibility Requirements

In Part 203, Subpart A, § 203.16a is deleted as follows:

§ 203.16a Certificate of nondiscrimination by seller. [Deleted]

In § 203.30 the heading and text thereof are amended to read as follows:

§ 203.30 Certificate of nondiscrimination by mortgagor.

The mortgagor shall certify to the Commissioner as to each of the following points:

(a) That neither he, nor anyone authorized to act for him, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by the mortgage to any person because of race, color, religion, or national origin.

(b) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

In Part 203, Subpart A, § 203.41 is deleted as follows:

§ 203.41 Racial restrictions on property. [Deleted]

In § 203.92 the heading and text thereof are amended to read as follows:

§ 203.92 Certificate of nondiscrimination by borrower.

The borrower shall certify to the Commissioner as to each of the following points:

(a) That neither he, nor anyone authorized to act for him, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by the loan to any person because of race, color, religion, or national origin.

(b) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

In Part 207, Subpart A, in the Table of Contents, the heading of § 207.16 is amended as follows:

Sec.
207.16 Mortgagor's certificate of nondiscrimination and mortgage covenant regarding use of property.

Subpart A—Eligibility Requirements

In § 207.16 the heading thereof and paragraph (a) are amended to read as follows:

§ 207.16 Mortgagor's certificate of nondiscrimination and mortgage covenant regarding use of property.

(a) The mortgagor shall certify to the Commissioner as to each of the following points:

(1) That neither he (it), nor anyone authorized to act for him (it), will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiable for the sale or rental of, or otherwise make unavailable or deny the property covered by the mortgage to any person because of race, color, religion, or national origin.

(2) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(3) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

In Part 213, Subpart A, in the Table of Contents, the heading of § 213.16 is amended as follows:

Sec.
213.16 Mortgagor's certificate of nondiscrimination and mortgage covenant regarding use of property.

Subpart A—Eligibility Requirements—Projects

In § 213.16 the heading thereof and paragraph (a) are amended to read as follows:

§ 213.16 Mortgagor's certificate of nondiscrimination and mortgage covenant regarding use of property.

(a) The mortgagor shall certify to the Commissioner as to each of the following points:

(1) That neither it nor anyone authorized to act for it, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by the mortgage to any person because of race, color, religion, or national origin.

(2) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(3) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

* * * * *

In Part 213, Subpart C, in the Table of Contents, §§ 213.519 and 213.529 are deleted and the heading of § 213.523 is amended as follows:

Sec.
213.523 Certificate of nondiscrimination by mortgagor.

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

In Part 213, Subpart C, § 213.519 is deleted as follows:

§ 213.519 Covenant regarding racial restrictions. [Deleted]

In § 213.523 the heading thereof and text are amended to read as follows:

§ 213.523 Certificate of nondiscrimination by mortgagor.

The mortgagor shall certify to the Commissioner as to each of the following points:

(a) That neither he, nor anyone authorized to act for him, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by the mortgage to any person because of race, color, religion, or national origin.

(b) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

In Part 213, Subpart C, § 213.529 is deleted as follows:

§ 213.529 Racial restrictions on property. [Deleted]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

In Part 220, Subpart C, in the Table of Contents, the heading of § 220.595 is amended as follows:

Sec.
220.595 Certificate of nondiscrimination by borrower.

Subpart C—Eligibility Requirements—Projects

In § 220.595 the heading thereof and text are amended to read as follows:

§ 220.595 Certificate of nondiscrimination by borrower.

The borrower shall certify to the Commissioner as to each of the following points:

(a) That neither he (it), nor anyone authorized to act for him (it), will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the property covered by the security instrument to any person because of race, color, religion, or national origin.

(b) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

In Part 221, Subpart C, in the Table of Contents, the heading of § 221.527 is amended as follows:

Sec.
221.527 Mortgagor's certificate of nondiscrimination and mortgage covenant regarding use of property.

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.527 the heading thereof and paragraph (a) are amended to read as follows:

§ 221.527 Mortgagor's certificate of nondiscrimination and mortgage covenant regarding use of property.

(a) The mortgagor shall certify to the Commissioner as to each of the following points:

(1) That neither he (it), nor anyone authorized to act for him (it), will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the property covered by the mortgage to any person because of race, color, religion, or national origin.

(2) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(3) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715*l*)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

In Part 232, Subpart A, in the Table of Contents, the heading of § 232.34 is amended as follows:

Sec.
232.34 Certificate of nondiscrimination by mortgagor.

Subpart A—Eligibility Requirements

In § 232.34 the heading thereof and text are amended to read as follows:

§ 232.34 Certificate of nondiscrimination by mortgagor.

The mortgagor shall certify to the Commissioner as to each of the following points:

(a) That neither it, nor anyone authorized to act for it, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the property covered by the mortgage to any person because of race, color, religion, or national origin.

(b) The any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER L—CONDOMINIUM HOUSING INSURANCE

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

In Part 234, Subpart A, in the Table of Contents, §§ 234.50 and 234.66 are deleted and the heading of § 234.16 is amended as follows:

Sec.
234.16 Certificate of nondiscrimination by mortgagor.

Subpart A—Eligibility Requirements—Individually Owned Units

In § 234.16 the heading thereof and text are amended to read as follows:

§ 234.16 Certificate of nondiscrimination by mortgagor.

The mortgagor shall certify to the Commissioner as to each of the following points:

(a) That neither he, nor anyone authorized to act for him, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by the mortgage to any person because of race, color, religion, or national origin.

(b) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

In Part 234, Subpart A, §§ 234.50 and 234.66 are deleted as follows:

§ 234.50 Racial restriction covenant. [Deleted]

§ 234.66 Racial restrictions on property. [Deleted]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

SUBCHAPTER Q—SUPPLEMENTAL PROJECT LOAN INSURANCE

PART 241—SUPPLEMENTARY FINANCING FOR FHA PROJECT MORTGAGES

In Part 241, Subpart A, in the Table of Contents, the heading of § 241.120 is amended as follows:

Sec.
241.120 Certificate of nondiscrimination by borrower.

Subpart A—Eligibility Requirements

In § 241.120 the heading thereof and text are amended to read as follows:

§ 241.120 Certificate of nondiscrimination by borrower.

The borrower shall certify to the Commissioner as to each of the following points:

(a) That neither he (it), nor anyone authorized to act for him (it), will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the property covered by the security instrument to any person because of race, color, religion, or national origin.

(b) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 241, 82 Stat. 508, 12 U.S.C. 1715z-6)

Issued at Washington, D.C., June 25, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-7723; Filed, June 30, 1969; 8:48 a.m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4½	July 1, 1966	Jan. 1, 1967
4¾	Jan. 1, 1967	Jan. 1, 1968
5⅜	Jan. 1, 1968	July 1, 1969
5⅞	July 1, 1969	

Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4½	July 1, 1966	Jan. 1, 1967
4¾	Jan. 1, 1967	Jan. 1, 1968
5⅜	Jan. 1, 1968	July 1, 1969
5⅞	July 1, 1969	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In § 207.259 paragraph (e)(6) is amended to read as follows:

§ 207.259 Insurance benefits.

* * * * *

(e) *Issuance of debentures.* * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4½	July 1, 1966	Jan. 1, 1967
4¾	Jan. 1, 1967	Jan. 1, 1968
5⅜	Jan. 1, 1968	July 1, 1969
5⅞	July 1, 1969	

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4½	July 1, 1966	Jan. 1, 1967
4¾	Jan. 1, 1967	Jan. 1, 1968
5⅜	Jan. 1, 1968	July 1, 1969
5⅞	July 1, 1969	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Issued at Washington, D.C., June 13, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-7721; Filed, June 30, 1969; 8:48 a.m.]

SUBCHAPTER Q-1—MORTGAGE INSURANCE FOR NONPROFIT HOSPITALS

PART 242—NONPROFIT HOSPITALS

Incorporation by Reference and Insurance Benefits

In Part 242 in the Table of Contents a new § 242.260 is added as follows:

Sec.
242.260 Insurance benefits.

Subpart B—Contract Rights and Obligations

Section 242.251 is amended to read as follows:

§ 242.251 Incorporation by reference.

All of the provisions of Subpart B, Part 207 of this chapter covering mortgages insured under section 207 of the National Housing Act apply to mortgages on nonprofit hospitals insured under section 242 of the National Housing Act, except the following:

Sec.
207.259 Insurance benefits.

In Part 242, Subpart B, a new § 242.260 is added to read as follows:

§ 242.260 Insurance benefits.

All of the provisions of § 207.259 of this chapter relating to insurance benefits apply to mortgages on nonprofit hospitals insured under this subpart, except that in a case where the mortgage involves the financing or refinancing of an existing hospital pursuant to § 242.93 and the commitment for insuring such mortgage is issued on or after April 1, 1969, the insurance claim shall be paid in cash unless the mortgagee files a written request for payment in debentures. If such a request is made, the claim shall be paid in debentures issued in multiples of $50, with any balance less than $50 to be paid in cash.

(Sec. 211, 52 Stat. 23, as amended, sec. 242, 82 Stat. 5999, as amended; 12 U.S.C. 1715b, 1715z-7)

Issued at Washington, D.C., May 27, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-7722; Filed, June 30, 1969; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 69-63]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Ashepoo River, Combahee River, and North Wimbee Creek, S.C.

1. The Commander, 7th Coast Guard District by letter dated June 4, 1969, requested the Commandant to revoke the special operation regulations for the Seaboard Coast Line Railroad bridges across Ashepoo River, mile 20.0, Combahee River, mile 14.2, and North Wimbee Creek, mile 1.6, as these bridges have been removed from these waterways.

2. Accordingly, § 117.245(h) (4), (6), and (7) are hereby revoked.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.4(a)(3)(v))

Effective date. This revocation shall become effective upon the date of publication in the FEDERAL REGISTER.

Dated: June 24, 1969.

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

[F.R. Doc. 69-7745; Filed, June 30, 1969; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Covenants

1. In § 36.4320(h), that portion of subparagraph (5) preceding subdivision (i) is amended to read as follows:

§ 36.4320 Sale of security.

* * * * *

(h) The conveyance or transfer of any property to the Administrator pursuant to paragraph (a), (b), or (c) of this section shall be subject to the following provisions:

* * * * *

(5) Each conveyance or transfer of real property to the Administrator pursuant to this section shall be acceptable if the holder thereby covenants or warrants against the acts of himself and those claiming under him (e.g., by special warranty deed) and if it vests in the Administrator or will entitle him to such title as is or would be acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally, in the community in which the property is situated. Any title so acceptable will not be unacceptable to the Administrator by reason of any of the limitations on the quantum or quality of the property or title stated in § 36.4350(b): *Provided,* That

* * * * *

2. In § 36.4350, paragraph (b) is amended to read as follows:

§ 36.4350 Estate of veteran in real property.

* * * * *

(b) Any such property or estate will not fail to comply with the requirements of paragraph (a) of this section by reason of the following:

(1) Encroachments;
(2) Easements;
(3) Servitudes;
(4) Reservations for water, timber, or subsurface rights;

(5) Right in any grantor or cotenant in the chain of title, or a successor of either, to purchase for cash, which right by the terms thereof is exercisable only if—

(i) An owner elects to sell,

(ii) The option price is not less than the price at which the then owner is willing to sell to another, and

(iii) Exercised within 30 days after notice is mailed by registered mail to the address of optionee last known to the then owner of the then owner's election to sell, stating his price and the identity of the proposed vendee;

(6) Building and use restrictions whether or not enforceable by a reverter clause if there has been no breach of the conditions affording a right to an exercise of the reverter;

(7) Violation of a restriction based on race, color, creed, or national origin, whether or not such restriction provides for reversion or forfeiture of title or a lien for liquidated damages in the event of a breach;

(8) Any other covenant, condition, restriction, or limitation approved by the Administrator in the particular case. Such approval shall be a condition precedent to the guaranty or insurance of the loan;

Provided, That the limitations on the quantum or quality of the estate or property that are indicated in this paragraph, insofar as they may materially affect the value of the property for the purpose for which it is used, are taken into account in the appraisal of reasonable value required by 38 U.S.C. ch. 37.

* * * * *

3. In § 36.4515, paragraph (c) is revoked:

§ 36.4515 Estate of veteran in real property.

* * * * *

(c) [Revoked]

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

By direction of the Administrator.

Approved: June 25, 1969.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69-7727; Filed, June 30, 1969; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4672]

[Riverside 1524]

CALIFORNIA

Amendment of Public Land Order No. 4665

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Paragraph No. 2 of Public Land Order No. 4665 of June 2, 1969, is amended to read as follows:

"The lands shall immediately be made available for consummation of a pending Forest Service exchange."

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 24, 1969.

[F.R. Doc. 69-7717; Filed, June 30, 1969; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

PART 8-3—PROCUREMENT BY NEGOTIATION

Small Purchases

1. In Subpart 8-3.6, § 8-3.603-1 is added to read as follows:

§ 8-3.603-1 Solicitation.

In order to obtain maximum benefit from the simplified purchase procedures prescribed in this subpart, purchases not exceeding $250 in total may be accomplished without securing competitive quotations where the price and other factors are considered to be reasonable. Such purchases will be distributed equitably among qualified suppliers, considering past experience concerning specific dealers' prices.

2. In § 8-3.606-5, paragraph (b) is amended to read as follows:

§ 8-3.606-5 Agency implementation.

* * * * *

(b) The duplicate and triplicate copies of the VA Form 07–2237, Request, Turn-in, and Receipt for Property or Services, or reproduced copies of the front of the VA Form 10–1209, Unposted Item Request, requesting the purchase will be used as the receiving report and property voucher for each individual purchase made under these arrangements.

* * * * *

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114; 38 U.S.C. 210(c))

These regulations are effective immediately.

By direction of the Administrator.

Approved: June 25, 1969.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69–7728; Filed, June 30, 1969; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Standards for Exhaust Emissions, Fuel Evaporative Emissions, and Smoke Emissions, Applicable to 1970 and Later Vehicles and Engines

On June 4, 1968, regulations for the control of air pollution from new motor vehicles and new motor vehicle engines beginning with the 1970 model year were published in the FEDERAL REGISTER (33 F.R. 8304).

Subsequent to that publication, numerous written questions and comments were received by the Commissioner, National Air Pollution Control Administration, from manufacturers concerning the interpretation and application of the provisions of those regulations. In order that National Air Pollution Control Administration personnel could properly respond to the industry's inquiries and observations, a Technical Meeting was held at the National Air Pollution Control Administration's motor vehicle testing facility at Willow Run Airport, Ypsilanti, Mich., on August 7, 1968. Notice of the meeting was forwarded to vehicle manufacturers and industry associations, both domestic and foreign, together with an invitation affording them an opportunity to discuss the implementation of those regulations. In addition, an announcement of the meeting was made through a press release which invited the public to participate. In attendance at the meeting, in addition to Federal personnel, were representatives of the domestic and foreign automobile and engine manufacturers and the industry associations, as well as several research and development concerns, several oil companies, and one State air pollution control agency.

The amendments and corrections set forth below are the results of that meeting and of further efforts at clarification by program personnel. In the few instances where substantive changes are involved, those affected have been made aware of the intended revisions.

Since failure to formally adopt these procedures immediately would work to the detriment of those affected by them, the Department finds that it is in the public interest and that good cause exists for the adoption of these amendments and corrections effective upon publication in the FEDERAL REGISTER. To insure that all parties and interests participate in the further formulation of the regulations, interested persons are invited to submit data, views, comments, or arguments concerning the regulations hereby promulgated within 30 days after such publication in writing to the Secretary, Health, Education, and Welfare, Attention: National Air Pollution Control Administration, 801 North Randolph Street, Arlington, Va. Consideration will be given such submissions as fully as though they had been received in response to a proposal.

Part 85 of Subtitle A, Title 45 of the Code of Federal Regulations is amended as follows:

1. In § 85.76, paragraph (c) is revised to read as follows:

§ 85.76 Dynamometer procedure.

* * * * *

(c) The power absorption unit shall be adjusted to reproduce road load at 50 m.p.h. true speed.

(1) The proper horsepower setting for a particular vehicle—dynamometer combination is predetermined by:

(i) Measuring the absolute manifold vacuum of a representative vehicle of the same equivalent inertia weight class, when operated on a level road under balanced wind conditions at a true speed of 50 m.p.h., and

(ii) Noting the dynamometer horsepower setting required to reproduce that manifold vacuum, when the same vehicle is operated on the dynamometer at a true speed of 50 m.p.h.

(2) Where it is expected that more than 33 percent of the vehicles in an engine displacement class will be equipped with air conditioning, an additional 10 percent will be added to the road load horsepower, determined above, for all test vehicles representing such engine class.

* * * * *

2. In § 85.80, the second sentence of paragraph (c) is revised and paragraph (d) is revised. As amended, § 85.80 reads as follows:

§ 85.80 Engine starting.

* * * * *

(c) Vehicles equipped with manual choke shall be started according to the manufacturer's procedure. Use of the choke should not extend beyond sequence eight of the first cycle.

(d) Where necessary, in order to keep the engine running, the operator may use more choke, higher r.p.m., or decreased rate of acceleration.

3. In § 85.87, paragraph (a) is revised by adding a final sentence, as follows:

§ 85.87 Calculations (exhaust emissions).

The final reported test results shall be derived through the following steps:

(a) Exhaust gas concentrations shall be adjusted to a dry exhaust volume containing 14.5 mole percent carbon atoms by applying the following dilution factor to the individual mode data:

$$\frac{14.5}{\%\ CO_2 + (0.5)\%\ CO + (1.8 \times 6)\%\ HC}$$

Since hydrocarbons, carbon monoxide, and carbon dioxide are all measured with the same moisture content, no moisture correction is required to convert the results to a dry basis. Where fuel shutoff during deceleration is employed, the dilution factors for the deceleration modes shall be the dilution factors established during the preceding idle modes.

* * * * *

4. In § 85.91, paragraph (b)(2) is revised by adding third and fourth sentences, as follows:

§ 85.91 Mileage accumulation and emission measurements.

* * * * *

(b) * * *

(2) For 1970 model year vehicles equipped for fuel evaporative emission control, these vehicles will be tested for their evaporative emissions through not less than 12,000 miles. Emission measurements shall be made at least every 4,000 miles: *Provided*, That the evaporative emission control system or device shall remain on the vehicle beyond the 12,000-mile point, in operable condition, and shall be maintained in accordance with applicable portions of § 85.90, if the vehicle is also used for exhaust emission testing. (Vehicles which duplicate test vehicles used in prior year durability fleets but required to be retested for fuel evaporative emission control do not come under this proviso. For such vehicles, the exhaust emission control system deterioration factor may be reconstructed from pertinent prior year durability data.)

5. In § 85.92, paragraph (c) is amended as follows: Subparagraph (1) (i), (ii), and (iii) is revised, subparagraph (2) is revised, and subparagraph (2a) is added. As amended, § 85.92 reads as follows:

§ 85.92 Compliance with emission standards.

* * * * *

(c) * * *

(1) * * *

(i) All applicable results will be plotted as a function of mileage and the best fit straight lines, fitted by the method of least squares, will be drawn through these data points.

(ii) The deterioration factors for exhaust emission control systems or devices shall be calculated as follows:

$$\text{factor} = \frac{\text{exhaust emissions interpolated to 50,000 miles}}{\text{exhaust emissions interpolated to 4,000 miles}}$$

(iii) The deterioration factors for evaporative emission control systems or devices shall be calculated by subtracting the evaporative emissions interpolated to 4,000 miles from the evaporative emissions interpolated to 50,000 miles: *Provided,* That for evaporative emission systems within the proviso of § 85.21(b), for the 1970 model year only, the factors shall be calculated by subtracting the evaporative emissions interpolated to 4,000 miles from the evaporative emissions interpolated to 12,000 miles.

(2) The exhaust emission test results from each emission data vehicle shall be multiplied by the appropriate deterioration factor.

(2a) The evaporative emission test results from each emission data vehicle shall be adjusted by addition of the appropriate deterioration factor.

(3) The emissions to compare with the standard shall be the adjusted emissions of subparagraphs (2) and (2a) of this paragraph classified according to engine displacement and, within each engine displacement, weighted in proportion to the projected sales of the vehicles represented by each emission data vehicle.

6. In § 85.110, the second sentence of paragraph (b) is revised. As amended, paragraph (b) reads as follows:

§ 85.110 Test engines.

* * * * *

(b) *Durability data engines.* The durability data engines shall comprise a minimum of two and a maximum of six. The number shall be determined by selection of those engine displacements which represent at least 70 percent of the manufacturer's projected sales in the United States of each class of emission control system employed, during the full calendar year for which certification is sought, selected in order of sales volume: *Provided, however,* That when such manufacturer's projected full calendar year sales in the United States represents less than 10 percent of all domestic sales of engines subject to this section, the number of durability data engines shall be determined by the number of engine displacement-emission control system combinations comprising at least 50 percent of domestic sales by the manufacturer projected for such calendar year, but in no event shall there be less than two engines unless a lesser number is agreed to by the Secretary as meeting the objectives of this procedure.

7. In § 85.113, paragraph (c)(1)(i) is revised to read as follows:

§ 85.113 Compliance with emission standards.

* * * * *

(c) * * *

(1) * * *

(i) All applicable results will be plotted as a function of dynamometer hours and the best fit straight lines, fitted by the method of least squares, will be drawn through these data points.

* * * * *

8. In § 85.121, the tables in paragraphs (b) and (c) are revised. As amended, § 85.121 reads as follows:

§ 85.121 Diesel fuel specifications.

* * * * *

(b) * * *

Item	ASTM test method No.	Type 1-D	Type 2-D
Cetane	D 613	48–54	42–50
Distillation range	D 86		
IBP, °F		330–390	340–400
10 percent point, °F		370–430	400–460
50 percent point, °F		410–480	470–540
90 percent point, °F		460–520	550–610
EP, °F		500–560	580–660
Gravity, °API	D 287	40–44	33–37
Total sulfur, percent	D 129 or D 2622	0.05–0.20	0.2–0.5
Hydrocarbon composition	D 1319		
Aromatics, percent		8–15	27 (Min.)
Paraffins, Naphthenes, Olefins		Remainder	Remainder
Flash point, °F (Min.)	D 93	120	130
Viscosity, centistokes	D 445	1.6–2.0	2.0–3.2

(c) * * *

Item	ASTM test method No.	Type 1-D	Type 2-D
Cetane	D 613	48–54	42–55
Distillation range	D 86		
IBP, °F		330–390	340–410
10 percent point, °F		370–430	400–470
50 percent point, °F		410–480	470–540
90 percent point, °F		460–520	550–610
EP, °F		500–560	580–660
Gravity, °API	D 287	40–44	33–40
Lotal sulfur, percent	D 129 or D 2622	0.05–0.20	0.2–0.5
Flash point, °F (Min.)	D 93	120	130
Viscosity, centistokes	D 445	1.6–2.0	2.0–3.2

9. Section 85.128 is revised to read as follows:

§ 85.128 Chart reading.

(a) The following procedure shall be employed in reading the smokemeter recorder chart.

(1) Locate the acceleration mode (§ 85.122(a)(2)) and the lugging mode (§ 85.122(a)(3)) on the chart. Divide each mode into ½-second intervals beginning at the start of each mode. Determine the average smoke reading during each ½-second interval except those recorded during the transitional portions of the acceleration mode (§ 85.122(a)(2)(iii)) and the lugging mode (§ 85.122(a)(3)(i)).

(2) Locate and note the 15 highest ½-second readings during the acceleration mode of each dynamometer cycle.

(3) Locate and note the five highest ½-second readings during the lugging mode of each dynamometer cycle.

10. In § 85.133, paragraph (c) is amended as follows: Subparagraph (1)(i) and (ii) is revised, and the first sentence in subparagraph (2) is revised. As amended, § 85.133 reads as follows:

§ 85.133 Compliance with emission standards.

* * * * *

(c) * * *

(1) * * *

(i) All smoke test "a" and "b" results will be plotted separately as functions of hours of operation and the two best fit straight lines, fitted by the method of least squares, will be drawn through these data points.

(ii) The deterioration factors will be calculated as follows:

A = percent opacity "a", interpolated to 1,000 hours, minus percent opacity "a", interpolated to 125 hours.

B = percent opacity "b", interpolated to 1,000 hours, minus percent opacity "b", interpolated to 125 hours.

(2) The "percent opacity" values to compare with the standards will be the average of the opacity values "a" and "b" for the emission data engines within an engine family to which is added the respective factors A and B of subparagraph (1) of this paragraph for that family: *Provided,* That in the event that there is no durability data engine for a family of emission data engines (as might occur in the durability date engine selection process) the deterioration factor for an engine having the same combustion cycle and the same method of air aspiration and most nearly the same fuel feed per stroke shall be used in calculating emissions for such family of emission data engines.

The document revising Part 85 of Subtitle A, Title 45 of the Code of Federal Regulations, published in the FEDERAL REGISTER on June 4, 1968, at 33 F.R. 8304, is corrected as follows:

§ 85.87 [Amended]

1. In § 85.87, paragraph (h), Table I, the "dilution factor" corresponding to "mode 30" is changed by placing a dividing line between the values 14.5 and 14.1.

§ 85.102 [Amended]

2. Section 85.102 is corrected by changing the "mode" column, "sequence no. 7" line in the table, paragraph (a), from "F1" to "FL".

(Sec. 301(a), sec. 2, Public Law 90-148, 81 Stat. 504; 42 U.S.C. 1857g(a))

Dated: June 24, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-7628; Filed, June 30, 1969; 8:45 a.m.]

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Reasonable Charges for Individual Practitioner Services; Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below, made pursuant to section 1102 of the Social Security Act, 42 U.S.C. 1302, prescribe certain interim policies and requirements relating to reasonable charges for individual practitioner services under State plans for medical assistance under title XIX of such Act. These regulations are effective with respect to payments made under the State plans for services provided on or after July 1, 1969, by physicians, dentists, and other individual practitioners, and are applicable in such case notwithstanding anything to the contrary in the regulations in 45 CFR 250.30 (34 F.R. 1244, Jan. 25, 1969). The regulations in 45 CFR 250.30 shall remain applicable except to the extent that they are inconsistent with these regulations.

Interested persons who wish to submit comments, suggestions, or objections thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

MEDICAL ASSISTANCE; REASONABLE CHARGES FOR INDIVIDUAL PRACTITIONER SERVICES

SECTION 1. *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

(a) Provide that payments for physician, dentist, and other individual practitioner services will not exceed the amounts provided for on January 1, 1969, under the payment structures in effect under the State plan on that date (or, if later, the date the State began operation of its title XIX program), or the reasonable charges determined under title XVIII-B of the Act as of such date, whichever is less, except as provided in section 2 below.

(b) Include descriptions of all payment structures, regardless of type, for individual practitioner services.

(1) The description of the payment structures based on usual, customary, reasonable or prevailing charges shall include (i) definitions of those terms, (ii) a listing of the maximum charges allowed for the procedures most frequently performed, (iii) the method by which and the sources from which information on charges is obtained, and (iv) the methods which will assure that payment will not exceed the customary charge of the individual practitioner.

(2) Payment structures consisting of fixed fee schedules or schedules of maximum allowances shall be incorporated in the State plan as published or administered by the State.

(3) Payment structures based on Relative Value Studies shall be incorporated in the State plan by reference to the published study and identification of the applicable conversion factor(s).

(4) Where applicable, all descriptions shall include a listing of the different maximum charges allowed where there are variations due to geographic areas, medical specialties, and situations not falling within the usual allowances such as payments (if any) to institution-based practitioners and payments for nursing home visits.

(c) Provide that any change in a payment structure for individual practitioner services will not become operative until such change has been incorporated in the State plan by an amendment submitted to and approved by the Secretary.

(d) Provide that the following information will be submitted with an amendment referred to in paragraph (c) of this section:

(1) An estimate of the percentile of the range of customary charges to which the proposed revised payment structure will equate and a description of the method used in arriving at the estimate.

(2) An estimate of the composite average percentage increase of the proposed revised fee structure over its predecessor which shall be accompanied by a listing of the maximum charges allowed for the procedures most frequently performed.

SEC. 2. *Provisions relating to approval of proposed revised payment structures.* The Secretary will be guided by the following considerations in the approval or disapproval of proposed revised payment structures for individual practitioner services.

(a) A proposed revised payment structure that would be applicable for a period within the fiscal year beginning July 1, 1969, may be approved if (1) it equates to no more than the 75th percentile of the ranges of customary charges existing in the State on January 1, 1969; (2) the State describes the methods which will assure that payment will not exceed the customary charge of the individual practitioner, and (3) differentials have been established as described in section 1(b)(4).

(b) A proposed revised payment structure that would be applicable for a period beginning on or after July 1, 1970, may be approved if (1) it equates to no more than the 75th percentile of the ranges of customary charges existing in the State on January 1, 1969, plus a composite average percentage increase which does not exceed the percentage increase in (i) the all-services component of the Consumer Price Index (adjusted to exclude the medical component) or (ii) an alternate index designated by the Secretary; (2) there is satisfactory evidence that the State and the profession concerned have collaborated in the establishment of an effective utilization and quality control system, including provision for the disqualification of practitioners who are found to have defrauded, over-utilized, or otherwise abused the program; (3) provision is made for prior authorization of selected services; and (4) differentials have been established as described in section 1(b)(4).

(c) In no event will approval be granted for any proposed revised payment structure which will result in payments exceeding the reasonable charges determined under title XVIII-B of the Social Security Act.

SEC. 3. *States beginning operation of title XIX program after July 1, 1969.* Payment structures for States which begin operation of a title XIX program after July 1, 1969, must comply with the provisions of section 2 (as if the initial payment structures were submitted as proposed revised payment structures).

SEC. 4. *Federal financial participation.* Federal financial participation is available for payments for physician, dentist, and other individual practitioner services within the limits described in sections 1-3, in accordance with the provisions of the State plan.

The final regulations will be codified in Part 250, Chapter II, Title 45 of the Code of Federal Regulations.

Dated: June 27, 1969.

MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: June 27, 1969.

JOHN G. VENEMAN,
Acting Secretary.

[F.R. Doc. 69-7820; Filed, June 30, 1969; 9:29 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1050]

MILK IN CENTRAL ILLINOIS MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Central Illinois marketing area is being considered for the month of July 1969.

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

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

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

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

Signed at Washington, D.C., on June 26, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-7751; Filed, June 30, 1969; 8:50 a.m.]

[7 CFR Part 1132]

[Docket No. AO-262-A19]

MILK IN TEXAS PANHANDLE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn West, 601 Amarillo Boulevard West, Amarillo, Tex., beginning at 9:30 a.m., local time, on July 15, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Texas Panhandle marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order. The proponent of proposals numbered 1, 2, and 3 has requested emergency action. Hence, evidence will be considered at the hearing with respect to emergency marketing conditions which imperatively and unavoidably require the Secretary in the due and timely execution of his functions to omit a recommended decision or to take whatever appropriate action which is necessary in connection with any amendatory action that may be requested.

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

Proposed by Milk Producers, Inc.:

Proposal No. 1. Amend § 1132.80(c)(1) by deleting "the 13th and 26th days" and substituting therefor "the 26th and 13th days."

Proposal No. 2. Amend § 1132.80(c) by adding a new subparagraph (4) as follows:

(4) To each cooperative association for milk for which it is the handler pursuant to § 1132.12(c):

(i) On or before the 26th day of the month, a partial payment for milk received during the first 15 days of such month at not less than the amount specified in paragraph (a) of this section; and

(ii) On or before the 13th day of the following month, in final settlement, the value of such milk received during the month, at the applicable uniform price, less the amount of payment made pursuant to subdivision (i) of this subparagraph.

Proposal No. 3. Revise §§ 1132.14, 1132.30, and 1132.43 to define milk received by a handler operating a pool plant from a cooperative association handler pursuant to § 1132.12(c) as producer milk of the pool plant handler and make it clear that the pool plant handler is responsible for reporting and proving the use of milk received from a cooperative handler.

Proposed by Plains Creamery, Inc.:

Proposal No. 4. Amend § 1132.15 "Fluid Milk Products" to except sour cream and sour cream dips from the definition, along with the other exceptions shown in this section.

Proposal No. 5. Amend § 1132.41(b)(5) "Classes of Utilization" to provide that a handler who receives milk from a cooperative in tanker loads at farm weights and producer tests shall be allocated shrinkage not in excess of 2 percent of such receipts of skim milk and butterfat.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 6. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Richard E. Arnold, 4325 East 51st Street, Post Office Box 45563, Tulsa, Okla. 74145, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on June 26, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-7752; Filed, June 30, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 53]

CANNED TOMATOES

Identity Standard; Optional Forms of Tomatoes, Increased Calcium Salts, and Use of Cyclamic Acid

Notice is given that a petition has been filed by the Del Monte Corp., 215 Fremont Street, San Francisco, Calif. 94105, proposing that the standard of identity for canned tomatoes (21 CFR 53.40) be amended to provide for (in addition to

the presently permitted tomato ingredients and optional ingredients);

1. Optional cut forms of the tomato ingredient; namely, diced, sliced, or wedges with required label declaration of the form used.

2. Optional increased use of calcium salts when the tomato ingredient is diced, sliced, or wedge-shaped, to a maximum of 0.05 percent of the food.

3. Optional use of cyclamic acid when the tomato ingredient is diced, sliced, or wedge-shaped, to a maximum of 0.026 percent of the food: *Provided*, That when cyclamic acid is used nutritive sweeteners may not be used and that label declaration is required if cyclamic acid is used.

4. Optional modification of the name of the food by the word "whole" when not less than 80 percent of the drained weight consists of whole tomatoes.

Grounds given in the petition in support of the proposal are that:

1. The industry is now producing cut forms of canned tomatoes and these should conform to a standard of identity.

2. The Draft Provisional Standard for Canned Tomatoes proposed by the Codex Alimentarius Commission provides for various forms of the tomato ingredient.

3. New varieties of tomatoes have been developed which permit the canning of cut forms that can be used by the consumer in salads, as garnishments, etc., where a distinct form is desirable. In the past such forms were available only as a result of the consumer cutting fresh tomatoes which are available only in season or at high cost out of season.

4. No change is proposed in the standard of quality (21 CFR 53.41). The drained weight of cut forms (as well as uncut) would be not less than 50 percent of the weight of water required to fill the container.

5. To assure that cut forms maintain their shapes, a level of calcium higher than permitted by the present standard is necessary.

6. Cyclamic acid simultaneously provides acidification, sweetness, and flavor enhancement. When cyclamic acid is used, a nutritive sweetener need not be used and, as proposed, is not to be used. Taste panels have concluded that the flavor of canned tomatoes prepared with cyclamic acid but without nutritive sweeteners is acceptable.

7. There would be no representation in the labeling for special dietary use due to the addition of cyclamic acid.

8. Test marketing by the petitioner under a temporary permit has revealed a definite consumer acceptance of tomato wedges prepared with cyclamic acid.

9. The Codex draft standard provided that the name of the food may include the term "whole" if not less than 80 percent of the drained tomatoes are whole or almost whole.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: June 23, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7685; Filed, June 30, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-CE-39]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

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

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

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

Since designation of controlled airspace at Bloomington, Ind., the instrument approach procedures for Monroe County Airport have been altered. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Bloomington, Ind., control zone and transition area to adequately protect aircraft executing the altered approach procedures and to comply with the new control zone and transition area criteria.

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

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

BLOOMINGTON, IND.

Within a 5-mile radius of Monroe County Airport (latitude 39°08'25" N., longitude 86°37'00" W.); within 3 miles each side of the Bloomington VORTAC 181° radial, extending from the 5-mile radius zone to 10½ miles south of the VORTAC; within 3 miles each side of the Bloomington VORTAC 062° radial, extending from the 5-mile radius zone to 11 miles northeast of the VORTAC; within 3 miles each side of the Bloomington VOR TAC 341° radial; extending from the 5-mile radius zone to 10½ miles north of the VOR TAC; and within 3 miles each side of the Bloomington VORTAC 236° radial, extending from the 5-mile radius zone to 9½ miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

BLOOMINGTON, IND.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Monroe County Airport (latitude 39°08'25" N., longitude 86°37'00" W.); within 5 miles each side of the Bloomington VORTAC 062° radial, extending from the 7-mile radius area to 14 miles northeast of the VORTAC; within 5 miles each side of the Bloomington VORTAC 181° radial, extending from the 7-mile radius area to 12 miles south of the VORTAC; within 5 miles each side of the Bloomington VORTAC 341° radial, extending from the 7-mile radius area to 12 miles north of the VORTAC; and within 3 miles each side of the Bloomington VOR TAC 236° radial, extending from the 7-mile radius area to 10½ miles southwest of the VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 12, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-7691; Filed, June 30, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-43]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations so as to alter the control zone and transition area at Glasgow, Mont.

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

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

The State of Montana has assumed ownership and operation of the Frontier Airlines radio beacon located on the Glasgow, Mont., International Airport. Two new public use instrument approach procedures have been developed for this airport utilizing this radio beacon as a navigational aid. In addition, the existing special instrument approach procedures at this airport are being canceled. Also, the criteria for the designation of control zones and transition areas have been changed. Accordingly, it is necessary to alter the Glasgow, Mont., control zone and transition area to provide controlled airspace for the protection of aircraft executing the new approach procedures, to delete that airspace now protecting the procedures which are being canceled and to comply with the new controlled airspace criteria. The new procedures will become effective and the existing airline special instrument approach procedures canceled concurrently with the alteration of the control zone and transition area.

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

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

GLASGOW, MONT.

Within a 5-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); and within 2½ miles each side of the 342° bearing from Glasgow International Airport, extending from the 5-mile radius zone to 5½ miles north of the airport.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

GLASGOW, MONT.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); and within 1½ miles each side of the Glasgow VOR 195° radial, extending from the 9-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the Glasgow VOR 195° and 015° radials, extending from 6 miles south to 18½ miles north of the VOR; within 4½ miles south and 9½ miles north of the 112° bearing from Glasgow International Airport, extending from the airport to 18½ miles east of the airport; within 4½ miles east and 9½ miles west of the 342° bearing from Glasgow International Airport, extending from the airport to 18½ miles north of the airport; and within 5 miles each side of the 162° bearing from Glasgow International Airport, extending from the airport to 12 miles south of the airport.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 12, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-7692; Filed, June 30, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-45]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the description of the Rawlins, Wyo., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. 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 public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The criteria for establishment for control zones and transition areas has been changed. Accordingly it is necessary to alter these areas to conform to the new criteria.

In consideration of the foregoing the FAA proposes the following airspace actions:

In § 71.171 (34 F.R. 4557) the description of the Rawlins, Wyo., control zone is amended by adding "* * * and within 2 miles each side of the 269° bearing from the Sinclair RBN extending from the 5-mile radius to the radio beacon."

In § 71.181 (34 F.R. 4637) the Rawlins, Wyo., transition areas are amended to read:

RAWLINS, WYO.

That airspace extending upward from 700 feet above the surface within 5 miles each side of the 089° bearing from the Sinclair RBN extending from the RBN to 11.5 miles east; that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 6 miles south of the 089° to/from bearing of the Sinclair RBN extending from 8 miles west to 18.5 miles east of the RBN.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 23, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-7693; Filed, June 30, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-46]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that will alter the description of the Cherokee, Wyo., transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. 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 public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

Criteria for the establishment of transition areas has been changed. Accordingly it is necessary to alter this area to conform to the new criteria.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.181 (34 F.R. 4637) the Cherokee, Wyo., transition area is amended to read:

CHEROKEE, WYO.

That airspace extending upward from 1,200 feet above the surface within 9 miles south and 6 miles north of the Cherokee VORTAC 261° and 081° radials extending to 8 miles northeast and 19 miles southwest of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 23, 1996.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-7696; Filed, June 30, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-53]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Gadsden, Ala., 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, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. 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. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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 Gadsden transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Gadsden Municipal Airport.

The application of current airspace criteria appropriate to Gadsden Municipal Airport requires an increase in the transition area basic radius circle from 8 to 11.5 miles. Additionally, it permits the revocation of the extension predicated on the Gadsden 233° 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)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 19, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-7695; Filed, June 30, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-40]

TRANSITION AREA

Proposed Designation

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

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

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

A new public use instrument approach procedure has been developed for the Farmington, Mo., Municipal Airport, utilizing the Farmington VORTAC as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Farmington, Mo. The new procedure will become effective concurrently with the designation of the transition area.

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

In § 71.181 (34 F.R. 4637), the following transition area is added:

FARMINGTON, MO.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Farmington Municipal Airport (latitude 37°45'45" N., longitude 90°26'30" W.); and within 1½ miles each side of the Farmington VORTAC 300° radial, extending from the 9-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Farmington VORTAC 120° and 300° radials, extending from 5½ miles northwest to 18½ miles southeast of the VORTAC, excluding the portion which overlies the Perryville, Mo., transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 12, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-7697; Filed, June 30, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-44]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Avition Regulations to designate a 700-foot transition area at Warren, Ark.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. 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 public 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 Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

WARREN, ARK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Warren Municipal Airport (lat. 33°33'50" N., long. 92°05'00" W.), and within 2 miles each side of the Monticello VORTAC 271° radial extending from the 5-mile radius area to 16 miles west of the VORTAC.

The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at the Warren Municipal Airport. The easterly extension to the proposed transition area is based on the Monticello VORTAC 271° true (265° magnetic) radial.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on June 20, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-7698; Filed, June 30, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-43]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area for Aurora State Airport, Oreg.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. 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 public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

A new VOR/DME approach and departure procedure has been developed for Aurora Airport utilizing the Newberg, Oreg., VORTAC. The transition area is required to provide controlled airspace protection for aircraft executing these instrument procedures.

In consideration of the foregoing the FAA proposes the following airspace action.

In § 71.181 (34 F.R. 4637) the following transition area is added:

AURORA, OREG.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Aurora State Airport (latitude 45°15'00" N., longitude 122°46'10" W.) and within 2.5 miles each side of the 125° radial of the Newberg VORTAC, extending from the 5-mile radius area to the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles southwest and 4.5 miles northeast of the 305° radial of the Newberg VORTAC, extending from the VORTAC to 18.5 miles northwest of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 23, 1969.

LYNN L. HINK,
Acting Director, Western Region.

[F.R. Doc. 69-7699; Filed, June 30, 1969; 8:46 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 69-EA-71]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations which would raise the ceiling of the Lake Erie, Ohio, Restricted Area R-5505 from 2,600 feet MSL to 6,000 feet MSL.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. 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. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The using agency of R-5505 is the Commanding Officer, U.S. Naval Air Station, Grosse Ile, Mich.

The 4413th Combat Crew Training Squadron, Tactical Air Command (TAC), Lockbourne AFB, Ohio, shares the use of the area. Their training requirements involve aircraft using sidefiring Gatling guns simulating operating conditions in Southeast Asia. However, the Department of the Air Force has stated that to properly perform this mission the aircraft must be able to operate freely up to 6,000 feet MSL. The Air Force further stated that this change is considered a temporary requirement and that the airspace would revert to its present profile when the requirement no longer exists. The Department of the Navy concurs in this proposal.

If this action is taken the ceiling of the Lake Erie, Ohio, Restricted Area R-5505 would be raised from 2,600 feet MSL to 6,000 feet MSL.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 24, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-7694; Filed, June 30, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 81, 83, 85]

[Docket No. 18577; FCC 69-689]

RADIOTELEGRAPH TRANSMITTERS ABOARD SHIP AND AT COAST STATIONS

Uniform Program and Schedule of Dates for Type Acceptance

In the matter of amendment of Parts 81, 83, and 85 to provide a uniform program and schedule of dates for type

acceptance of radiotelegraph transmitters aboard ship, in the band 535–27,500 kc/s, and at coast stations, in the bands below 27.5 Mc/s; Docket No. 18577.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The World Administrative Radio Conference (WARC) on marine matters, Geneva, 1967, convened by the International Telecommunication Union, reduced channel spacing in the radiotelegraph bands, adopted technical standards for narrow-band direct-printing telegraph and data transmission systems, and tightened frequency tolerances for several of the Maritime Mobile Services.

3. In Docket No. 18218, the Commission amended its rules to rearrange radiotelegraph channels based on the WARC channel spacing. As an integral part of the WARC and Commission channel rearrangement, to assure that ship station emissions remained within the new channels, the Commission also adopted a tighter frequency tolerance. Further, with the reduction in channel spacing, the need for compliance with the Commission's spurious emission limitations increased, i.e., there is an increase in the number of channels adversely affected by noncompliance with the spurious emission requirements.

4. In the proceedings in Docket No. 10887 (1956–1957), applicable to the maritime services (Parts 81, 83, and 85) on frequencies below 30 Mc/s, the Commission amended its rules to include a program for type acceptance of radiotelephone transmitters, and other provisions relating to bandwidth and spurius emissions. A program for type acceptance of radiotelegraph ship station transmitters was not included in that proceeding. In regard to these transmitters, the rules adopted in Docket No. 10887 require that all radiotelegraph ship station transmitters brought into use after January 1, 1959, comply with the new tolerance levels for attenuation of spurious emissions. Radiotelegraph ship station transmitters installed prior to January 1, 1959, were exempt from compliance with the new spurious emission limitations.

5. In the main, these exempt radiotelegraph transmitters, installed during the 1940's, have enjoyed some 20 years of service; 12 years of which have elapsed since adoption, in 1956, of the Commission's spurious emission limitations. In regard to U.S. treaty obligations under the ITU International Radio Regulations, Geneva, 1959, these radiotelegraph transmitters do not conform [1] to (a) the tolerance level of spurious emissions applicable to transmitters installed prior to January 1, 1964, or (b), to the tolerance level applicable to all transmitters after January 1, 1970. Thus, as concerns U.S. registry ship stations employing these radiotelegraph transmitters, they are operated in derogation of that treaty.

6. Similar to the situation above-described for radiotelegraph ship station transmitters, the rules do not currently require that radiotelegraph transmitters used at coast stations be type accepted. Further, in regard to attenuation of spurious emissions, the current rules are applicable only to transmitters which are type accepted. Since radiotelegraph coast station transmitters are not type accepted, they are not required to conform to the spurious emission limitations set forth in Part 81.[2]

7. In order to carry out its responsibilities, it is necessary for the Commission to ascertain that the equipment involved is capable of meeting the technical operating standards set forth in applicable statutes, treaties and the Commission's rules and regulations. Accordingly, the Commission proposes in the instant proceeding to extend the type acceptance requirement to radiotelegraph transmitters used aboard ship, in the band 535–27,500 kc/s, and at coast stations, in the bands below 27.5 Mc/s.

8. Ship station radiotelegraph transmitters would be required to be type accepted if first installed on or after January 1, 1971. Ship radiotelegraph transmitters installed before January 1, 1971, would be required to be type accepted effective January 1, 1973.

9. Coast station radiotelegraph transmitters would be required to be type accepted if first installed after January 1, 1971. Coast radiotelegraph transmitters installed prior to January 1, 1971, would be required to be type accepted by January 1, 1973.

10. The proposed amendments to the rules as set forth below are issued pursuant to the authority contained in sections 4(i) and 303 (e), (f), and (r) of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 4, 1969, and reply comments on or before August 14, 1969. 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 in this proceeding, the Commission may 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 Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: June 25, 1969.

Released: June 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]

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

A. Part 81, Stations on Land in the Maritime Services is amended as follows:

1. In § 137, the headnote is amended and a new paragraph (d) is added to read as follows:

§ 81.137 Acceptability of transmitters for licensing.

* * * * *

(d) Each radiotelegraph transmitter operating on frequencies below 27.5 Mc/s and authorized for use at coast radiotelegraph station (other than transmitters authorized solely for developmental stations) after January 1, 1971, must be type accepted by the Commission: *Provided, however,* That nontype accepted transmitters installed at coast radiotelegraph stations and operating on any frequency below 27.5 Mc/s prior to January 1, 1971, may continue to be used until January 1, 1973.

B. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. Section 83.136 is revised to read as follows:

§ 83.136 Emission limitations.

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, the mean power of emissions originating in transmitters authorized under this part (except radiotelegraph survival craft transmitters and transmitters authorized solely for developmental stations) shall be attenuated below the mean power of the transmitter in accordance with the following schedule:

(1) When using emissions other than A3A, A3B, A3H, and A3J:

(i) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: At least 25 decibels;

(ii) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels.

(2) When using emissions A3A, A3B, A3H, or A3J:

(i) On any frequency removed from the assigned frequency by more than 50 percent up to and including 150 percent of the authorized bandwidth: At least 25 decibels;

(ii) On any frequency removed from the assigned frequency by more than 150 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels.

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth: At least 43 plus 10 $\log_{10}$ (mean power in watts) decibels.

(b) When an emission outside of the authorized emission bandwidth causes harmful interference to an authorized service the Commission may require more attenuation of such emission than specified in paragraph (a) of this section.

(c) The requirements of paragraph (a) of this section shall be applicable to

[1] Based on comments filed in response to Docket No. 10887.

[2] It should be noted that the applicability of § 83.136(c), as proposed, has been extended to apply, also, to ship station radiotelegraph transmitters operating on frequencies below 535 kc/s.

[3] Commissioner Bartley absent.

radiotelegraph transmitters operating on any frequency assignment below 30 Mc/s:

(1) Which are first installed after January 1, 1971; and

(2) On January 1, 1973, to transmitters which were installed prior to January 1, 1971.

2. In § 83.139, paragraph (b) is amended to read as follows:

§ 83.139 Transmitters required to be type accepted for licensing.

* * * * *

(b) Each radiotelegraph transmitter first authorized to operate in the band 535–27,500 kc/s after January 1, 1971, for use in a ship station or marine-utility station (other than transmitters authorized solely for developmental stations), and, after January 1, 1973, all radiotelegraph transmitters operating in the band 535–27,500 kc/s shall be of a type which has been type accepted by the Commission.

C. Part 85, Public Fixed Stations and Stations of the Maritime Services in Alaska.

1. In § 85.156, a new paragraph (c) is added to read as follows:

§ 85.156 Acceptance of transmitters for licensing in the fixed service.

* * * * *

(c) Each radiotelegraph transmitter first authorized in an Alaska-public fixed station after January 1, 1971, for operation on a frequency assignment below 27.5 Mc/s and subject to this part (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission: *Provided, however,* That nontype accepted transmitters installed at an Alaska public-fixed station prior to January 1, 1971, may continue to be used until January 1, 1973.

[F.R. Doc. 69-7741; Filed, June 30, 1969; 8:49 a.m.]

[47 CFR Parts 83, 85]

[Docket No. 18576; FCC 69-688]

COMPULSORILY FITTED MF RADIOTELEGRAPH SHIPS

Program and Schedule of Dates for Increasing Required Output Power of Transmitters Where Vertical Antenna(s) Are Employed

In the matter of amendments of Parts 83 and, consequentially, 85 to provide a program and schedule of dates for increasing the required output power of transmitters where vertical antenna(s) are employed aboard compulsorily fitted MF radiotelegraph ships; Docket No. 18576.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. A substantial proportion of the newer radiotelegraph installations aboard compulsorily fitted ships include a vertical antenna, which is used on medium frequencies (MF) in the band 405–525 kc/s, including the world-wide radiotelegraph distress and calling frequency 500 kc/s. The efficiency of this vertical antenna is substantially lower than the older wire type antenna. The older type antenna was, generally, high above deck and extended roughly two-thirds the length of the vessel. This is in contrast to the newer vertical antenna, which extends upwards from a deck to a height of approximately 40 feet.

3. The current rules specify, for mandatorily fitted radiotelegraph ships, that the output power of the MF transmitter on 500 kc/s, operating into an average ship station antenna, shall be not less than: For the main transmitter, 200 watts; and, for the reserve transmitter, 25 watts. These values of transmitter output power were determined in 1939 following lengthy considerations and have been in effect since that date. Accordingly, the Commission proposes, where the older antenna is used (i.e., an average ship station antenna: Part 83, §§ 83.552(b) and 83.553(b)), to retain the present transmitter output power values without change.

4. In the case of the newer vertical antenna, with its lower radiating efficiency, the above transmitter output powers will not generally produce the required field intensities (main: 30 mV/m at 1 mile; reserve: 10 mV/m at 1 mile) necessary to maintain parity with the 1939 values. On the basis of the measurement data currently available to the Commission, an increase in output power of approximately 6 decibels will be required to produce field intensities equal to the 1939 values, where a vertical antenna is used.

5. Under adverse weather conditions, the vertical antenna is also subject to power losses, as indicated by a reduction in antenna current. Presumably this effect is caused by losses at the vertical antenna base insulator caused by rain and salt water spray. Specific technical explanation of this loss is not available; however, pending availability of an explanation and possible reduction in the loss, it is proposed that the transmitter output power be increased by an additional 1 decibel, in partial compensation for this loss.

6. In this notice the Commission is proposing that the output power of radiotelegraph transmitters, operating in the frequency band 405–525 kc/s, aboard mandatorily fitted ships employing vertical antenna(s) be increased by 7 decibels, as follows:

Transmitter	*Power (watts) into FCC-approved vertical antenna (A1 emission)*
Main	[1] 1,000
Reserve	[1] 125

[1] Applicable to ship stations authorized by station license first issued after Jan. 1, 1971, and to all ship stations employing vertical antennas after Jan. 1, 1976.

Further, the Commission proposes, as in the past, to continue the practice of requiring demonstration of the capability of vertical antennas intended for use aboard vessels compulsorily fitted for radiotelegraphy.

7. In accordance with the provisions of Part 85, § 85.155, the rule amendments set forth below for Part 83 are also applicable to stations of the maritime services in Alaska.

8. The proposed amendments to the rules as set forth below are issued pursuant to the authority contained in sections 4(i) and 303 (e), (f) and (r) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 4, 1969, and reply comments on or before August 14, 1969. 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 in this proceeding, the Commission may take into account other relevant information before it, in addition to the specific comments invited by this notice.

10. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: June 25, 1969.

Released: June 26, 1969.

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

A. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. In § 83.552, the table in paragraph (b) is amended to read as follows:

§ 83.552 Requirements for main transmitter.

* * * * *

(b) * * *

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[1] Commissioner Bartley absent.

Operation carrier frequency	Frequency tolerance (parts in 10^6)	Class of emission	Percentage modulation (for amplitude modulation: A2 or A2H)	Modulation frequency (for amplitude modulation: A2 or A2H)	Antenna power
500 kc/s	1,000	A1, A2 or A2H	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Into average ship station antenna: Not less than 200 watts when a wire main antenna is used; or, not less than 1,000 watts when a vertical main antenna is used. [1]
410 kc/s and 2 authorized working frequencies in the band 415 to 525 kc/s.	1,000	A1, A2 or A2H	do	do	Do.

[1] Applicable to ship station transmitters employing vertical antennas first authorized by station license after Jan. 1, 1971, and to all ship stations employing vertical antennas after Jan. 1, 1976.

* * * * * * *

2. In § 83.553, the table in paragraph (b) is amended to read as follows:

§ 83.553 Requirements for reserve transmitter.

* * * * * * *

(b) * * *

Operating carrier frequency.	Frequency tolerance (parts in 10^6).	Class of emission.	Percentage modulation (for amplitude modulation: A2 or A2H).	Modulation frequency (for amplitude modulation: A2 or A2H)	Antenna power
500 kc/s	1,000 except for reserve transmitters whose use is confined solely to safety communications as defined in § 83.6(a). Such transmitters shall maintain a frequency tolerance of 3,000 parts in 10^6.	A2 or A2H.	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Into average ship station antenna: Not less than 25 watts when a wire main antenna is used; or, not less than 125 watts when a vertical main antenna is used.[1]
410 kc/s and 1 authorized working frequency in the band 415 to 525 kc/s.	do	A2 or A2H.	do	do	Do.

[1] Applicable to ship station transmitters employing vertical antennas first authorized by station license after Jan. 1, 1971, and to all ship stations employing vertical antennas after Jan. 1, 1976.

* * * * * * *

[F.R. Doc. 69-7742; Filed, June 30, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-361; Order 331]

REPORT OF BULK POWER SUPPLY INTERRUPTIONS

Notice of Proposed Rule Making

JUNE 23, 1969.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) that the Commission proposed to amend its Order No. 331 which requires all public utilities, licensees and other entities engaged in the generation or transmission of electric energy, whether or not otherwise subject to the jurisdiction of the Commission, to report on specified conditions concerning bulk power supply. The order applies equally to privately, publicly, and cooperatively owned systems.

2. The proposed amendments to Order No. 331 are the result of more than 2 years experience in receiving information under the original order, and will enable the Commission to be better informed on matters of concern in carrying out its responsibilities related to the reliability of the Nation's bulk power supply. The amendments will extend the reporting requirement to cover information on selected equipment failures and operating conditions which do not necessarily result in interruption of customer loads. The proposed amendments add new subparagraphs (2), (3), and (4) to § 148.58 (c) of the Commission's regulations under the Federal Power Act.

3. The Commission has the statutory responsibility, among other things, for encouraging actions to assure an abundant supply of electric energy throughout the country and is authorized by subsection 202(c) of the Federal Power Act to take appropriate action as in its judgment will best meet an emergency situation arising out of any failure of an adequate power supply. Under section 311 of the Act the Commission is responsible for reporting the problems and developments of the electric industry to Congress and is directed to collect information regarding the generation, transmission, distribution and sale of electric energy, however produced, and whether or not otherwise subject to its jurisdiction. The information which we are here proposing to require will enable us to carry out these responsibilities.

4. These amendments to the Commission's regulations are proposed to be issued under the authority of the Federal Power Act, as amended, particularly sections 202, 205, 206, 304, 307, 309, and 311 (49 Stat. 848, 851, 852, 855, 856, 858, 859, 16 U.S.C. 824a, 824d, 824e, 825c, 825f, 825h, 825j).

5. Accordingly, it is proposed to amend Part 141, Subchapter D, Chapter I, Title 18, § 141.58 of the Code of Federal Regulations as follows:

§ 141.58 Report of load shedding and/or service interruptions in bulk electric power supply and related power supply facilities.

(a) *Definitions.* (1) For the purpose of this section, a bulk electric power supply interruption shall be any interruption or loss of service to customers of any electric utility, licensee, or other entity engaged in the generation or transmission of electric energy caused by or involving an outage of any generating unit or of electric facilities operating at a nominal voltage of 69 kv. or higher. In determining the aggregate of loads which are interrupted, any load which is interrupted in accordance with the provisions of contracts permitting interruption in service shall not be included. If the interruption affects only a single ultimate customer, the interruption need not be reported. For the purpose of this section, a report or a part of a report may be made jointly by two or more entities.

(2) The proposed reports concerning actions to reduce power system loads apply to any measures taken to reduce loads whether through reduction of voltage, manual switching, or operation of automatic load-shedding devices.

(b) *Telephonic reports.* Every electric utility, licensee, or other entity engaged in the generation or transmission of electric energy shall report to the Commission's Washington office by telephone any loss in service for 15 minutes or more of bulk power supply to aggregate loads in excess of 200,000 kw. Calls should be placed as soon as practicable without unduly interfering with service restoration and, in any event, within one hour after the beginning of the interruption to Area code 202, number 962-1307. This number is in service at all times. The information supplied in the initial telephonic report should include at least the approximate territory affected by the interruption, the time of occurrence, an estimate of the number of customers and amount of load involved, whether any known critical services were interrupted, and an appraisal of the likely duration of the interruption. To the extent known or suspected, the report desirably will include a description of the initial incident resulting in the interruption. The Commission or the Chief of its Bureau of Power may require further reports during the period of interruption and restoration of service, such reports to be made

by telephone or telegraph or both, as required.

(c) *Telegraphic reports.* Every electric utility, licensee, and other entity engaged in the generation or transmission of electric energy shall report any event as described below to the Commission's Washington office by telegram addressed to the Chief, Bureau of Power, Federal Power Commission, 441 G Street NW., Washington, D.C. within 2 hours after the beginning of the event to be reported. Events requiring a report are as follows:

(1) Any loss in service for 15 minutes or more of bulk power supply to aggregate loads exceeding the lesser of 25,000 kw. or half of the current annual system peak load, and not required to be reported under paragraph (b) of this section. The information supplied shall include the approximate territory affected by the interruption, a description of the initial incident resulting in the interruption, cause of the interruption and an appraisal of the likely duration of load involved, and whether any known critical services were interrupted. The report should include the time of occurrence and the times of restoration.

(2) Any unscheduled outage, not reported under paragraph (b) of this section or subparagraph (1) of this paragraph, of a generating unit of 200,000 kw. and larger or 15 percent of the total system generating capacity if less than 200,000 kw., due to trouble which cannot be corrected within 24 hours. The information supplied shall include the location, rating, and type of unit; the cause and expected duration of the outage; the relative effect on reserve capacity margin and arrangements for substitute capacity, if any.

(3) Any situation requiring a previously unscheduled import of supplemental power because of a system condition which cannot be adjusted to permit a return to the normal interchange schedule within 24 hours. The information supplied shall include the cause and expected duration of the abnormal condition and the effect on generating capacity reserve margin. Where the aforementioned interchange transaction is handled on a power pool basis, the reporting requirement should be considered on a comparable basis.

(4) Any measures taken to reduce load because of a shortage of generating capacity, or insufficient reserves, whether through programs for utility or customer curtailment, reduction of voltage, manual switching, or the action of automatic load-shedding devices. The information supplied should include an explanation of the conditions leading to the reduction in load, the magnitude of the load reduction involved, how accomplished, and the expected duration.

Telephonic reports in lieu of telegraphic reports will be accepted (Area code 202, number 962–1307) if preferred by the respondent.

(d) *Report of details.* (1) If so directed by the Commission or the Chief, Bureau of Power, an entity experiencing a condition, as described in paragraphs (b) and (c) of this section, shall submit a full report of the circumstances surrounding such occurrence and the conclusions the entity has drawn therefrom. The report shall be filed at such time subsequent to the submittal of the initial report by telephone or telegraph as may be directed by the Commission or the Chief, Bureau of Power.

(2) The report shall be prepared in such detail as may be appropriate to the severity and complexity of the incident experienced and should include an account understandable to the informed layman in addition to the following technical and other information:

(i) The cause or causes of the incident clearly described, including the manner in which it was initiated.

(ii) A description of any operating conditions of an unusual nature preceding the initiation of the incident.

(iii) If the incident was an interruption and geographically widespread, an enumeration of the sequence of events contributing to its spread.

(iv) An account of the measures taken which prevented further spreading in the loss of service, e.g., manual or automatic load shedding, unit isolation, or system sectionalization. These actions and all chronicled events should be keyed to a record of the coincident power frequencies which occurred.

(v) A description of the measures taken to restore service with particular evaluation of the availability of start-up power and the ease of difficulty of restoration.

(vi) A statement of the capacity of the transmission lines into the area of load interruption, the generating capacity in operation in the area at the beginning of the disturbance, and the actual loading on the lines and generating units at that time.

(vii) A summary description of any equipment damage and the status of its repair.

(viii) An evaluation of the impact of any load reduction or interruption on people and industries in the affected area, including a copy of materials in the printed news media indicative of the impact.

(ix) Information on the steps taken, being taken, or planned by the utility, to prevent recurrence of conditions of a similar nature, to ease problems of service restoration, and to minimize impacts on the public and the customers of any future conditions of a similar nature.

(Secs. 202, 205, 206, 304, 307, 309, 311, 49 Stat. 848, 851, 852, 855, 856, 858, 859; 16 U.S.C. 824a, 824d, 824e, 824f, 825c, 825f, 825h, 825j)

6. Any interested person may submit in writing to the Federal Power Commission, Washington, D.C. 20426, not later than July 28, 1969, data, views, comments, and suggestions concerning the proposed amendments to reporting requirements. An original and 14 conformed copies of any such submittal should be filed.

7. The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7701; Filed, June 30, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 75 (Rev. 3)]

ASSISTANT REGIONAL COMMISSIONER (APPELLATE) ET AL.

Delegation of Authority Regarding Offers in Compromise

Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150–25 dated June 1, 1953, as amended by Order No. 180 dated November 17, 1953, and Order No. 150–36 dated August 17, 1954, 26 CFR 301.7122–1 and 26 CFR 301.7701–9, it is hereby ordered:

1. Each Assistant Regional Commissioner (Appellate), and each Chief and Associate Chief, Appellate Branch Office, is authorized to determine the disposition to be made of any offer in compromise submitted under the provisions of section 7122 of the Internal Revenue Code of 1954, in which (a) the proponent does not agree with the rejection or proposed rejection of the offer in the district office, the Office of International Operations or a Service Center and requests regional Appellate Division consideration or (b) the liability was previously determined by a regional Appellate Division and the offer is based in whole or in part on doubt as to liability. Each Assistant Chief, Appellate Branch Office, is authorized to determine the disposition to be made of any such offer in compromise in which the unpaid amount of tax (including any interest, penalty, additional amount or addition to the tax) is $50,000 or less.

2. A determination by regional Appellate Division officials to accept an offer (other than one involving specific penalties only) pursuant to paragraph 1 above will be subject to my approval if the unpaid amount of tax (including any interest, penalty, additional amount or addition to the tax) is $100,000 or more.

3. The authorities delegated herein may not be redelegated and are not applicable to cases arising under tax laws relating to wagering, narcotics, marihuana, alcohol, tobacco or firearms (other than firearms taxes imposed by sections 4181 and 4182 of the Internal Revenue Code of 1954 and sections 2700 and 3407 of the Internal Revenue Code of 1939) or to offers in compromise coming within the jurisdiction of the Chief Counsel under existing procedures, rules or delegation.

4. This order supersedes Delegation Order No. 75 (Rev. 2), issued June 14, 1963.

Date of issue: June 27, 1969.

Effective date: June 27, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 69–7739; Filed, June 30, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

AREA DIRECTORS ET AL.

Delegations of Authority; Exceptions; Correction

JUNE 24, 1969.

On page 9038 of the Friday, June 6, 1969, issue of the FEDERAL REGISTER, section (4)(a) under Part 10 BIAM 3.3 should be corrected to read as follows:

(a) Approval of mortgages or deeds of trust of individually-owned trust or restricted land executed pursuant to 25 CFR 121.61 given to secure loans.

J. L. NORWOOD,
Acting Deputy Commissioner.

[F.R. Doc. 69–7682; Filed, June 30, 1969; 8:45 a.m.]

[Phoenix Area Office Redelegation Order 3]

SUPERINTENDENTS, PHOENIX AREA OFFICE, ET AL.

Delegation of Authority

Phoenix Area Office Redelegation Order 1, 20 F.R. 992, as amended, is hereby revoked and the following is substituted therefor:

PHOENIX AREA OFFICE REDELEGATION ORDER 3

PART 1—GENERAL

Sec.

1.1 Authorities from the Area Director.
1.2 Future delegations.
1.3 Limitations.
1.4 Appeals.
1.5 Exceptions.
1.6 Authority of Assistant Area Directors.

PART 2—AUTHORITY TO SUPERINTENDENTS FUNCTIONS RELATING TO SPECIFIC PROGRAMS

SOCIAL SERVICES

2.1 Approval of sentences.
2.2 Appointment, approval and removal of judges.
2.3 Relocation services to Indians.

LANDS AND MINERALS

2.11 Rights-of-way.
2.12 Tax exemption certificates.
2.13 Adoption or application of State or local laws.
2.14 Preservation of antiquities.
2.15 Revocation of departmental reserves.
2.16 Mineral leasing.
2.17 Oil and gas leasing, Uintah and Ouray.
2.18 Surface leases, terms to 10 years.
2.19 Surface leases, terms to 51 years.
2.20 Homesite leases, tribal lands.
2.21 Residential leases, Fort Apache.
2.22 Residential leases, Colorado River.
2.23 Title transfers.
2.24 Sales of improvements on tribal lands.

SOIL AND MOISTURE CONSERVATION

2.40 Soil and moisture conservation.

IRRIGATION

2.50 Approval of purchase price.

CREDIT AND FINANCING

2.60 Loan agreements and modifications.
2.61 Enforcement terms, loan agreements.
2.62 Approval of articles and bylaws, cooperative associations.
2.63 Amendments of charters.
2.64 Approval of partial releases and satisfactions.
2.65 Accounting and records systems.
2.66 Default.
2.67 Revolving cattle pool.
2.68 Loan security.
2.69 Assignments of trust property.
2.70 Release of U.S. interests.

INDIAN TRADERS

2.80 Traders licenses.

TESTIMONY OF EMPLOYEES

2.85 Testimony of employees.

FOREST AND RANGE MATTERS

2.90 Timber sale contracts.
2.91 Fire suppression.
2.92 Administration of cooperative agreements.
2.93 Prevention of waste.
2.95 Waiver of technical defects.
2.96 Grazing privileges.
2.97 Sales of grazing privileges.

CONVEYANCE OF BUILDINGS AND IMPROVEMENTS

2.110 Conveyance of buildings and improvements.

FUNDS AND FISCAL MATTERS

2.120 Individual Indian moneys.
2.121 Approval of employment of attorneys for individual Indians.
2.122 Acceptance of donations.

ROADS

2.130 Closing of roads.
2.131 Transfer of jurisdiction for maintenance to States.
2.132 Agreements for cooperation in construction, etc. with State.

PART 3—FUNCTIONS RELATING TO SPECIFIC LEGISLATION

3.1 Authority Under Act of August 27, 1954 (63 Stat. 868).

PART 1—GENERAL

SECTION 1.1 *Authorities from the Area Director.* The authorities of the Commissioner of Indian Affairs delegated to the Area Director in 10 BIAM

3 are hereby redelegated to Superintendents in the Phoenix Area as set out herein. For the purposes of this redelegation order the term Superintendent means Agency Superintendents, School Superintendents, Project Engineer, Officer in Charge, and the official designated by the Area Director to administer Bureau activities relating to the Salt River Indian Community and the Fort McDowell Indian Community.

SEC. 1.2 *Future delegations.* This redelegation does not include future delegations of authorities from the Commissioner to the Area Director unless further provided.

SEC. 1.3 *Limitations.* The redelegation is not to be construed as depriving the Area Director of the authorities conferred upon him by the Commissioner.

SEC. 1.4 *Appeals.* Any action taken by any Superintendent pursuant to this order shall be subject to the right of appeal to the Area Director, Phoenix Area Office. Any such appeal shall be made and processed in accordance with 25 CFR 2, Appeals From Administrative Actions.

SEC. 1.5 *Exceptions.* The exceptions to the authorities delegated to the Area Director carried in 10 BIAM 3.3 also apply here.

SEC. 1.6 *Authority of Assistant Area Directors.* The Assistant Area Directors and persons authorized to act in their stead during their absence may severally exercise any and all authority of the Area Director.

PART 2—AUTHORITY TO SUPERINTENDENTS FUNCTIONS RELATING TO SPECIFIC PROGRAMS

SOCIAL SERVICES

SEC. 2.1 *Approval of sentences.* The approval of sentences imposed on Indian employees of the Bureau of Indian Affairs by Courts of Indian Offenses as provided in 25 CFR 11.2(d) and by Tribal Courts as provided any Law and Order Code.

SEC. 2.2 *Appointment, approval, and removal of judges.* The appointment, approval, and removal for cause of judges of Courts of Indian Offenses pursuant to the provisions of 25 CFR Part 11 and of judges of Tribal Courts as provided by any Law and Order Code. The approval of the appointment of judges of Tribal Courts as provided by any Law and Order Code.

SEC. 2.3 *Relocation service to Indians.* Approval of third (or more) request for relocation services for Indians applying under Employment Assistance Program. (25 CFR Part 34)

LANDS AND MINERALS

SEC. 2.11 *Rights-of-way.* All of the authority set forth in 25 CFR Part 161 Rights-of-Way over Indian Lands; provided the form of the instrument granting the particular type of right of way or easement has been approved by the Field Solicitor.

SEC. 2.12 *Tax exemption certificates.* The authority of the Area Director to issue tax exemption certificates covering lands designated as tax exempt under the provisions of the Act of June 20, 1936 (49 Stat. 1542) as amended by the Act of May 19, 1937 (50 Stat. 188).

SEC. 2.13 *Adoption or application of State or local laws.* The authority of the Area Director with regard to adoption or application of State or local laws regulating the use of property to trust or restricted property. Under this redelegation Superintendents may make applicable to trust or restricted Indian property, leased to or held or used by others under agreement, State or local laws only in those States which have assumed jurisdiction pursuant to the Act of August 15, 1953 (67 Stat. 588). As to such property located in States which have not assumed such jurisdiction, the Superintendent may adopt State or local laws only by appropriate provisions in the lease or other agreement.

SEC. 2.14 *Preservation of antiquities.* The authority of the Area Director relating to the excavation of ruins and archeological sites and the gathering of objects of antiquity on Indian reservations pursuant to 25 CFR Part 132.

SEC. 2.15 *Revocation of Departmental reserves.* The authority of the Area Director to revoke Departmental reserves of Indian lands for agency, school or other administrative purposes under the jurisdiction of the Bureau of Indian Affairs, when the Superintendent determines such lands are no longer needed for the purposes for which they were set aside, and the restoration of jurisdiction over the lands to the tribe: *Provided,* That before such action is taken the Area Title Plant and/or the Field Solicitor has examined title.

SEC. 2.16 *Mineral leasing.* The authority of the Area Director relating to the leasing or permitting of tribal or individually owned Indian lands for the following minerals: Coal, sand, gravel, pumice, and building stone. This authority does not apply to lands purchased or reserved for agency, school, or other administrative purposes. Also, this authority does not apply in the case of leases or permits of such lands for coal to matters involving (1) the payment of overriding royalty, and (2) assignments of separate horizons or strata of the subsurface.

SEC. 2.17 *Oil and gas leasing, Uintah and Ouray.* To the Superintendent of the Uintah and Ouray Agency only, the authority of the Area Director relating to oil and gas leases on tribal or individually owned Indian lands. This authority does not apply to:

(1) Lands purchased or reserved for agency, school, or other administrative purposes; and,

(2) Modification of any forms approved by the Commissioner.

SEC. 2.18 *Surface leases, terms to 10 years.* The authority of the Area Director relating to surface leases for terms up to ten (10) years pursuant to 25 CFR Part 131.

SEC. 2.19 *Surface leases, terms to 51 years.* To the Superintendents of the Nevada, Uintah and Ouray, and Pima Agencies only, the authority of the Area Director relating to surface leases for terms up to fifty-one (51) years pursuant to 25 CFR Part 131.

SEC. 2.20 *Homesite leases, tribal lands.* The authority of the Area Director relating to leases of tribal lands for homesite purposes to members of the tribe or to tribal housing authorities.

SEC. 2.21 *Residential leases, Fort Apache.* To the Superintendent, Fort Apache Agency only, the authority of the Area Director relating to residential leases for a 25-year term for the Hawley Lake and Hondah areas on the Fort Apache Reservation, provided, the lease forms specifically approved for such leases are used.

SEC. 2.22 *Residential leases, Colorado River.* To the Superintendent Colorado River Agency only, the authority of the Area Director regarding residential leases for terms up to twenty-five (25) years of lands in the Bluewater Subdivision on specifically approved forms.

SEC. 2.23 *Title transfers.* To the Superintendents of the Nevada, Uintah and Ouray, and Pima Agencies only, the authority of the Area Director concerning acquisitions, partitions, exchanges, and sales except sales to non-Indians; subject to the conditions:

(1) That when fee lands are being acquired the case will be referred to the Field Solicitor's Office for title examination; and,

(2) That fair market value is received by Indian owners of trust or restricted lands affected by any transaction made under this atuhority.

SEC. 2.24 *Sales of improvements on tribal lands.* The approval, with tribal consent, of sales of improvements made upon tribal lands by individual Indians.

SOIL AND MOISTURE CONSERVATION

SEC. 2.40 *Soil and moisture conservation.* Soil and Moisture Conservation operations on Indian lands, pursuant to the President's Reorganization Plan IV of 1940 (54 Stat. 1235), and the Soil Conservation Act of April 27, 1935 (16 U.S.C. sec. 590a), and subject to the coordination and general supervision of the office of the secretary except:

(a) Approval of loans or grants of equipment.

(b) Approval of forms.

(c) Modification of any forms approved by the Commissioner of Indian Affairs.

IRRIGATION

SEC. 2.50 *Approval of purchase price.* The approval of purchase price of privately owned lands within the San Carlos Irrigation Project, Ariz., under Authority of the section 4 of the Act of June 7, 1924 (43 Stat. 475)

CREDIT AND FINANCING

SEC. 2.60 *Loan agreements and modifications.* The approval of applications for an modifications of loans to individuals subject to the availability of funds pursuant to 25 CFR Part 91.

SEC. 2.61 *Enforcement terms, loan agreements.* The taking of necessary steps upon failure of any cooperative to conform to the terms of its loan agreement, pursuant to 25 CFR Parts 91 and 92.

SEC. 2.62 *Approval of articles and bylaws, cooperative associations.* The approval of articles of associations and bylaws of cooperative associations under State laws and amendments thereof, where such organizations are indebted to or are applying for loans from the United States, Corporations, Tribes, or bands.

SEC. 2.63 *Amendment of charters.* The amendment or revocation of charters of cooperative associations only.

SEC. 2.64 *Approval of partial releases and satisfactions.* The approval of partial releases and satisfactions of mortgages given as security for loans from the United States made pursuant to 25 CFR Part 91.

SEC. 2.65 *Accounting and records systems.* The inspection of approved accounting and records systems of incorporated and unincorporated tribes and bands, corporate and tribal enterprises, cooperatives, and credit associations, pursuant to 25 CFR Part 91.

SEC. 2.66 *Default.* The taking of any steps authorized by 25 CFR 91.10 in case of default of individual borrowers from the United States.

SEC. 2.67 *Revolving cattle pool.* (a) The sale of cattle repaid to the United States pursuant to the provisions of 25 CFR 92.17.

(b) The acceptance of cash in lieu of obligations to the United States for cattle, pursuant to the provisions of 25 CFR 92.18.

SEC. 2.68 *Loan security.* The approval of mortgages of trust chattels and crops on trust or restricted lands of an Indian, and assignments of income from trust or restricted land of an Indian, as security for a loan by any lender.

SEC. 2.69 *Assignments of trust property.* The approval of assignments of any trust property of an Indian, except land, and authority to act as the Indian's attorney in fact to execute leases of any trust land in which the Indian borrower may have an interest and to apply the rentals on the Indian's indebtedness, for a loan made pursuant to 25 CFR Parts 91 and 92.

SEC. 2.70 *Release of U.S. interests.* The release of interests of the United States in any trust or restricted property of an Indian, except land.

INDIAN TRADERS

SEC. 2.80 *Traders licenses.* The issuance of licenses to traders with the Indian Tribes and the removal and revocation of licenses pursuant to 25 CFR Parts 251 and 252.

TESTIMONY OF EMPLOYEES

SEC. 2.85 *Testimony of employees.* The granting of permission to Bureau of Indian Affairs employees to testify in administrative or judicial proceedings pursuant to the provisions of 43 CFR 2.6.

FOREST AND RANGE MATTERS

SEC. 2.90 *Timber sale contracts.* (a) Issue advertisements, approve, and administer timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed five (5) million feet board measure.

(b) Approve contracts, pursuant to 25 CFR 141.13, for the sale of timber from individual allotments under authority of an approved general contract.

(c) Issue timber cutting permits on approved forms pursuant to 25 CFR 141.19, paragraphs (a) and (b) but not including paragraph (c).

SEC. 2.91 *Fire suppression.* Hire temporary labor, rent equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires pursuant to 25 CFR 141.21.

SEC. 2.92 *Administration of cooperative agreements.* The administration of existing and the negotiation of and execution of new cooperative fire suppression agreements with Federal, State, and private agencies on adjacent lands.

SEC. 2.93 *Prevention of waste.* The taking of any action necessary to prevent waste of timber from fire, decay, windthrow, insect infestation, disease, or other natural catastrophe on Indian lands held in trust by the United States.

SEC. 2.95 *Waiver of technical defects.* The authority of the Area Director relating to the Waiver of Technical Defects in advertisements and proposals for the sale of grazing privileges.

SEC. 2.96 *Grazing privileges.* The authority of the Area Director relating to the approval of award, modification, assignment, and cancellation of grazing permits pursuant to 25 CFR Part 151 provided that permits approved at the beginning of a contract period according to schedule of allocated and advertised range units approved by the Area Director, and provided further that permits shall not be issued at a rental rate less than the minimum approved by the Area Director.

SEC. 2.97 *Sales of grazing privileges.* The authority of the Area Director relating to the negotiation of sales of grazing privileges subsequent to advertisement.

CONVEYANCE OF BUILDINGS AND IMPROVEMENTS

SEC. 2.110 *Conveyance of buildings and improvements.* The authority contained in the Act of August 6, 1956 (70 Stat. 1057). This Act permits the conveyance to Indian tribes of title to federally owned buildings and improvements (including personal property used in connection therewith) no longer required by the Bureau and also declaration of forfeiture of such conveyances.

FUNDS AND FISCAL MATTERS

SEC. 2.120 *Individual Indian moneys.* All those matters set forth in 25 CFR Part 104.

SEC. 2.121 *Approval of employment of attorneys for individual Indians.* The approval of the employment of attorneys for individual Indians and the determination and payment of fees paid on a quantum meruit basis from restricted or trust funds.

SEC. 2.122 *Acceptance of donations.* The acceptance of donations of funds or other property for the advancement of the Indian race and use of the donated property in accordance with the terms of the donation in furtherance of any program authorized by other provisions of law for the benefit of Indians pursuant to the Act of February 14, 1931 (46 Stat. 1106, 25 U.S.C., sec. 451 (1964)), as amended by the Act of June 8, 1968 (82 Stat. 171), Public Law 90-333.

ROADS

SEC. 2.130 *Closing of roads.* The authority to close roads when required for public safety, fire prevention or suppression, fish and game protection, or to prevent damage to unstable roadbed pursuant to 25 CFR 162.6.

SEC. 2.131 *Transfer of jurisdiction for maintenance to States.* Authority to enter into an agreement with a State for the transfer to the State of jurisdiction with respect to the maintenance of roads constructed or improved to adequate standards pursuant to 25 CFR 162.8.

SEC. 2.132 *Agreements for cooperation in construction, etc. with State.* Authority to enter into agreements with States for cooperation in construction, maintenance, repair, and improvement of roads subject to regulation in 25 CFR 162.9 providing for road facilities for both Indian lands that are not subject to taxation by a State and for other lands in such State. Authority, also, to enter into agreements with an Indian tribe for contribution from tribal funds pursuant to 25 CFR 162.9.

PART 3—FUNCTIONS RELATING TO SPECIFIC LEGISLATION

SEC. 3.1 *Authority under Act of August 27, 1954 (68 Stat. 868).* The Superintendent, Uintah and Ouray Agency, may exercise authority with respect to those matters in sections 12 and 22 of Public Law 671 (68 Stat. 868).

Dated: June 9, 1969.

W. WADE HEAD,
Area Director.

Approved: June 24, 1969.

J. LEONARD NORWOOD,
Acting Deputy Commissioner of Indian Affairs.

[F.R. Doc. 69-7683; Filed, June 30, 1969; 8:45 a.m.]

Bureau of Land Management

[Serial No. A 2909]

ARIZONA

Notice of Public Sale

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427, 43 CFR 2243.2), there will be offered at not less than the appraised value, at a public sale to be held at 10:30 a.m. on Friday, August 15, 1969, at the Land Office, Room 3204, Phoenix, Ariz., the following tracts of land:

Parcel No.	Township	Range	Sec.	Subdivision	Acreage	Approved value
1	20 N.	21 W.	6	Lot 4	44.07	44,000
2	20 N.	21 W.	6	Lot 3	43.23	41,000
3	20 N.	21 W.	6	Lot 2	43.54	39,000
4	20 N.	21 W.	6	Lot 1	43.84	37,300

Sealed or oral bids may be made by the principal or his agent. Bids for a parcel must be for all the lands in the parcel. Sealed bids will be considered only if received at Room 3022, Federal Building, 230 North First Avenue, Phoenix, Ariz., prior to 10:30 a.m. on August 15, 1969, and must be in sealed envelopes accompanied by certified checks, post office money orders, bank drafts, or cashiers' checks made payable to the Bureau of Land Management for the amounts of the bids. The envelopes must be marked in the lower left-hand corner "Publication Sale Bid, Parcel No. _____, Sale held August 15, 1969." The purchaser or purchasers will be required to pay immediately the amount of purchase price, plus the cost, if any, of publishing the announcement in the Mohave County Miner, Kingman, Ariz. Interested bidders may inquire at the Land Office any time after July 1, 1969, to ascertain the cost of publication.

The right is reserved at any time to determine that the lands should not be sold or that any and all bids should be rejected.

The lands will be sold subject to a reservation of all minerals to the United States, a reservation to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), and any other existing rights-of-way of records.

For further information, write Bureau of Land Management, Land Office Manager, 3022 Federal Building, Phoenix, Ariz. 85025.

FRED J. WEILER,
State Director.

JUNE 24, 1969.

[F.R. Doc. 69-7686; Filed, June 30, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

CLINICAL LABORATORIES IMPROVEMENT ACT OF 1967 AND COLLEGE OF AMERICAN PATHOLOGISTS

Stringency of Standards

Notice is hereby given that the standards applied by the Commission on Inspection and Accreditation of the College of American Pathologists in determining whether or not to accredit a laboratory have been found to be equal to or more stringent than the provisions of section 353 of the Public Health Service Act, 42 U.S.C. 263a, and the rules and regulations issued thereunder. It has been found also that there is adequate provision for assuring that such standards continue to be met by laboratories accredited by the Commission.

These findings are based upon a review of the standards described in the documents entitled "Standards for Accreditation of Medical Laboratories" (1968), "Inspection and Accreditation Program" (undated), "Confidential Report to Regional Commissioner by Inspector" (undated), "Recommended Standard Operating Procedures for Regional Commissioners" (September 1968), and "Surveys" (1969), submitted by the College of American Pathologists by letters dated December 18, 1968, and April 16, 1969.

The requirements of 42 CFR Part 74 for the issuance and renewal of licenses do not apply to laboratories which are accredited by the Commission on Accreditation of the College of American Pathologists and which hold an unrevoked and unsuspended letter of exemption issued pursuant to 42 CFR 74.46. Applications for such letter of exemption may be obtained from the Chief, Licensure and Performance Evaluation Section, Laboratory Division, National Communicable Disease Center, Atlanta, Ga. 30333, and should be filed promptly at that office. Provisions relating to termination of accreditation and applicability of the standards prescribed in 42 CFR Part 74 to accredited laboratories are contained in Subpart F; provisions relating to revocation, suspension, or limitation of licenses and letters of exemption are contained in Subpart H; and Subpart I has been reserved for hearings on proposed actions for revocation, suspension, or limitation of licenses and letters of exemption.

Dated: June 2, 1969.

DAVID J. SENCER,
Director, National Communicable Disease Center, Health Services, and Mental Health Administration.

Approved: June 19, 1969.

ALAN W. DONALDSON,
Acting Administrator, Health Services and Mental Health Administration.

[F.R. Doc. 69-7729; Filed, June 30, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-66]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from February 28, 1969, to May 22, 1969 (List No. 15-69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.4 (a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

LIFEBOATS FOR MERCHANT VESSELS

The C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y., Approval Nos. 160.035/9/2 and 160.035/28/2 expired and were terminated effective May 19, 1969.

The Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N.Y., Approval Nos. 160.035/94/2 and 160.035/88/2 expired and were terminated effective May 19, 1969.

The Lunn Laminates, Inc., Straight Path Road, Wyandanch, Long Island, N.Y. 11798, Approval No. 160.035/432/0 expired and was terminated effective May 22, 1969.

The Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J., Approval Nos. 160.035/299/1 and 160.035/342/1 expired and were terminated effective May 19, 1969.

BOILERS (HEATING)

The Way-Wolff Associates, Inc., 45-10 Vernon Boulevard, Long Island City, N.Y., Approval Nos. 162.003/151/0, 162.003/152/0, 162.003/153/0, and 162.003/154/0 expired and were terminated effective May 1, 1969.

BOILERS, AUXILIARY, AUTOMATICALLY CONTROLLED, PACKAGED, FOR MERCHANT VESSELS

The Clayton Manufacturing Co., Post Office Box 550, El Monte, Calif., Approval No. 162.026/3/0 expired and was terminated effective February 28, 1969.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

The Elliott and Hutchins Inc., Malone, N.Y. 12953, no longer manufactures certain backfire flame control gasoline engines and therefore Approval No. 162.041/103/0 was terminated effective May 12, 1969.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

The Sprayon Research Corp., 1101 Northeast 110th Street, Miami, Fla. 33161, termination of Approval No. 164.009/124/0 dated April 9, 1969; incorrect

number, see Approval No. 164.009/125/0, termination effective May 13, 1969.

Dated: June 25, 1969.

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

[F.R. Doc. 69-7746; Filed, June 30, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21065; Order 69-6-136]

CATALINA AIR LINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on June 25, 1969.

The Postmaster General filed a notice of intent June 6, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 67 cents per great circle aircraft mile for the transportation of mail by aircraft between Santa Maria and Los Angeles, Calif.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beechcraft, Model D-18 aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Catalina Air Lines, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 67 cents per great circle aircraft mile between Santa Maria and Los Angeles, Calif.

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14 (f):

It is ordered, That:

1. Catalina Air Lines, Inc., the Postmaster General, Air West, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Catalina Air Lines, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Catalina Air Lines, Inc., the Postmaster General, and Air West, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7740; Filed, June 30, 1969; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

CALIFORNIA GROWTH CAPITAL, INC.

Notice of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for transfer of control of California Growth Capital, Inc. (Cal-Growth), 1615 Cordova Street, Los Angeles, Calif. 90007, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), License No. 12/12-0023.

Cal-Growth was licensed on May 11, 1961, and is a public company registered under the 1940 Act. As of December 31, 1968, the paid-in capital and paid-in surplus from private sources totaled $2,391,163. There are 214,000 shares of issued and outstanding common stock held by approximately 500 shareholders. Jaser Development Co. (Jaser) has increased its equity interest in Cal-Growth to 50.8 percent by acquiring 38,709 shares held by Mr. C. W. Stroup and Mr. E. S. Brantner, Jr. Messrs. Stroup and Brantner each received a 17.8 percent interest in Jaser. Sero Amusement Co. and its affiliates (Cactus Corp. and Valley Drive-In Theater) own 64.4 percent of the equity securities of Jaser. The proposed transfer of control is subject to and contingent upon approval of SBA.

The proposed officers and directors are as follows:

Chairman of the Board—William H. Oldknow.
President, director—Matthew L. Post.
Vice president, director—Charles W. Stroup.
Secretary, director—Melvin S. Lebe.
Treasurer, director—Joseph Pietroforte.

DIRECTORS

Harold J. Rosoff.	Jerome E. Weisman.
Norman T. Ellett.	Joseph R. Territo.
Edward S. Brantner, Jr.	John Ferraro.
	Charles S. White.
John F. Anderson.	Karl G. Kappel.
Howard J. Broad.	

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner, and the probability of successful operations of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any interested person may not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed transferee in a newspaper of general circulation in Los Angeles, Calif.

For SBA (pursuant to delegated authority).

Dated: June 18, 1969.

A. H. SINGER,
Associate Administrator
for Investment.

[F.R. Doc. 69-7718; Filed, June 30, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF SOUTH CAROLINA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of South Carolina for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of South Carolina and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. The appendix referenced in the résumé is included in the complete text of the program. A copy of the program, including proposed South Carolina regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 25th day of June 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF SOUTH CAROLINA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of South Carolina is authorized under section 1-400.15 of the 1962 Code of Laws of South Carolina and cumulative supplement thereto to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of South Carolina certified on June 4, 1969, that the State of South Carolina (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on _____ _____ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source; or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use it best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulations of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on September 15, 1969, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at _____, in triplicate, this _____ day of _____.

For the United States Atomic Energy Commission.

_____

Done at Columbia, S.C., in triplicate, this _____ day of _____.

For the State of South Carolina.

_____
Governor.

FOREWORD

South Carolina is dedicated to the purpose of protecting and improving the lot of its citizens. This dedication is realized, in part, by its full participation in the age of atoms, in due recognition of the many benefits to be derived from the peaceful uses of nuclear energy and its byproducts.

To discharge its responsibility to the citizens of this State to protect them from possible harmful effects of ionizing radiation, the 1967 General Assembly enacted the Atomic Energy and Radiation Control Act, which at one time recognizes the partnership that must exist between the fostering of nuclear enterprise and the protection against potential radiation hazards.

This Act authorizes the Governor to enter into an agreement with the Federal Government whereby certain regulatory functions now exercised by the Federal Government in the licensing and control of byproduct material, source material and special nuclear material in quantities not sufficient to create a critical mass will be transferred to the State.

The Act also designates the South Carolina State Board of Health as the agency which shall be responsible for the control of radiation sources. A complete regulatory program consistent with that conducted by the U.S. Atomic Energy Commission is authorized.

The following pages will present a description of past, present, and future activities of the State Board of Health in the field of Radiological Health, including the organization, procedures, and resources which will be brought to bear on the new responsibility assumed as a result of the aforementioned agreement.

History

As early as 1947 the South Carolina State Board of Health became aware of and concerned about the occupational exposure of workers to static eliminators. Over fifty of these devices were located, surveyed, and recommendations for shielding and access control were made. No leak-testing was performed as equipment was not available at the time.

Also at this time a program designed to reduce occupational exposure of shoe salesmen to X-rays from fluoroscopic shoe-fitting machines was instituted. This was later followed by more complete regulations covering all aspects of the use of these devices, and finally they were outlawed altogether. Ninety-six shoe-fitting machines in all were eliminated.

A voluntary X-ray program was begun in 1953, whereby services of the South Carolina State Board of Health were made available for the purpose of inspecting X-ray installations and recommending corrective actions where needed. This program received very good response, and during the period 1953–1966, 965 machines were inspected and 38 percent were found to be deficient in some respect. Eighty percent of these deficiencies were corrected as a result of recommendations and followup inspections. This included 662 dental SurPak examinations, resulting in the installation of 63 aluminum filters and 135 collimators. More recently, during the period in which more comprehensive radiation control regulations were being developed, a program of voluntary registration of X-ray machines was begun. By December 31, 1968, 1,269 X-ray machines were registered.

A radium management program was begun in 1965 when it was discovered that the radium storage facility in a large hospital was contaminated by a leaking source, which the hospital no longer possessed. The services of the South Carolina State Board of Health were offered in this area of concern, and this voluntary service resulted in the registration of 331 radium sources in 23 facilities totaling 2,352 milligrams. Of these sources, 254 have been leak-tested and 29 leaking sources have been detected. All owners of leaking sources of radium voluntarily disposed of the leaking radium sources or had them reencapsulated. The Agency provides assistance to radium users in the proper disposal of unwanted or leaking sources. Inspections were based on recommendations in NBS Handbook 73. A written report with recommendations was left with the users after each inspection. The degree of compliance with recommendations was 90 percent. Followup visits were made when indicated.

Another activity in the area of radioactive materials has been the accompanying of AEC Inspectors on the occasion of inspection visits to South Carolina. Within the last 8 years, South Carolina personnel have accompanied Atomic Energy Commission Inspectors on 75 percent of the inspections within the State. This has served the valuable purpose of familiarizing the staff with the inspection of licenses of radioactive materials, as well as the investigation of incidents involving licensed material.

In 1956, as a result of recommendations made by the Savannah River Advisory Board, the South Carolina Water Pollution Control Authority conservatively entered into an environmental monitoring program to determine the effect, if any, of the Savannah River Plant of the Atomic Energy Commission on the aquatic environment. Initially, this program consisted of one sampling point on the Savannah River below the plant effluent, which was subjected to gross alpha and beta analysis. Continuous paddlewheel samplers were later added at three locations, and more rigorous analytical procedures were employed, including specific isotope analysis and gamma spectroscopy when indicated by gross measurements.

The location of the Carolinas-Virginia Nuclear Power Associates' small power reactor at Parr, S.C., as well as the nuclear submarine repair facility at the Charleston Naval Shipyard prompted considerable expansion and sophistication of the environmental program to include over 150 sampling points, sampling air, water, precipitation, bottom muds and silt, vegetation, and milk. These samples were subjected to gross alpha and beta analysis, specific isotope analysis and gamma scans. Approximately 1,200 analyses per year were performed. The number of sampling points, as well as items sampled and analyzed underwent change as new nuclear installations were announced. Modern, well equipped laboratory facilities were provided for this work.

During the past year the responsibility for the environmental program was transferred to the South Carolina State Board of Health, in close cooperation with the South Carolina Pollution Control Authority.

Also during the past year regulations governing radioactive materials, X-ray machines and particle accelerators were adopted, after several meetings of the Technical Advisory Radiation Control Council, which met to consider in detail proposed regulations, and after public hearings to air the recommendations before the public. The Technical Advisory Radiation Control Council is a committee authorized by the Atomic Energy and Radiation Control Act to advise the State Board of Health on policy matters, including regulations.

Present Program

The present program of the Division of Radiological Health consists of initiating the activities authorized by the Atomic Energy and Radiation Control Act, and continuing environmental monitoring, expanding the scope of this operation to take care of the burgeoning nuclear industries announced for South Carolina.

Licensing of radium is now mandatory. All X-ray machines and particle accelerators were required to be registered by March 31, 1969. The portions of the program dealing with these requirements have begun.

The radium management inspection determines compliance with regulations and terms of the license. Items checked are shielding, storage, access control, posting of signs, records, leak-testing, survey meters, personnel monitoring, and transport equipment. Again, other recommendations of a helpful nature are made.

The environmental program consists of sampling the environment in the vicinity of nuclear installations existing, under construction or announced. Preoperational surveillance activities consist of determining radioactivity levels in environmental samples as a baseline against which to compare those levels found after operations commence. Surveillance around existing facilities is conducted to determine if there is any impact on the environment as a result of release of radioactivity. If gross alpha and beta determinations show an increase, gamma and alpha spectrometry or specific isotope analysis is used to determine the source. An experimental program to determine the efficacy of using thermo-luminescent dosimetry as an environmental monitor is being conducted.

Future Plans

Future plans will include extending the regulatory program to licensing and regulating the use of those radioactive materials presently under the purview of the U.S. Atomic Energy Commission, dependent upon signing an agreement with the Atomic Energy Commission. Details of the regulatory procedures and policies to be followed are given in a later section.

An in-house formal training program in radiological health will be conducted for new staff personnel on a scheduled basis, and will utilize outside instructors where they are available.

Scope of Problem

There are an estimated 2,000 X-ray units in South Carolina, approximately 600 of these being dental units. The number of Atomic Energy Commission licenses for byproduct material, source material and special nuclear material in quantities not sufficient to form a critical mass currently in effect is 142. There are 331 known radium sources in use at 23 facilities totaling 2,352 milligrams. Numerous particle accelerators exist in this State.

Four large commercial nuclear power reactors are under construction, three of them being at one location. Also under construction is a nuclear fuels fabrication plant. Announcements have been made by two separate companies of their intentions to construct a nuclear fuels reprocessing plant. Other installations which indicate the need for environmental surveillance activities are the Savannah River Plant of the Atomic Energy Commission and the nuclear submarine repair base at Charleston, S.C.

Organization and Staff

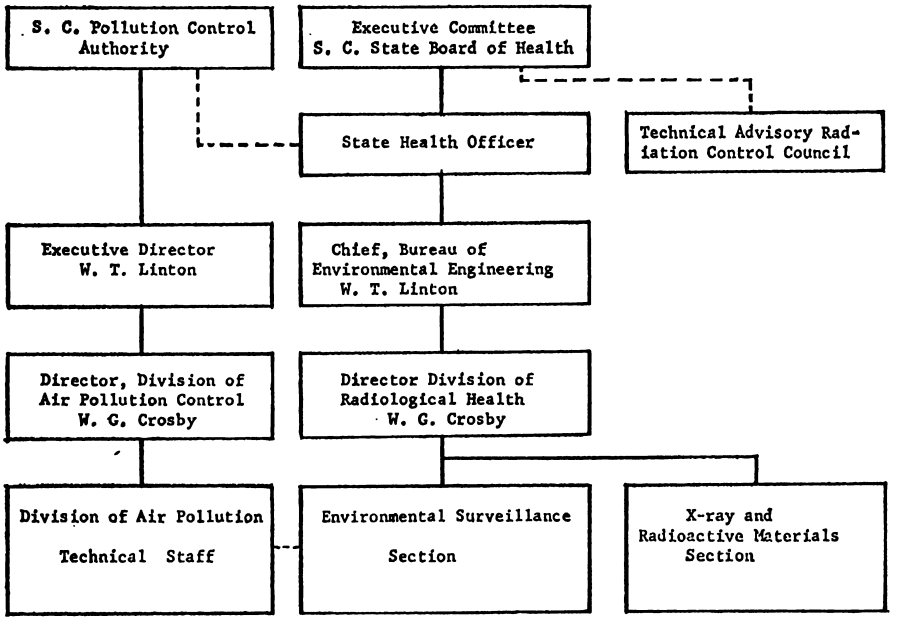
Under the provisions of the Atomic Energy and Radiation Control Act, the South Carolina State Board of Health is designated as the agency to exercise regulatory functions in radiological health. The organization of the State Board of Health is shown in Appendix, Chart 1. A Technical Advisory Radiation Control Council, appointed by the Governor, is also established. The purpose of this Council is to advise the State Board of Health on matters pertaining to ionizing radiation including standards, rules and regulations to be adopted, modified, promulgated or repealed by the Agency. Present membership of the Council is given in Table 1 of the appendix.

To assist the State Board of Health and staff in judging applications for nonroutine medical use of radioactive materials a Medical Advisory Committee has been appointed, the membership of which is shown in Table 2 of the appendix.

The functional radiological health program is operated by the Division of Radiological Health which, in turn, is a division of the Bureau of Environmental Engineering. The director of this division is also the director of the Division of Air Pollution Control, and spends his time equally divided between the

two divisions. In addition to State Board of Health staff members, experienced technicians are assigned to the Division of Radiological Health from the Bureau of Pollution Control to do work in environmental surveillance.

The line of authority and responsibility is shown on the accompanying diagram. The dotted line shown between the State Health Officer and the Pollution Control Authority indicates that he is, ex officio, Chairman of the Pollution Control Authority. There is also the statutory requirement that two additional members of the Authority be appointed from the Executive Committee of the State Board of Health. The dotted line between the Technical Staff of the Division of Air Pollution Control and the Environmental Surveillance Section of the Division of Radiological Health is intended to show the assignment of personnel and technical services by the Pollution Control Authority to the Division of Radiological Health.



REGULATORY PROCEDURES AND POLICY

Licensing and registration. The South Carolina State Board of Health has been designated the State Agency with the responsibility to develop an all-encompassing radiological health program in accordance with sections 1-400.11 through 1-400.16 of the 1962 Code of Laws of South Carolina and supplement thereto, the Atomic Energy and Radiation Control Act of South Carolina. The Division of Radiological Health has the responsibility for the operational phases of this program.

This program will regulate the safe use of all sources of ionizing radiation in the State including radium and accelerator produced nuclides, X-ray producing machines and particle accelerators. Certain small quantities of radionuclides as well as electronic devices which produce X-rays incidental to their operations in intensities insufficient to constitute a health hazard will be exempt. Licensing of all radionuclides including radium, and registration of X-ray machines and particle accelerators are features of this program. All regulations governing these sources are substantially in accord with the suggested State regulations as published by the Council of State Governments in cooperation with the Atomic Energy Commission and the U.S. Public Health Service. Every effort will be made to conduct the program in a fashion that is compatible with those operated by other agreement States and the Atomic Energy Commission.

The licensing program will be patterned after the one established by the Atomic Energy Commission and will use applicable criteria contained in regulations as published by the Atomic Energy Commission. The director and key staff members will evaluate each radioactive material license application, including prelicensing visits if this is indicated. When applications are received for unusual uses, additional advice will be sought. When applications for nonroutine medical uses are received the Medical Advisory Committee will be consulted. When applications for specific licenses are approved, licenses will be signed by the State Health Officer for the South Carolina State Board of Health.

Inspection. Inspection to determine radiation safety and compliance with pertinent regulations, and provisions of license or registration will be conducted as needed by division staff members. These members consist of the Director, the Radiological Health Specialist, Radiological Health Inspector and the Laboratory Technician III, who are or will be qualified by training and experience to conduct the inspections. Inspections will be either by prearrangement or unannounced during reasonable hours.

Licenses will be inspected on a priority basis determined by type of use, quantity of radioactive material, physical and chemical form, training, and experience of user, frequency of use and other factors in keeping with the experience gained by others including the Atomic Energy Commission and other agreement States. The initially planned frequencies are categorized as follows:

Classification of use	*Usual inspection frequency*
Industrial radiography:	
Fixed installations	Once each 12 months.
Mobile operations	Once each 6 months.
Operations involving waste disposal.	Once each 6 months.
Broad licenses—industrial, medical, or academic.	Once each 6–12 months.
Other specific licenses — industrial, medical, or academic.	Once each 12–24 months.

These frequencies are subject to alteration and are presented as a depiction of the general policy at this time. Individual licenses will be judged on the particular circumstances associated with the terms of the license.

Inspections will include the observation of pertinent facilities and equipment; a review of use procedures and radiation safety practices; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials; and instrument surveys to assess radiation levels incident to the operation—all as appropriate to the scope and conditions of the license and applicable regulations.

At the start and conclusion of an inspection, personal contact will be at management level whenever possible. Following the inspections, results will be discussed with the license management, appropriate tentative recommendations will be made and questions answered.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities, and recommendations for area security and cleanup will be available from the Agency on the occasion of incidents.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by a senior staff member and submitted to the Director of the Division of Radiological Health.

All inspectors will keep abreast of changes and developments in the field of radioactive materials by attending training courses, seminars and symposia, as well as in-house training which will be required.

Compliance and enforcement. The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

Where there are items of noncompliance, the licensee shall be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed, or expected to be completed. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

The terms and conditions of a license, upon request by the licensee, may be amended, consistent with the Act or regulations, to meet changing conditions in operations or to remedy minor items of noncompliance. The Agency may amend, suspend or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act, or regulations or failure to take adequate action concerning items of noncompliance. Prior to such action,

the Agency shall notify the licensee of its intent to amend, suspend or revoke the license and provide the opportunity for a hearing.

Whenever the Agency finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may, in accordance with the Act, without notice of hearing, issue a regulation or order reciting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Agency, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon findings that the possessor is unable to observe or is not observing the provisions of the Act or regulations issued thereunder. After these actions the licensee still has right to a hearing.

A court order directing a person to comply, or enjoining practices in violation of the Act or regulations, may be sought by the Attorney General in the appropriate court upon request of the Agency, after notice to such persons and ample opportunity to comply has been afforded.

The Agency will use its best efforts to obtain compliance through cooperation and education. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, will the full legal procedures normally be employed.

Effective date of license transfer. Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued by the Agency which shall expire either 90 days after the receipt from the Agency of a notice of expiration of such license or on the date of expiration specified in the federal license, whichever is earlier.

Compatibility and reciprocity. In promulgating rules and regulations, the Agency has, insofar as practicable, avoided requiring dual licensing and has provided for reciprocal recognition of other state and federal licenses.

Radiological emergency capability. The Division of Radiological Health has maintained the capability for handling radiological emergencies since 1959. This capability includes training of personnel, proper monitoring instruments, and liaison with other agencies such as State Highway Patrol, Atomic Energy Commission, Savannah River Plant, and U.S. Public Health Service.

As a result of our Radium Management Program, additional capability was formulated in 1965 to handle other radiological emergencies such as lost or damaged radium sources, overexposures, contamination, or transportation incidents. Additional personnel were trained, better instruments purchased and maintained, "emergency kits" put together for immediate use, and a system for telephone communications instituted. Emergency plans of other groups and agencies involving radiological incidents were reviewed by our Division.

Future plans for emergency procedures involve first of all a thorough review of our existing plan in light of the new role as an agreement state. A more formal plan will be instituted delineating the responsibility of each group or agency. Radiological Emergency Assistance Teams will be organized and trained in areas of major radiological activity. The Division of Radiological Health, which will be responsible for the program, will coordinate the new plan so that when and if an emergency does occur a systematic procedure will be followed.

[F.R. Doc. 69-7644; Filed, June 30, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18558; FCC 69-665]

OTTAWAY STATIONS, INC.

Order Designating Application for Hearing on Stated Issues

In re application of Ottaway Stations, Inc., Oneonta, N.Y., Requests: 103.1 mc, No. 276; 630 w; 590 feet, Docket No. 18558, File No. BPH-6273, for construction permit.

1. The Commission has under consideration the above-captioned application for a new FM station at Oneonta, N.Y.

2. The applicant corporation is licensee of Oneonta's only AM station and is applying for one of the two FM channels assigned to the community. In addition, applicant's controlling stockholder publishes Oneonta's only daily newspaper as well as newspapers in Danbury, Conn.; New Bedford and West Yarmouth, Mass.; Port Huron, Mich.; and Middletown, Plattsburgh, and Port Jarvis, N.Y. It also controls the licensees of stations in West Yarmouth, Mass., and Stroudsburg, Pa.

3. After careful consideration of the application before us, we have concluded that the multiple ownership situation here involved raises substantial questions as to concentration of control of media of mass communications and as to whether a grant would serve the public interest. In addition, applicant's showing in response to questions in section IV-A of the application is defective in that the responses of local leaders dealt with programing preferences rather than community needs. Accordingly, a Suburban issue is also required.

4. The applicant is qualified in other respects, but in view of the foregoing, we find that the application must be designated for evidentiary hearing on the issues set forth below.

5. *It is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues.

1. To determine whether a grant of this application would tend to create an undue concentration of control over media of mass communications.

2. To determine the efforts made by the applicant to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

3. To determine in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the subject application would serve the public interest, convenience and necessity.

6. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 18, 1969.

Released: June 23, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 69-7743; Filed, June 30, 1969; 8:49 a.m.]

[1] Commissioners Hyde, chairman; Robert E. Lee and Wadsworth dissenting.

[Dockets Nos. 18569—18572; FCC 69-666]

SOUTH CAROLINA EDUCATIONAL TELEVISION COMMISSION (WITV) ET AL.

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

In re applications of South Carolina Educational Television Commission (WITV), Charleston, S.C., Docket No. 18569, File No. BPET-323; Reeves Broadcasting Corp., (WUSN-TV), Charleston, S.C., Docket No. 18570, File No. BPCT-4107; First Charleston Corp. (WCIV), Charleston, S.C., Docket No. 18571, File No. BPCT-4121; WCSC, Inc. (WCSC-TV), Charleston, S.C., Docket No. 18572, File No. BPCT-4127; for construction permits.

1. The Commission has before it for consideration (a) the above-captioned applications of South Carolina Educational Television Commission (WITV), licensee of Noncommercial Educational Television Broadcast Station WITV, Channel 7, Charleston, S.C.; Reeves Broadcasting Corp. (WUSN-TV), licensee of Television Broadcast Station WUSN-TV, Channel 2, Charleston, S.C.; First Charleston Corp. (WCIV), licensee of Television Broadcast Station WCIV, Channel 4, Charleston, S.C. and WCSC, Inc. (WCSC-TV), licensee of Television Broadcast Station WCSC-TV, Channel 5, Charleston, S.C.; and (b) petitions to deny, informal objections, and related pleadings filed in this proceeding which are listed in the appendix hereto.[1]

2. Television Broadcast Stations WUSN-TV, Channel 2, WCIV, Channel 4, and WCSC-TV, Channel 5, Charleston, S.C., are authorized to operate with effective radiated visual power of 100 kw. from antenna heights above average terrain

[1] Filed as part of the original document.

of 790 feet, 940 feet and 1,000 feet respectively. Noncommercial Educational Television Broadcast Station WITV, Channel 7, Charleston is authorized to operate with effective radiated power of 28.8 kw. and an antenna height of 220 feet above average terrain. The present controversy arises from the requests of these stations to move their respective transmitter sites from four separate locations, approximately 1 to 7 miles east of Charleston, to a joint 2,000-foot tower located approximately 20 miles northeast of the center of Charleston, in the direction of Florence, S.C., approximately 10 miles northeast of Wando, S.C., and to make other changes in the facilities of the stations. Operating as proposed, Stations WUSN–TV, WCIV, and WCSC–TV would increase their antenna heights above average terrain to 1,860 feet, 1,950 feet, and 1,950 feet respectively with no change in power and Station WITV would increase its effective radiated visual power to 316 kw. and its antenna height above average terrain to 1,720 feet. From the proposed site, the four stations would, for the first time, provide predicted Grade B service to Florence, S.C., and to communities in the vicinity of Columbia, S.C. Petitions to deny have been filed by Rovan of Florence, Inc. (WPDT), permittee of Television Broadcast Station WPDT, Channel 15, Florence, S.C., and by Cape Fear Telecasting, Inc., now Clay Broadcasting Corp. (WWAY), licensee of Television Broadcast Station WWAY, Channel 3, Wilmington, N.C., and informal objections have been filed by Palmetto Radio Corp. (WNOK–TV), licensee of Television Broadcast Station WNOK–TV, Channel 19, Columbia, S.C., and by Columbia Television Broadcasters, Inc. (WOLO–TV), licensee of Television Broadcast Station WOLO–TV, Channel 25, Columbia, S.C.

3. WPDT and WWAY claim standing in this proceeding as "parties in interest" within the meaning of section 309(d) of the Communications Act of 1934, as amended, on the basis that grant of the applications would result in the diversion of advertising revenues from Stations WPDT and WWAY and would cause economic injury to them. We find that petitioners have standing.[2] Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 60 S. Ct. 693, 9 RR 2008. WOLO–TV and WNOK–TV do not claim standing as "parties in interest" and their oppositions to grant of the applications will be treated as informal objections, pursuant to § 1.587 of the Commission's rules.

4. The applicants allege that grant of the applications will permit a substantially more efficient and effective use of the Charleston channel assignments. It will enable these stations to improve their existing service in their present coverage areas and provide high quality television signals, particularly good color television and full three network service for the first time to areas and populations in communities and rural areas outlying from Charleston. It is contended that a grant of the WITV application will afford an opportunity to increase approximately threefold the coverage of the Charleston eduactional television station. In addition, the applicants assert that the substantial increase in coverage by the Charleston stations will enhance the importance of Charleston as a television market and enable the Charleston television stations to compete more effectively with television stations located in adjacent cities. The applicants also state that the use of a joint tower will promote aeronautical safety and further the Commission's policy of fostering the development of antenna farms. Finally, it is alleged that the proposed joint tower will be made available to present and future Charleston FM stations and to public entities such as the Federal Bureau of Investigation and the Department of Commerce for their communication facilities.

5. Petitioners and objectors allege that grant of the applications would have an adverse impact on UHF television broadcasting in Florence and Columbia, S.C., and in Wilmington, N.C. An examination of the present situation in Florence and Columbia is sufficient to indicate that this concern with the impact of the proposed transmitter moves on UHF development may be valid. At the present time, Florence, S.C., has one operating commercial VHF television broadcast station (WBTW, Channel 13, CBS), an operating noncommercial educational UHF television broadcast station (WJPM–TV, Channel 33), a commercial UHF television broadcast station (WPDT, Channel 15) which has not yet commenced construction[3] and Channel 21, which is allocated, but no station is authorized to operate on this channel. Television Broadcast Station WIS–TV, Channel 10, NBC, Columbia, S.C., presently places a predicted Grade B signals over Florence, S.C. While the predicted Grade B signals of the four Charleston VHF stations presently fall approximately 30 miles short of Florence, operating as proposed, the Charleston stations would, for the first time, provide predicted Grade B service to Florence and surrounding areas. As a consequence, UHF television stations assigned to Florence would have to compete with three additional commercial VHF stations and such added competition may have an adverse affect on the activation of the UHF channels. It should be noted that since Station WBTW (Florence) and WIS–TV (Columbia) presently provide CBS and NBC network programing to Florence, the possibility of a Florence UHF station providing the third network service to this community may be substantially impaired as a result of a grant of the application of Station WUSN–TV, the Charleston ABC affiliate.

6. In Columbia, S.C., there is presently an operating VHF commercial television broadcast station (WIS–TV, Channel 10, NBC), two operating commercial UHF television broadcast stations (WNOK–TV, Channel 19, CBS, and WOLO–TV, Channel 25, ABC), an operating noncommercial educational television broadcast station (WRLK–TV, Channel 35) and Channel 57, which is allocated, but for which no application is pending. Television Broadcast Stations WRDW–TV, Channel 12, CBS, and WJBF, Channel 6, ABC, Augusta, Ga., both presently place predicted Grade B signals over Columbia, S.C., and Television Broadcast Station WBTW, Channel 13, CBS, Florence, S.C., presently places a predicted Grade B signal over a small portion of Richland County in which the city of Columbia is located. While the Charleston stations do not presently provide predicted Grade B service to Columbia, they do provide predicted Grade B service to approximately 80 percent of Clarendon County, 40 percent of Orangeburg County and 5 percent of Calhoun County, which counties are located generally south of Columbia. Operating as proposed, the Charleston stations would still not provide predicted Grade B service to Columbia, but they would provide predicted Grade B service to all of Clarendon County and to approximately 75 percent of Orangeburg and Calhoun Counties, and for the first time, they would provide predicted Grade B service to approximately 90 percent of Sumter County and 45 percent of Lee County. Therefore, while there is now relatively little overlap between the predicted Grade B contours of the Charleston and Columbia stations, operating with the requested facilities, the Grade B contours of the Charleston stations would overlap approximately 25 percent of the area and population located in the authorized Grade B contours of the Columbia stations.

7. We believe that under these circumstances, it is necessary to explore in an evidentiary hearing whether the proposed operations of the Charleston stations would have an adverse impact upon the development of UHF television broadcasting in the proposed service areas. While the Commission encourages television broadcast stations to operate with maximum facilities in order to make the most efficient use of channel assignments, we have also expressed our concern with fostering the development of UHF broadcasting. By the hearing ordered herein, a full record will be established which will form a basis for determining the choice between these policies. The burden of proceeding with

[2] Since both petitions were not timely filed, the petitioners have filed requests for waiver of § 1.580(i) of the Commission's rules. Since both petitioners have shown good cause for grant of their waiver requests, we shall waive the procedural requirements of § 1.580(i) of the rules.

[3] The Commission in an order, Radio Longview, Inc., et al., 6 FCC 69–182, 16 FCC 2d 716, adopted Feb. 26, 1969, designated inter alia, the application (BMPCT–6743) of WPDT for an extension of time within which to complete construction for oral argument on the question of whether the failure to complete construction was due to causes not under its control or that the reasons stated were sufficient to justify an extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534 (a) of the Commission's rules.

the introduction of evidence with respect to the UHF impact issue will be placed on the respondents and the burden of proof with respect to this issue will be placed on the applicants. Petitioners and objectors assert that the burden of proceeding with the introduction of evidence should also be placed on the applicants because they can better afford to bear the costs of an evidentiary hearing. However, since the petitioners and objectors have alleged that grant of the applications would have an adverse impact on UHF broadcasting, we believe that the responsibility for proceeding with the introduction of evidence is properly theirs.

8. WWAY also requests that the applications be designated for hearing on a Carroll issue,[4] alleging that the introduction, for the first time, of the predicted Grade B signals of the Charleston stations into Horry County, S.C., which county lies within WWAY's service area, would have an adverse economic effect upon WWAY's operation with a resulting diminution or loss of television service to the public. WWAY asserts that since it commenced operation in October 1964, it has continually operated at a financial loss. It also states that it places a predicted Grade A signal over a portion of Horry County and a predicted Grade B signal over all of the county and that the county is a vital part of its market since it contains approximately 20 percent of the homes in the seven counties in which WWAY claims a net weekly circulation in excess of 50 percent. Furthermore, WWAY alleges that because of the importance of Horry County, a significant part of the station's sales efforts are devoted to the county and the station makes substantial efforts to serve the programing needs of the residents. In further support of its contention that Horry County constitutes a significant part of the Wilmington television market, WWAY has submitted data which compares the total population, number of families median income, bank deposits, retail sales and wholesale sales of Horry County with New Hanover County, in which the city of Wilmington is located and with neighboring Brunswick County. WWAY states that while substantially all of Horry County receives service from three network affiliated television stations,[5] the introduction of the Charleston television signals would result in a diminution of WWAY's audience in the county, which would cause a decline in the time sales to local advertisers in the county and in Wilmington. In this connection, WWAY states that since Horry County is located substantially closer to Wilmington than to any other city of comparable size, the Wilmington merchants seek to attract customers from the county and are therefore concerned with whether a television station can deliver an audience in the county. WWAY concludes that since a substantial number of persons receive their only off-the-air service from WWAY and from Station WECT, the other operating Wilmington television station, any cutback of WWAY's public service programing would result in injury to the public interest which would not be outweighed by any benefits arising from grant of the applications.

9. Previously, where a petitioner attempted to raise a Carroll issue, the applicant sought to establish a new station in either the same or neighboring community. As a consequence, the service areas of the petitioner's station and the applicant's proposed station were to a large extent coextensive and the competitive aspects of the case were more sharply focused. In the present case, however, only a portion of the petitioner's service area will be overlapped, for the first time, by the signals of stations located at substantial distances from the overlap area. Therefore, in this situation, the petitioner must provide the Commission with ample statistical data pertinent to the specific area of overlap in order to enable the Commission to determine whether there will be an adverse economic impact upon the petitioner's operation with a net loss or degradation of service to the public. We find that petitioner has failed to meet this burden. In Missouri-Illinois Broadcasting Co., FCC 64-748, 3 RR 2d 232, adopted July 29, 1964, the Commission set out the type of specific economic data necessary to support a request for a Carroll issue. Subsequently, in Folkways Broadcasting Co., Inc. v. Federal Communications Commission, 375 F. 2d 299, 8 RR 2d 2089 (1967) the Court of Appeals held that the Commission could not demand of Carroll petitioners "exact calculations" or "pre-knowledge of the exact economics of the situation" which would occur after grant. In the present case, however, the petitioner has failed to furnish the Commission with any information concerning the amount of revenues it receives from Horry County or an estimate as to any loss of revenues which would result from grant of the applications. In addition, no information has been supplied concerning the amount of money presently being expended on public service programing or the relationship between the loss of revenues in the overlap area and the withdrawal of programing service to the public. In the absence of such information, we cannot find that WWAY has raised a substantial and material question of fact with respect to whether there will be a diminution or loss of television service to the public in the event of a grant of the Charleston applications. Accordingly, the request for a Carroll issue will be denied.

10. WPDT contends that noncommercial educational television broadcast station WITV has not demonstrated that it has sufficient funds available to construct the station as proposed. Specifically, WPDT states that while WITV relies upon an appropriation of funds by the State legislature of South Carolina to meet the station's construction costs of $526,845, the documentation to support the availability of such funds has not been submitted with the application. However, since WITV subsequently amended its application and submitted the necessary documentation indicating that the funds have been appropriated, the applicant has demonstrated that it is financially qualified and therefore, no financial issue will be specified.

11. We have carefully considered all of the matters raised in the various pleadings and, except as indicated by the issues specified below, we find that the applicants are qualified to construct and operate as proposed and that, except as indicated in the preceding paragraphs hereof, no substantial and material questions of fact have been raised by the pleadings. The Commission, however, is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for evidentiary hearing on the issues set forth below:

12. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in subsequent order, upon the following issue:

1. To determine whether a grant of the applications would impair the ability of authorized and prospective UHF television broadcast stations in the area to compete effectively, or would jeopardize, in whole or in part, the continuation of existing UHF television service.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether grant of the applications would serve the public interest, convenience and necessity.

13. *It is further ordered,* That to the extent indicated herein, the petitions to deny filed by Rovan of Florence, Inc.; and Clay Broadcasting Corp. are granted, and in all other respects are denied.

14. *It is further ordered,* That Rovan of Florence, Inc., Clay Broadcasting Corp., and upon the Commission's own motion Palmetto Radio Corp. and Columbia Television Broadcasters, Inc., are made parties respondent in this proceeding.

15. *It is further ordered,* That the burden of proceeding with the introduction of evidence with respect to Issue 1, herein is hereby placed upon the parties respondent, and the burden of proof with respect to Issues 1 and 2 is hereby placed upon the applicants.

16. *It is further ordered,* That to avail themself of the opportunity to be heard, the applicants and the parties respondent herein, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

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[4] Carroll Broadcasting Co. v. Federal Communications Commission, 103 U.S. App. D.C. 346, 258 F. 2d 440, 17 RR 2066 (1958).

[5] Stations WWAY, Channel 3, ABC, Wilmington; WECT, Channel 6, NBC, Wilmington; WBTW, Channel 13, CBS, Florence, S.C.

17. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 18, 1969.

Released: June 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[6]

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

[F.R. Doc. 69-7744; Filed, June 30, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-4616 etc.]

TEXACO, INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JUNE 20, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rule of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

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

GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4616 C 5-16-69	Texaco Inc.,[1] Post Office Box 52332, Houston, Tex. 77052.	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	10.0	14.65
CI60-691 D 6-6-69	Continental Oil Co. (Operator) et al., Post Office Box 2197, Houston, Tex. 77001 (partial abandonment).	Panhandle Eastern Pipe Line Co., acreage in Dewey County, Okla.	Uneconomical	--------
CI61-482 D 5-16-69	Atlantic Richfield Co. (Operator) et al., Post Office Box 2819, Houston, Tex. 75221.	Natural Gas Pipeline Co. of America, Northeast Thompsonville Field, Webb and Jim Hogg Counties, Tex.	(3)	--------
CI61-516 C 6-9-69	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Wildcat Field, Major County, Okla.	[5] 16.0	14.65
CI63-234 D 6-4-69	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Red Oak Area, Latimer and other Counties, Okla.	Assigned	--------
CI63-1300 D 5-22-69	Mobil Oil Corp. (Operator)	Natural Gas Pipeline Co. of America, Crane and Putnam Fields, Custer County, Okla.	(4)	--------
CI64-129 E 5-14-69	Cecil Simms (successor to Midland Petrochemical Co., Operator), c/o James A. Knight, 1501 Taylor St., Amarillo, Tex. 79101.	Arkansas Louisiana Gas Co., Moravia Field, Beckham County, Okla.	15.0	14.65
CI66-1267 6-6-69 [6]	Continental Oil Co	Arkansas Louisiana Gas Co., Danville Area, Bienville and Jackson Parishes, La.	[5] 18.333	15.025
CI68-1063 6-6-69 [7]	Cayman Corp., Ltd. (formerly Cayman Corp.), Post Office Box 2099, Palos Verdes Peninsula, Calif. 90274.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Adams Ranch, Meade County, Kans.	16.0	14.65
CI68-1148 C 6-9-69	Appalachian Exploration & Development, Inc., Post Office Box 1473, Charleston, W. Va. 25325.	United Fuel Gas Co., Poca District, Putnam County, W. Va.	28.0	15.325
CI69-270 C 6-9-69	Commonwealth Gas Corp., Post Office Box 1433, Charleston, W. Va. 25325.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	28.0	15.325
CI69-345 C 6-6-69	James A. Ford, d.b.a. Cypress Gas Co. (Operator), Post Office Box 9102, Shreveport, La. 71109.	Arkansas Louisiana Gas Co., Northwest Cartersville Field, Le Flore County, Okla.	16.0	14.65
CI69-452 C 6-5-69	Blaik Oil Co., 203 Park Ave., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Shirley Field, Hutchinson County, Tex.	[5] 17.0	14.65
CI69-526 6-6-69 [7]	Cayman Corp., Ltd. (formerly Cayman Corp.).	Northern Natural Gas Co., Mocane-Laverne Field, Harper County, Okla.	[5] 17.0	14.65
CI69-1071 (CS67-16) F 5-9-69 [8]	Husky Oil Co. of Delaware, Post Office Box 380 Cody, Wyo. 82414.	Natural Gas Pipeline Co. of America, Indian Basin Field, Eddy County, N. Mex.	16.608	14.65
CI69-1093 (G-11918) F 5-23-69 [9] 6-9-69 [10]	Three S & T Oil Co., Inc. (successor to Mobil Oil Corp.), c/o Jack C. Cladwell, attorney, Post Office Box 592, Franklin, La. 70538.	United Gas Pipe Line Co., Iowa Field, Calcasieu and Jefferson Davis Parishes, La.	18.5	15.025
CI69-1101 (CI67-1465) A&F 5-26-69	Paul E. Kloberdanz et al. (successor to Humble Oil & Refining Co. and Cleary Petroleum Corp. (Operator) et al.), c/o James W. George, attorney, George, Kenan, Robertson & Lindsey, 1366 First National Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	[5] 17.0	14.65
CI69-1106 A 5-21-69 [11]	Inland Gas Gathering Co., Operator, c/o W. A. MacNaughton, attorney, MacNaughton & McWhorter, 614 Southwest Tower, Houston, Tex. 77002.	Humble Gas Transmission Co., Richland-Dehlco Field Area, Richland Parish, La.	4.7	15.025
CI69-1113 A 5-27-69	C. F. Braun & Co., 1000 Fremont St., Alhambra, Calif. 91802.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	[5] 19.5	14.65
CI69-1136 A 6-2-69	J. S. Turner, Post Office Box 1527, Shreveport, La. 71102.	United Gas Pipe Line Co., acreage in Winn Parish, La.	18.5	15.025
CI69-1137 A 6-3-69	Roy Furr (Operator) et al., Post Office Box 1650, Lubbock, Tex. 77008.	Northern Natural Gas Co., acreage in Hutchinson County, Tex.	[5] 17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[6] Commissioner Bartley dissenting.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-1138 A 5-29-69	Orlando Gas & Oil Co., c/o Roy & McComas, 309 Hines Bldg., Huntington, W. Va. 25701.	United Fuel Gas Co., acreage in Lincoln County, W. Va.	16.0	15.325
CI69-1139 A 5-29-69	Roy & McComas, 309 Hines Bldg., Huntington, W. Va. 25701.	do	16.0	15.325
CI69-1140 A 5-29-69	do	do	16.0	15.325
CI69-1141 A 5-29-69	do	do	16.0	15.325 15.325
CI69-1142 A 5-29-69	Roy, Wolfe & McComas	do	16.0	
CI69-1143 (G-3071)	Shell Oil Co. (successor to Humble Oil & Refining Co.), 50 West 50th St., New York, N.Y. 10020.	Texas Eastern Transmission Corp., Helen Gohlke Field, De Witt County, Tex.	[12] 15.75	14.65
(G-4287)	do	do	15.0	14.65
(G-4287)	do	do	[12] 15.75	14.65
(G-11944) F 6-2-69	do	do	[12] 15.6	14.65
CI69-1144 B 6-4-69	Phillips Petroleum Co., Bartlesville, Okla. 74003.	Cities Service Gas Co., Laketon Field, Gray County, Tex.	Depleted	
CI69-1145 A 6-5-69	Mutual Gas Co., c/o O. W. Stonestreet, partner, Box 350, Spencer, W. Va. 25276.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	27.0	15.325
CI69-1147 A 6-6-69	Texas Gulf Sulphur Co. (Operator), Room 1803, 811 Rusk Ave., Houston, Tex. 77002.	United Fuel Gas Co., Orange Grove Area, Terrebonne Parish, La.	[14] 21.1	15.025
CI69-1148 B 6-6-69	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Natural Gas Pipeline Co., of America, Southeast Camrick Pool, Beaver County, Okla.	Depleted	
CI69-1149 B 6-6-69	Sun Oil Co. (DX Division), Post Office Box 2039, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Rincon and Flores Fields, Starr and Hidalgo Counties, Tex.	Depleted	
CI69-1151 A 6-2-69	Estate of Nelle L. Barnes, deceased, c/o Stone, Stone & Chambers, 712 Barfield Bldg., Amarillo, Tex. 79101.	Panhandle Producing Co., acreage in Hutchinson County, Tex.	7.75	14.65
CI69-1152 A 6-6-69	D. R. Lauck Oil Co., Inc., et al., 301 South Broadway, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., State Line Field, Woods County, Okla.	[3] 17.0	14.65
CI69-1153 A 6-6-69	Chandler & Associates, Inc., 1401 Denver Club Bldg., Denver, Colo. 80202.	Cascade Natural Gas Corp., Dragon Trail Field, Rio Blanco County, Colo.	13.5	15.025 15.025
CI69-1154 (CI64-282) F 5-19-69	Eljohn Petroleum Corp. (successor to Southern Union Production Co.,) c/o John H. Schultz, attorney, 1700 Broadway, No. 1105, Denver, Colo. 80202.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	12.0	
CI69-1155 (CS66-99) F 6-2, 69	Pecos Growers Oil Co. (successor to Darmac Corp.), 1001 Americana Bldg., Houston, Tex. 77002.	El Paso Natural Gas Co., Chenot Area, Pecos County, Tex.	16.5	14.65
CI69-1156 (CS66-99) F 6-2-69	do	Transwestern Pipeline Co., Putnam Area, Pecos County, Tex.	[3] 16.5	14.65
CI69-1157 A 6-3-69	W. H. Mossor, d.b.a. Mossor Oil & Gas Co., 101 East Main St., Harrisville, W. Va. 26362.	Cumberland & Allegheny Gas Co., Philippi District, Barbour County, W. Va.	27.0	15.325
CI69-1158 A 6-3-69	Charles M. Fairchild et al., d.b.a. Le Lynn Oil & Gas Co., c/o Walter J. Meinhart, agent, Room 310, 916 Fifth Ave., Huntington, W. Va. 25701.	United Fuel Gas Co., acreage in Lincoln County, W. Va.	18.0	15.325
CI69-1160 A 6-9-69	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., Block 54 Field, Offshore Vermilion Parish, La.	20.0	15.025
CI69-1161 A 6-9-69	Gulf Coast Natural Gas Co., 800 Houston Natural Gas Bldg., Houston, Tex. 77002.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Odem (6850') Field, San Patricio County, Tex.	13.0	14.65
CI69-1162 A 6-9-69	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 174, West Cameron Area, Offshore Louisiana.	20.0	15.025
CI69-1163 A 6-9-69	Southern Union Production Co., Fidelity Union Tower, Dallas, Tex. 75201.	Arkansas Louisiana Gas Co., Deep Willow Springs Field, Gregg County, Tex.	[15] 14.9727	14.65
CI69-1164 A 6-9-69	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Texas Gas Transmission Corp., Six Mile Field, St. Mary Parish, La.	[16] 21.25	15.025
CI69-1165 A 6-9-69	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 176 Field, Ship Shoal Area, Federal Domain, Offshore Louisiana.	21.25	15.025
CI69-1166 (CI64-885) F 6-4-69	GMC Oil & Gas Corp. (successor to Sun Oil Co.), First National Bldg., Oklahoma City, Okla. 73102.	Cities Service Gas Co., acreage in Woods County, Okla.	[17] 14.0	14.65
CI69-1167 (CI64-699) F 6-4-69	do	do	[18] 14.0	14.65
CI69-1168 (CS66-72) F 6-9-69	Tenneco Oil Co. (successor to Cactus Drilling Co.)[19], Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., Langlie Mattix Field, Lea County, N. Mex.	10.0	14.65
CI69-1169 (CS66-72) F 6-9-69	do [19]	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	12.57	14.65

See footnotes at end of table.

[1] By letter filed June 9, 1969, Applicant agreed to accept certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[2] Deletes a portion of one lease which due to nonproduction was released to landowner.
[3] Subject to upward and downward B.t.u. adjustment.
[4] Deletes acreage which was erroneously dedicated.
[5] Amendment to certificate filed to include interest of nonoperator (Robin F. Scully).
[6] Includes 1.333-cent tax reimbursement.
[7] Amendment to certificate filed to reflect change in corporate name.
[8] Applicant is filing for certificate to cover its own interest previously covered by Operator's (Depco, Inc., et al.) certificate in Docket No. CS67-16.
[9] Application previously noticed June 4, 1969, in Docket No. CI61-760, et al. at a total initial rate of 20 cents per Mcf.
[10] Amendment to application filed changing price to read 18.5 cents per Mcf in lieu of 20 cents.
[11] Application for certificate to initiate transportation service.
[12] Rate in effect subject to refund in Docket No. RI65-544.
[13] Rate in effect subject to refund in Docket No. RI68-307.
[14] Contract provides for 21.1 cents per Mcf; however, Applicant requests a certificate at an initial price of 20 cents per Mcf, adjusted for quality as prescribed in Opinion No. 546.
[15] Includes 2.5 cents for liquid hydrocarbon content. Price is also subject to reduction for compression.
[16] Applicant is willing to accept a permanent certificate in conformance with the provisions of Opinion Nos. 546 and 546-A.
[17] Rate in effect subject to refund in Docket No. RI65-488.
[18] Rate in effect subject to refund in Docket No. RI65-404.
[19] Cactus Drilling Co.'s interest is covered by certificate issued to Reserve Oil & Gas Co. (Operator) et al., Docket No. CS66-72.

[F.R. Doc. 69-7614; Filed, June 30, 1969; 8:45 a.m.]

[Docket No. CI69-1065, etc.]

UNION TEXAS PETROLEUM ET AL.

Notice of Applications

JUNE 23, 1969.

Take notice that each Applicant herein has filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Cities Service Gas Co. produced in the West Edmond Field, in various counties in Oklahoma, and processed in the Trindle plant in Kingfisher County, Okla., all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicants, including Sohio Petroleum Co., the plant operator, are owners of the Trindle plant and state that the volume of natural gas available for processing has declined to the point where it is no longer economically feasible to continue operation of the plant. Applicants state further that the plant has been operating at a loss due to the declining volumes of natural gas available for processing and that it is anticipated that expenditures for plant maintenance and repairs will increase rapidly in the near future for which there will be no additional revenues.

Under the circumstances it is appropriate that there should be a shortened notice period; and, accordingly, any person desiring to be heard or to make any protest with reference to said applications should on or before July 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

Docket No.	Applicant's name and address	Date filed
CI69-1065	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, Tex. 77001.	5-19-69
CI69-1103	Phillips Petroleum Co., Bartlesville, Okla. 74003.	5-26-69
CI69-1104	Sohio Petroleum Co., 970 First National Bldg., Oklahoma City, Okla. 73102.	5-26-69
CI69-1105	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	5-27-69
CI69-1111	Atlantic Richfield Co., Post Office Box 521, Tulsa, Okla. 74102.	5-26-69
CI69-1116	Sun Oil Co. (DX Division), Post Office Box 2039, Tulsa, Okla. 74102.	5-28-69
CI69-1118	do	5-28-69
CI69-1119	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	5-28-69
CI69-1120	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	5-28-69
CI69-1121	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	5-28-69
CI69-1122	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, Tex. 76107.	5-27-69
CI69-1123	Cities Service Oil Co., Box 300, Tulsa, Okla. 74102.	5-28-69
CI69-1135	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	6- 4-69
CI69-1150	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	6- 6-69
CI69-1181	Consolidated Oil & Gas, Inc., Suite 1300, Lincoln Tower Bldg., Denver, Colo. 80203.	6-13-69
CI69-1185	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	6-16-69
CI69-1186	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	6-16-69
CI69-1187	Rudco Oil & Gas Co., Post Office Box 2018, Tyler, Tex. 75701.	6-16-69
CI69-1196	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	5-27-69

[F.R. Doc. 69-7703; Filed, June 30, 1969; 8:45 a.m.]

[Docket No. E-7491]

ALABAMA POWER CO.

Notice of Application

JUNE 20, 1969.

Take notice that on June 13, 1969, Alabama Power Co. (Applicant), filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing the sale of certain electric facilities to the city of Dothan, Ala.

Applicant is incorporated under the laws of the State of Alabama with its principal business office in Birmingham, Ala., and is engaged in the electric utility business in 625 communities, as well as rural areas, within the State of Alabama.

According to the application, the Applicant proposes to sell to the city of Dothan, for a consideration of $610,621, its Dothan Transmission Substation, certain facilities at the College Substation and 19.58 miles of 46 kv. transmission lines serving and located in and around corporate limits of the city of Dothan. Consummation of the proposed transaction will result in a new power supply contract including provisions for a discount in power cost due to the new substation ownership by the city of Dothan.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 11, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7704; Filed, June 30, 1969; 8:46 a.m.]

[Docket No. CP69-314]

ATLANTIC SEABOARD CORP.

Notice of Application

JUNE 24, 1969.

Take notice that on May 21, 1969, Atlantic Seaboard Corp. (Applicant) Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP69-314 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the activation and operation of a new underground storage field including (A) the acquisition and operation of certain natural gas properties and facilities and underlying gas reserves; (B) the construction and operation of certain additional natural gas facilities; and (C) the wholesale sale and delivery of specified volumes of natural gas to Consolidated Gas Supply Corp. The proposal is more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to activate an additional storage field consisting of 3,000 acres situated in Preston County, W. Va., estimated to have a maximum turnover of 4,769,000 Mcf upon final activation. In addition to acquiring the related facilities and outstanding production rights to the Onondaga Chert and Oriskany formations underlying the perimeter of the storage field, Applicant proposes to construct and operate the following additional facilities:

(1) Install one 1,100 horsepower gas engine driven compressor unit at its Terra Alta Compressor Station;

(2) Recondition 12 existing production wells;

(3) Drill 20 new storage wells;

(4) Install approximately 117,300 feet of project piping ranging in size from 1.315-inch to 14-inch pipeline, including a proposed interconnection with Consolidated Gas Supply Corp.; and

(5) Install master and wellhead measurement facilities.

The application states that the proposed storage project is necessary to provide for the future market growth of Applicant's customers during the 1969-70 winter period under Applicant's Rate Schedule WS.

The total estimated cost of the proposed project is $7,502,786, which will be financed from funds provided by Applicant's parent company, The Columbia Gas System, Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14,

1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7706; Filed, June 30, 1969; 8:46 a.m.]

[Docket No. RP69-39]

CITIES SERVICE GAS CO.

Notice of Proposed Changes in Rates and Charges

JUNE 24, 1969.

Take notice that on June 20, 1969, Cities Service Gas Co. (Cities) tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, to become effective on July 23, 1969. The proposed rate changes would increase charges for jurisdictional sales and services by approximately $16,090,776 annually, based on sales for the 12-month period ending February 28, 1969, as adjusted. The proposed changes would increase the rates and charges in Cities' Rate Schedules, F-1, F-2, C-1, C-2, I-1, I-2, LVS-2, P, and IRG-1.

Cities states that the proposed change is required by an increased jurisdictional cost of service reflecting the general inflationary conditions in the country and in the natural gas transmission industry in particular. The proposed rates include a claimed rate of return of 8⅝ percent. Cities also states that the increased rates reflect an amount for amortizing a judgment entered against Cities in a suit by Western Natural Gas Co. and a contested claim by Mobil Oil Corp. under a contract provision relating to payment for volumes not taken in the Kansas-Hugoton Field.

Copies of the filing were served on customers and interested state regulatory agencies.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 10, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7702; Filed, June 30, 1969; 8:46 a.m.]

[Docket No. E-7396]

COMMONWEALTH EDISON CO.

Notice of Application

JUNE 24, 1969.

Take notice that on June 16, 1969, Commonwealth Edison Co. (Applicant) of Chicago, Ill., filed an application seeking authority pursuant to section 204 of the Federal Power Act to extend to no later than December 31, 1971, the final maturity date of short-term unsecured promissory notes authorized to be issued under the Commission's order of April 2, 1968, in Docket No. E-7396. In that order, the Commission authorized the Applicant to issue short-term promissory notes in face amounts of up to a maximum of $250 million with final maturities no later than December 31, 1969.

Applicant is incorporated under the laws of the State of Illinois with its principal business office at Chicago, Ill., and is principally engaged in the electric utility business in a service area of approximately 13,000 square miles in northern Illinois, including the city of Chicago.

The notes are to be issued from time to time to commercial banks and to commercial paper dealers, and are to have maturities of 12 months or less from the dates of issuance, and in any event are to be payable on or before December 31, 1971. The interest rate is to be (a) for notes issued to commercial banks, the prime rate as from day to day in effect, or (b) for commercial paper, the prevailing rate at time of issuance for paper of comparable quality and maturity.

The proceeds from the issuance of any notes will be added to working capital for ultimate application toward the cost of gross additions to utility properties and to reimburse the Applicant's treasury for construction expenditures. Applicant's construction program as now scheduled calls for plant expenditures of approximately $1,600 million for the 5-year period 1969-73. The extension of 2 years is necessary to provide flexibility needed to meet financing requirements under the tight money market conditions.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a preceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7707; Filed, June 30, 1969; 8:46 a.m.]

[Docket No. CP69-340]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

JUNE 23, 1969.

Take notice that on June 18, 1969, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP69-340 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of a field compressor unit on existing gas supply facilities, all as more fully stated in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to install and operate a skid-mounted field compressor unit in the South Alvin Field in Brazoria County, Tex., which Applicant states will enable it to continue to receive natural gas from said field when the Superior Oil Co. exercises its contractual rights to reduce delivery pressure of gas delivered to Applicant not in excess of 500 p.s.i.g. Applicant states that under the contract for the sale of such gas to it, Superior Oil Co. has the right to reduce the pressure at which gas is delivered to Applicant to pressures not in excess of 500 p.s.i.g. during the last 10 years of the contract term, which right became effective on June 5, 1969. Applicant also states that Superior has advised Applicant that it plans to exercise its right to reduce delivery pressure at an early date, in which event it will be necessary for Applicant to install the requested compressor facilities to maintain continuity of deliveries of gas

by Superior to Applicant from the South Alvin Field.

Applicant states that the total estimated cost to be $93,000, which will be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7708; Filed, June 30, 1969; 8:47 a.m.]

[Docket No. CP69-342]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

JUNE 24, 1969.

Take notice that on June 19, 1969, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP69-342 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of a short gathering line and a field compressor unit on existing gas supply facilities to enable it to continue to receive natural gas from the Superior Oil Co. (Superior) under currently effective contractual arrangements and presently outstanding authorization, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to install and operate a 4-inch gathering line approximately 1 mile in length and a skid mounted field compressor unit in the Monte Christo Field, Hidalgo County, Tex., to enable it to continue to receive natural gas from said field when Superior exercises its contractual rights to reduce delivery pressure of gas delivered to Applicant.

Estimated total cost is $213,000, which will be financed out of internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7709; Filed, June 30, 1969; 8:47 a.m.]

[Docket No. RI69-765 etc.]

TEXACO, INC., ET AL.

Order Amending Order Accepting Contract Agreement, Providing for Hearings on and Suspension of Proposed Changes in Rates

JUNE 24, 1969.

By order issued May 29, 1969, in Docket No. RI69-781,[1] a rate increase from 24.0084 cents to 27 cents per Mcf at 15.325 p.s.i.a. filed by Quaker State Oil Refining Corp. (Quaker State) for a sale of natural gas to The Ohio Fuel Gas Co. in Meigs County, Ohio, was suspended for 5 months from June 1, 1969. No formal ceiling rates have been announced for Ohio. However, the rate increase, designated as Supplement No. 1 to Quaker State's FPC Gas Rate Schedule No. 28, was suspended for 5 months because it exceeded the formal ceiling for increased rates in the adjacent State of West Virginia which the Commission considers applicable to the subject sale.

The basis contract underlying the subject rate schedule is dated after September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1; and the proposed increased rate, while exceeding the increased rate ceiling of 25 cents per Mcf at 15.325 p.s.i.a., does not exceed the initial service ceiling of 28 cents per Mcf at 15.325 p.s.i.a., for West Virginia. For these reasons, we believe that the suspension period should be reduced from 5 months to a 1 day's duration in Docket No. RI69-781.

The Commission finds: Good cause exists for amending the Commission's aforementioned order issued May 29, 1969, with respect to Docket No. RI69-781 only to the extent hereafter provided.

The Commission orders:

(A) The Commission's order issued May 29, 1969, in Docket No. RI69-781, is amended to provide that Supplement No. 1 to Quaker State Oil Refining Corp.'s FPC Gas Rate Schedule No. 28 is suspended in Docket No. RI69-781 until June 2, 1969, and that said supplement shall become effective subject to refund in Docket No. RI69-781 on June 2, 1969, if within 20 days from the date of the issuance of this order, Quaker State shall execute and file in Docket No. RI69-781 its agreement and undertaking to comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser, The Ohio Fuel Gas Co. Unless Quaker State is advised to the contrary within 15 days after filing of its agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(B) In all other respects, the order issued May 29, 1969, in Docket No. RI69-781, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7705; Filed, June 30, 1969; 8:46 a.m.]

[1] Issued under lead Docket No. RI69-765 et al.

[Docket No. CP69-339]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JUNE 23, 1969.

Take notice that on June 18, 1969, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP69-339 an application for a certificate of

public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the construction and operation of certain facilities as additions to its Southwest Louisiana Gathering System, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 21 miles of 30-inch pipeline loop extending from the Cameron Meadows Plant on the Southwest Louisiana Gathering System, northward to a point near the Cameron-Calcasieu Parish line, together with an enlarged meter and regulator station to be located within said plant. The proposed facilities will be utilized to transport additional volumes of gas which have become available in the area of production associated with the system.

Applicant states that the total estimated cost of the proposed project is $5,950,000, which will be financed initially from funds on hand and bank loans. Permanent financing will be through the issuance of long-term securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7710; Filed, June 30, 1969; 8:47 a.m.]

[Docket No. CP69-341]

UNITED GAS PIPE LINE CO.

Notice of Application

JUNE 24, 1969.

Take notice that on June 11, 1969, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP69-341 an application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the short term sale of natural gas for resale to Humble Gas Transmission Co. (Humble Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell and deliver to Humble Gas up to 40,000 Mcf per day for resale to the existing customers of Humble Gas. The application states that the short term supply provided by Applicant will permit Humble Gas to maintain continuity of service while it makes arrangements for the future operation of its system and acquires a long term gas supply.

Application states that no new construction will be required to enable Applicant to make the sale.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7711; Filed, June 30, 1969; 8:47 a.m.]

[Docket No. CP68-308]

UNITED GAS PIPE LINE CO. AND HUMBLE GAS TRANSMISSION CO.

Notice of Joint Petition To Amend

JUNE 24, 1969.

Take notice that on June 19, 1969, United Gas Pipe Line Co., 1525 Fairfield Avenue, Shreveport, La. 71102, and Humble Gas Transmission Co., 1700 Commerce Building, New Orleans, La. 70112 (Applicants), filed a joint application, pursuant to section 7(c) of the Natural Gas Act, requesting that the certificate of public convenience and necessity heretofore issued in this docket, be amended to authorize the exchange of additional quantities of natural gas under an amendment to an existing exchange agreement between them, the establishment of an additional exchange point, and the construction and operation by United Gas Pipe Line Co. of proposed additional measuring facilities. The additional exchange point will be at the existing intersection of the facilities of Applicants in Ouachita Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that when the gas is available it will permit United to receive in north Louisiana gas produced by Humble in the Monroe Field, and it will permit Humble to receive at Baton Rouge gas produced in that area. Applicant states this is advantageous because it makes additional gas available to United for storage in the Bistineau Gas Storage Field, and it will make additional gas available to Humble at Baton Rouge.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7712; Filed, June 30, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24S-2178]

BLACK SANDS METALS, INC.

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

JUNE 23, 1969.

I. Black Sands Metals, Inc. (issuer), 580 State Street, Salem, Oreg., incorporated in the State of Oregon on February 4, 1969, filed with the Commission on March 12, 1969, a notification on Form 1-A relating to a proposed offering of 42,500 shares of common stock at $3 a share for an aggregate offering of $127,500, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder.

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

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The issuer has not disclosed its predecessor and affiliates, as required by Item 2 of Form 1-A;

2. The issuer has not disclosed the jurisdictions in which the offering is to be made, as required by Item 8 of Form 1-A;

3. The issuer has not furnished adequate information concerning the history of its properties, as required by Item 8A(e) of Schedule I; and

4. The issuer has not prepared financial statements in the offering circular in the form prescribed by Item 11(a)(1) of Schedule I.

B. The offering would be made in violation of section 17 of the Securities Act of 1933, in that the notification and offering circular contain untrue statements of material facts and omit material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The extent and results of prior exploratory work and operations on the properties of the issuer by issuer's predecessor and others;

2. The amount and grade of ore on issuer's properties;

3. The planned operations of the issuer;

4. The amount of gold to be produced in 1969 from the stockpile and the amount to be produced in 1970 from mining operations;

5. The acquisition of the issuer's properties by its predecessor;

6. The nature and validity of the title under which issuer's properties are held;

7. The valuation of assets of issuer;

8. The condition and adequacy of mill; and,

9. The proposed uses of the proceeds of the offering.

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

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A of securities of Black Sands Metals, Inc., pursuant to said notification, be, and it hereby is, temporarily suspended.

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

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

By the Commission.

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

[F.R. Doc. 69-7719; Filed, June 30, 1969; 8:47 a.m.]

[70-4757]

MIDDLE SOUTH UTILITIES, INC.

Notice of Filing and Order for Hearing Regarding Acquisition by Holding Company of Common and Preferred Stock of Nonassociate Public Utility Company

JUNE 25, 1969.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 280 Park Avenue, New York, N.Y. 10017, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, and 10 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. The application-declaration relates to Middle South's proposal to acquire the outstanding shares of common and preferred stocks of Arkansas-Missouri Power Co. ("Ark-Mo"), a nonassociate public-utility company, in exchange for shares of the common stock of Middle South. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Middle South holds all of the outstanding shares of the common stocks of four public-utility companies which distribute electric energy to approximately 1,086,700 customers in Arkansas, Mississippi, and Louisiana. In addition, one of these also engages in the retail gas and passenger transit businesses in New Orleans, La. As of December 31, 1968, the Middle South system had consolidated net assets of $1,454,788,000, and for the year then ended consolidated gross operating revenues of $370,274,000, and consolidated net income of $46,318,000.

Ark-Mo is both an electric utility company and a gas utility company and operates in Arkansas and Missouri, and its wholly owned subsidiary company, Associated Natural Gas Co. ("Associated"), is engaged in the distribution at retail of gas in Missouri. Ark-Mo, and Associated, combined, serve electricity to approximately 48,500 customers and natural gas at retail to approximately 47,600 customers. As of December 31, 1968, Ark-Mo had consolidated net assets of $48,767,000 and its consolidated gross operating revenues for the year then ended were $25,276,000, of which $16,451,000 was derived from the electric business and $8,825,000 from the gas business. Consolidated net income for the year 1968 was $1,925,000.

Middle South proposes to offer 0.7 of a share of its common stock, $5 par value, for each share of Ark-Mo common stock. Middle South further proposes to acquire all the shares of $100 par value 4.65 percent cumulative preferred stock of Ark-Mo on the basis of 4⅛ shares of Middle South common stock for each share of Ark-Mo preferred stock. The 10 financial institutions which hold all such shares of preferred stock have agreed to the exchange, if, as described below, the holders of the requisite number of shares of Ark-Mo's common stock accept the offer.

The exchange offer will be made over an initial period of approximately 30 days from the date it is first made to the Ark-Mo common stockholders. The offering period is subject to extension for an additional period or periods by Middle South, but not beyond 60 days from the initial date of the exchange offer, unless further extended upon approval by the Commission. The exchange offer requires acceptance thereof by the holders of not less than 80 percent of the outstanding shares of Ark-Mo common stock. When at least 80 percent of the outstanding shares of Ark-Mo common stock is deposited in acceptance of the exchange offer, Middle South, within 3 business days thereafter, will declare the exchange offer effective. The proposed transactions are part of a program which includes a plan, to be filed subsequently, under section 11(e) of the Act whereby any remaining minority interest in the common stock of Ark-Mo will be eliminated. The program also includes the filing of a

plan or plans under section 11(e) of the Act to dispose of the gas transmission and distribution properties of Ark-Mo and the capital stock and gas transmission and distribution properties of Associated.

The application-declaration states that Arkansas Power & Light Co. ("Arkansas"), a subsidiary company of Middle South, has been the principal supplier of the electric power sold by Ark-Mo, and that in 1968, some 81 percent of electric power distributed by Ark-Mo was supplied by Arkansas. Middle South states that Ark-Mo and Arkansas are interconnected at three points and that a fourth point of interconnection is under construction.

The filing states that on State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Middle South requests that the Commission exempt the proposed issuance of Middle South common stock in exchange for the common and preferred stock of Ark-Mo from the competitive bidding requirements of Rule 50.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transactions; that the stockholders of Ark-Mo and other interested persons be afforded an opportunity to be heard in such hearing with respect to the fairness of the proposed exchange offer and other aspects of the proposed transactions; and that the application-declaration should not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing be held herein on August 5, 1969, at 10 a.m., at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. On such date the Hearing Room Clerk will advise as to the room in which the hearing will be held.

It is further ordered, That a Hearing Examiner, hereafter to be designated shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration 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:

1. Whether the proposed issue and sale of shares of the common stock of Middle South satisfies the requirements of section 7 of the Act;

2. Whether the proposed acquisition by Middle South of 80 percent or more of the outstanding shares of common stock of Ark-Mo meets the standards of section 10 of the Act, and particularly the requirements of sections 10 (b) and (c);

3. Whether exemption from compliance with the competitive bidding requirements of Rule 50 should be granted as to the shares of common stock of Middle South to be issued pursuant to the exchange offer;

4. Whether the accounting entries to be made in connection with the proposed transactions are proper and in accord with sound accounting principles;

5. Whether the fees, commissions and other expenses to be incurred are for necessary services and reasonable in amount;

6. What terms or conditions, if any, the Commission's order should contain; and

7. Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the Act and of the rules and regulations promulgated thereunder.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person, other than applicant-declarant, desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before August 1, 1969, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. 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 applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to Middle South, Ark-Mo, the Federal Power Commission, the Arkansas Public Service Commission, the Missouri Public Service Commission, the Louisiana Public Service Commission, the Mississippi Public Service Commission, and the U.S. Department of Justice, and that Middle South shall mail copies of this notice and order, not later than 15 days prior to the date of the hearing herein, to the stockholders of record of Ark-Mo; and that notice to all other interested persons shall be given by a general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

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

[F.R. Doc. 69-7720; Filed, June 30, 1969; 8:48 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

JUNE 24, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil., Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 25, 1969, through July 4, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-7687; Filed, June 30, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 26]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, The Atchison, Topeka and Santa Fe Railway Co. is unable to transport traffic on its line between Eskridge, Kans., and Alma, Kans., because of track damage from flooding.

It is ordered, That:

(a) The Atchison, Topeka and Santa Fe Railway Co., being unable to transport traffic over its line between Eskridge, Kans., and Alma, Kans., because of track damage from flooding, that line is hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Atchison, Topeka and Santa Fe Railway Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diverison is ordered.

(c) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements

now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(d) Effective date: This order shall become effective at 1:00 p.m., June 25, 1969.

(e) Expiration date: This order shall expire at 11:59 p.m., July 31, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 25, 1969.

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

[F.R. Doc. 69-7730; Filed, June 30, 1969; 8:48 a.m.]

[S.O. 994; ICC Order 12, Amdt. 5]

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 12 (New York, Susquehanna and Western Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 12 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 25, 1969.

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

[F.R. Doc. 69-7734; Filed, June 30, 1969; 8:48 a.m.]

[S.O. 994; ICC Order 16, Amdt. 3]

PENN CENTRAL

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 16 (Penn Central) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 16 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 25, 1969.

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

[F.R. Doc. 69-7731; Filed, June 30, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 53, Amdt. 2]

PENN CENTRAL CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 53, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 53 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 13, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 25, 1969.

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

[F.R. Doc. 69-7732; Filed, June 30, 1969; 8:48 a.m.]

[Ex Parte 72 (Sub-No. 1)]

CLASS OF EMPLOYEES AND SUBORDINATE OFFICIALS TO BE INCLUDED WITHIN TERM "EMPLOYEE" UNDER RAILWAY LABOR ACT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 29th day of May 1969.

In the matter of regulations concerning class of employees and subordinate officials that are to be included within the term "employee" under the Railway Labor Act.

Upon consideration of the record in the above-entitled proceeding and letter, treated as a petition, filed April 2, 1969, by The American Railway Supervisors Association alleging a violation by the Missouri Pacific Railroad Co. of the Railway Labor Act, section 1, Fifth, and the Commission's outstanding orders in Ex Parte No. 72 and requesting the Commission to investigate; and for good cause appearing:

It is ordered, That the aforesaid petition be, and it is hereby, assigned for oral hearing at a time and place to be hereafter fixed.

And it is further ordered, That a copy of this order be filed with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7735; Filed, June 30, 1969; 8:49 a.m.]

[No. 35124]

KANSAS INTRASTATE FREIGHT RATES AND CHARGES, 1969

JUNE 20, 1969.

Notice is herbey given that 10 common carriers by railroad operating in interstate commerce within and through the State of Kansas, as well as in intrastate commerce in that State, have filed a joint petition herein under sections 3, 13, and 15a of the Interstate Commerce Act, seeking authorization from the Interstate Commerce Commission to apply on intrastate freight rates and charges the increases approved by the Commission on corresponding interstate commerce in 1960 in Ex Parte 223 (311 I.C.C. 373), in 1967 and 1968 in Ex Parte 256 (329 I.C.C. 854 and 332 I.C.C. 280), and in 1968 and 1969 in Ex Parte 259 (332 I.C.C. 590 and 332 I.C.C. 714). The petitioners are: The Atchison, Topeka and Santa Fe Railway Co.; Chicago, Burlington & Quincy Railroad Co.; Chicago, Rock Island and Pacific Railroad Co.; The Garden City Western Railway Co.; The Kansas City Southern Railway Co., Kansas City Terminal Railway Co.; Missouri-Kansas-Texas Railroad Co.; Missouri Pacific Railroad Co.; St. Louis-San Francisco Railway Co.; and Union Pacific Co.

In support of the petition, said petitioners represent that beginning in 1960 they have sought authority from the Kansas Corporation Commission to apply both the Ex Parte 223 and 256 increases and received permission to apply only the Ex Parte 223 increase in part; and that as a result such a situation causes undue preference in favor of shipments moving in intrastate commerce and, correspondingly, undue prejudice against interstate commerce in or through the State of Kansas. Wherefore, petitioners pray that this Commission will institute an investigation for the purpose of removing such undue preference and prejudice by approving and prescribing for application on intrastate commerce in the State of Kansas the same interstate increases in their entirety reflected in the indicated Ex Parte Dockets Nos. 253, 256, and 259.

Any persons interested in or affected by the aforesaid matters raised by the instant petition, may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the said petition in support thereof or in opposition to the determination sought. An original and 15 copies of such replies must be filed with the Commission and replicants must also show evidence of service of two copies of replies on each of the following eight attorneys representing the various petitioners herein, namely: Mr. Phillip S. Brown (114 West 11th Street, Kansas City, Mo. 64105); Mr. John J. Burchell (1416 Dodge Street, Omaha, Nebr. 68102); Mr. W. Bruce Kopper (906 Olive Street, St. Louis, Mo. 63101); Mr. Don McDevitt (139 West Van Buren Street, Chicago, Ill. 60605); Mr. Richard J. Schreider (657 West Jackson Boulevard, Chicago, Ill. 60606); Mr. Robert H. Stahlheber (210 North 13th Street, St. Louis, Mo. 63103); Mr. William A. Thie (Katy Building, Dallas, Tex. 75602); and Mr. Harvey Huston (80 East Jackson Boulevard, Chicago, Ill. 60604). Thereafter, the Commission will proceed to render its decision in this matter, including the observance of any additional requirements that appear warranted to assure due process of law.

Notice, pursuant to statutory requirements, of the filing of this petition will be given by publication hereof in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7736; Filed, June 30, 1969; 8:49 a.m.]

[Ex Parte No. MC-37 (Sub-Nos. 2B, 2C)]

COMMERCIAL ZONES AND TERMINAL AREAS

Minneapolis-St. Paul, Minn., Commercial Zone

Present: Rupert L. Murphy, Commissioner, to whom the matters which are the subjects of this order has been assigned for action thereon.

Upon consideration of the records in the above-entitled proceedings, and of:

(1) Joint petition of Admiral-Merchants Motor Freight, Inc., and Bruce Motor Freight, Inc., filed November 21, 1968, as supplemented, for the establishment of special rules, or in the alternative, for oral hearing in the above-entitled proceedings;

(2) Joint petition of petitioners in (1) above and Minnesota-Wisconsin Truck Lines, Inc., and Witte Transportation Co., filed April 21, 1969, to reject representations filed in the above-entitled proceedings, or, in the alternative, for the establishment of special rules;

(3) Reply to petition in (1) above by petitioner in Ex Parte No. MC-37 (Sub-No. 2B), filed December 16, 1968, as supplemented;

(4) Reply to petition in (2) above by petitioner in (3) above, filed May 12, 1969,

(5) Reply to petition in (2) above by petitioner in Ex-Parte No. MC-37 (Sub-No. 2C), filed May 12, 1969; and good cause appearing therefor:

It is ordered, That any party in these proceedings may file a written reply to any statement or representation heretofore filed in these proceedings, and that such reply statements may be filed on or before August 1, 1969.

It is further ordered, That the petitions in (1) and (2) above, except to the extent granted herein, be, and they are hereby, denied.

Dated at Washington, D.C., this 13th day of June 1969.

By the Commission, Commissioner Murphy.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7737; Filed, June 30, 1969; 8:49 a.m.]

[Notice 858]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 26, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 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 30319 (Sub-No. 138 TA), (Correction), filed May 14, 1969, published FEDERAL REGISTER, issue of May 27, 1969, and republished as corrected this issue. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, 733 South Paydras Street, Dallas, Tex. 75202. Applicant's representative: R. B. Coghlan (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading; (1) between Houma, La., and New Orleans, La., over U.S. Highway 90, serving only termini and no intermediate points; and (2) between Houma, La., and Lafayette, La., over U.S. Highway 90, serving only termini and no intermediate points, for 180 days. NOTE: The purpose of this republication is to show that the proposed transportation will be over regular routes, and also to add Route (1) above. Applicant intends to tack with its existing authority in MC 30319 and Subs. Supporting shippers: There are approximately 17 statements of support attached to the application, which statements may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1314 Wood Street, 513 Thomas Building, Dallas, Tex. 75202.

No. MC 51146 (Sub-No. 137 TA) (Correction), filed June 9, 1969, published FEDERAL REGISTER, issue of May 19, 1969, and republished as corrected this issue. Applicant: SUCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. J. Schneider (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper products, and materials, equipment, and supplies used in the manufacture and distribution of paper and paper products,* between Marshall, Mich., on the one hand, and on the other hand, points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. NOTE: The purpose of this republication is to include West Virginia, inadvertently omitted in previous publication. Supporting shipper: St. Regis Paper Co., Folding Carton Division, 820 Industrial Road, Marshall, Mich. 49068. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 106398 (Sub-No. 406 TA), filed June 19, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting:

Travel trailers, from the plantsite of Serro Travel Trailer Co., Bristow, Okla., to points in Texas, Arkansas, Missouri, Kansas, and Illinois, for 180 days. Supporting shipper: Serro Travel Trailer Co., Scotty Drive, Bristow, Okla. 74010. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 106398 (Sub-No. 407 TA), filed June 19, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from the plantsite of Factory Homes Corp. at Van Buren, Ark., to points in Texas, Oklahoma, Kansas, Missouri, Illinois, Nebraska, Tennessee, Louisiana, and Mississippi, for 180 days. Supporting shipper: Factory Homes Corp., Post Office Drawer W, Van Buren, Ark. 72956. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third Street, Oklahoma City, Okla. 73102.

No. MC 107107 (Sub-No. 398 TA), filed June 20, 1969. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, and pineapples and coconuts*, when moving with bananas and/or plantains, from Wilmington, Del., to points in North Carolina, South Carolina, Georgia, Tennessee, Kentucky, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, South Dakota, Nebraska, Kansas, and Missouri, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami. Fla. 33130.

No. MC 108207 (Sub-No. 263 TA), filed June 17, 1969. Applicant: FROZEN FOOD EXPRESS, INC., 317 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, cheese, and cheese foods*, from Dallas, Tex., to points in Oklahoma, Kansas, Indiana, Ohio, and to Louisville, Ky., for 180 days. NOTE: Applicant does not intend to tack authority. Supporting shipper: Dairymen, Inc., Post Office Box 2760, Lafayette, La. 70501. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 113678 (Sub 355 TA), filed June 23, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandle (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood plasma*, from Denver, Colo., to Berkeley, Calif., for 180 days. Supporting shipper: Cutter Laboratories, Fourth and Parker Streets, Berkeley, Calif. 94710. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 123766 (Sub-No. 9 TA), filed June 19, 1969. Applicant: D & O FAIRCHILD, INC., 19 West Washington Avenue, Yakima, Wash. 98902. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, boxes, fiberboard, paper, or pulpboard*, in bags, cases, or bundles, and *partitions or interior packing forms, fiberboard, paper, or pulpboard, flat or nested in bundles*, between Longview, and Yakima, Wash., on the one hand, and points in Idaho, on the other hand, under contract with Longview Fibre Co., for 180 days. Supporting shipper: Longview Fibre Co., Post Office Box 639, Longview, Wash. 98632. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 124078 (Sub-No. 388 TA), filed June 23, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk and in packages, from Sewanee, Tenn., to points in Virginia, for 150 days. Supporting shipper: Sewanee Silica Co., Division of Wedron Silica Co., 135 South La Salle Street, Chicago, Ill. 60603 (Thomas Mitropoulos, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124111 (Sub-No. 22 TA), filed June 19, 1969. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, Sandusky, Ohio 44870. Applicant's representative: Earl J. Thomas, Thomas Building, Post Office Drawer 70, Worthington, Ohio 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from the Port of Wilmington, Del., to points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, St. Louis, Mo., and Louisville, Ky., for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 124236 (Sub-No. 31 TA), filed June 18, 1969. Applicant: CEMENT EXPRESS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Ellis County, Tex., to points in Arkansas, for 180 days. NOTE: Applicant does not intend to tack with any existing authority. Supporting shippers: Texas Industries, Inc., Post Office Box 400, Arlington, Tex. 76010; Gifford Hill Portland Cement Co., Post Office Box 47127, Arlington, Tex. 76010. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 126342 (Sub-No. 3 TA), filed June 23, 1969. Applicant: SOUTHERN MILL CREEK PRODUCTS CO., INC., 5414 North 56th Street, Tampa, Fla. 33610. Applicant's representative: Doris A. Dudney, Post Office Box 1438, Tampa, Fla. 33601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk liquid technical malathion*, from Linden, N.J., to points in Georgia, Alabama, Mississippi, Louisiana, and Texas, for 150 days. Supporting shipper: American Cyanamid Co., Industrial Chemicals Division, Wayne, N.J. 07470. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 128353 (Sub-No. 2 TA), filed June 12, 1969. Applicant: LEE J. PRENTICE, West Bend, Iowa 50597. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock*, in bulk, in dump trucks, from points in Worth County, Iowa, to points in Faribault and Freeborn Counties, Minn., for 150 days. Supporting shipper: Concrete Materials Division, Martin Marietta Corp., 4096 First Avenue, Northeast, Cedar Rapids, Iowa 52406. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 129357 (Sub-No. 3 TA), filed June 18, 1969. Applicant: TUCKER FOOD DISTRIBUTORS, INC., Post Office Box 726, Marion, Va. 24354. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, with prior or subsequent movement via rail, from Marion, Va., to Sugar Grove, Va., over Virginia Highway 16, and return over same route, for 180 days. Supporting shipper: Brunswick Corp., Marion, Va. 24354. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

MOTOR CARRIER OF PASSENGERS

No. MC 133826 TA, filed June 20, 1969. Applicant: City Wide Transportation Co., Inc., 2800 Shell Road, Brooklyn, N.Y. Applicant's representative: Sidney Leshin, 501 Madison Avenue, New York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Children*, participating in the mayor's urban task force program, from New York, N.Y., to points in New Jersey, Connecticut, and Pennsylvania and return, for 180 days. Supporting shipper: City of New York, Office of the Mayor, New York, N.Y. 10007. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7738; Filed, June 30, 1969; 8:49 a.m.]

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

PUBLIC AFFAIRS ADVISER

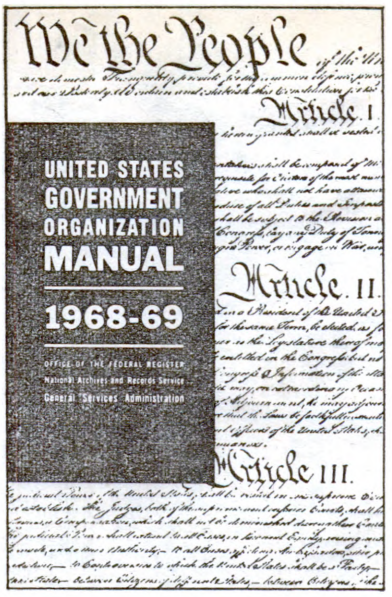
Notice of Basic Compensation

Pursuant to the provisions of section 309 of Public Law 88-426, as modified by the Federal Salary Act of 1967 (Public Law 90-206), and in conformity with Executive Order 11474 of June 16, 1969, issued by the President under section 212 of said Act, notice is hereby given that the rate of basic compensation of the Public Affairs Adviser of the U.S. Arms Control and Disarmament Agency has been adjusted to $33,495 per annum effective July 13, 1969.

GERARD SMITH,
Director.

JUNE 25, 1969.

[F.R. Doc. 69-7700; Filed, June 30, 1969; 8:46 a.m.]



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FEDERAL REGISTER

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NOTICE

New Location of Federal Register Office.

The Office of the Federal Register is now located at 633 Indiana Ave. NW., Washington, D.C. Documents transmitted by messenger should be delivered to Room 405, 633 Indiana Ave. NW. Other material should be delivered to Room 400.

Mail Address.

Mail address remains unchanged: Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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Documents filed with the Office of the Federal Register are available for public inspection in Room 405, 633 Indiana Ave. NW., Washington, D.C., on working days between the hours of 9 a.m. and 5 p.m.

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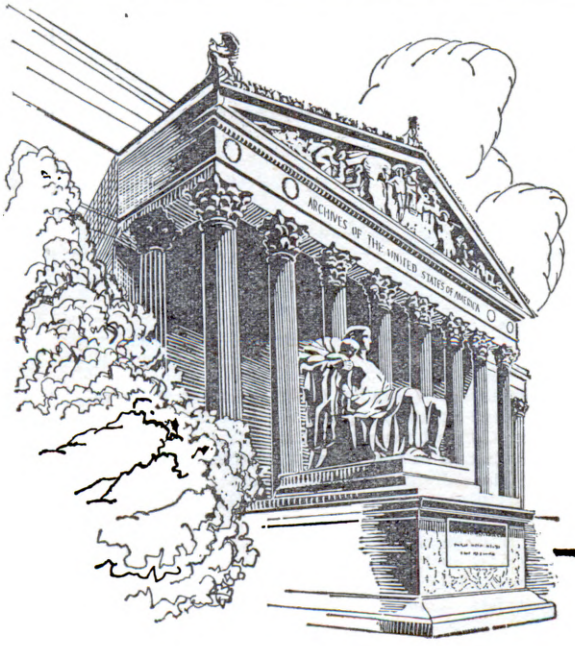

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1969, and specifies how they are affected.

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PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that the positions of one Special Assistant and one Confidential Assistant to the General Counsel of the Office of the Special Representative for Trade Negotiations are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (2) and (3) are added to paragraph (d) of § 213.3303 as set out below.

§ 213.3303 Executive Office of the President.

* * * * *

(d) *Office of the Special Representative for Trade Negotiations.* * * *

(2) One Special Assistant to the General Counsel.

(3) One Confidential Assistant to the General Counsel.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7781; Filed, July 1, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

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

[Grapefruit Reg. 35, Amdt. 5]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizozna; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

Order. In § 909.335 (Grapefruit Reg. 35; 33 F.R. 15295; 34 F.R. 810, 5907, 7283, 8895) paragraph (a)(1) preceding (a)(1)(i) is amended, a new paragraph (a)(3) is added, and paragraph (b) is amended, to read as follows:

§ 909.335 Grapefruit Regulation 35.

(a) *Order.* (1) Except as otherwise provided in subparagraphs (2) and (3) of this paragraph, during the period June 29, through August 30, 1969, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

* * * * *

(3) Subject to the requirements of subparagraph (1)(i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3^{11}/_{16}$ inches but not smaller than $3^{6}/_{16}$ inches in diameter directly to a destination in Zone 1: *Provided,* That a tolerance of 5 percent, by count, of grapefruit smaller than $3^{6}/_{16}$ inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provisions for the application of tolerances and, in determining the percentage of grapefruit in any lot which are smaller than $3^{6}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are $3^{13}/_{16}$ inches in diameter and smaller.

(b) As used herein, "handler," "grapefruit," "handle," "Zone 1," "Zone 2," "Zone 3," and "Zone 4" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "well colored" shall have the same meaning as when used in the aforesaid revised U.S. Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

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

Dated, June 27, 1969, to become effective June 29, 1969.

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

[F.R. Doc. 69-7815; Filed, July 1, 1969; 8:49 a.m.]

[Grapefruit Reg. 10, Amdt. 3]

PART 944—FRUIT; IMPORT REGULATIONS

Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of Grapefruit Regulation 10 (§ 944.106, 33 F.R. 14365, 17895; 34 F.R. 7898) are hereby amended to read as follows:

§ 944.106 Grapefruit Regulation 10.

(a) On and after July 7, 1969, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than $3^{15}/_{16}$ inches in diameter except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit;

(2) Seedless grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than $3^{7}/_{16}$ inches in diameter except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports

of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under amended Grapefruit Regulation 67 (§ 905.506); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

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

Dated, June 26, 1969, to become effective July 7, 1969.

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

[F.R. Doc. 69–7816; Filed, July 1, 1969; 8:49 a.m.]

[947.328]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, effective under 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 Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) The recommendations of the committee reflect its appraisal of the composition of the 1969 crop of Oregon-Northern California potatoes and the marketing prospects for this season. Harvesting is expected to begin on or about July 7 and the regulation should become effective on that date.

The grade, size, cleanliness, and maturity requirements provided herein are necessary to prevent immature potatoes, and those that are of undesirable sizes, or below grade from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quallty and sizes.

The proposed regulations with respect to special purpose shipments for other than fresh market use are designated to meet the different requirements for such outlets.

(c) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1969 crop potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) producers and handlers have operated under the said marketing order program since 1948 so special preparation by handlers is not required, (4) information regarding the committee's recommendations relating to the marketing policy and proposed regulations were made available to producers and handlers in the production area on June 16, 1969, (5) the regulations hereinafter set forth are similar to those recommended and contained in the initial regulation made effective at the beginning of last season, (6) the committee's recommendations as to the regulation hereinafter set forth were submitted promptly to the Department (after a telephone vote relaxed the 6-ounce minimum size for U.S. No. 2 grade initially recommended) and were received on June 23, 1969, and (7) compliance with these regulations will not require special preparation by handlers which cannot be completed by the effective date.

§ 947.328 Limitation of shipments.

During the period July 7, 1969, through October 14, 1970, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section.

(a) *Grade, size and cleanliness requirements*—(1) *Grade.* All varieties—U.S. No. 2, or better grade.

(2) *Size.* All varieties—2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* All varieties—"Generally fairly clean."

(b) *Maturity (skinning) requirements.* (1) All varieties—"Moderately skinned" through September 30, 1969, and "slightly skinned" thereafter.

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any 7 consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed.

(2) Grading and storing, planting, or livestock feed: *Provided,* That potatoes may not be shipped for such purposes outside of the district where grown except that: (i) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing, for planting, or for livestock feed within, or to, such districts for such purposes; (ii) potatoes grown in any one district may be shipped to a receiver in any other district within the production area for grading if such receiver is substantiated and recognized by the committee as a processor of canned, frozen, dehydrated, or prepeeled products, potato chips, or potato sticks.

(3) Charity.

(4) Starch.

(5) Export.

(6) Canning or freezing.

(7) Dehydration.

(8) Prepeeling.

(9) Potato chipping.

(10) Potato sticks (French fried shoestring potatoes). *Provided,* That all varieties of potatoes handled pursuant to subparagraphs (7) through (10) of this paragraph shall be of "U.S. No. 2 Potatoes for Processing" grade or better, 1½ inches minimum diameter.

(d) *Safeguards.* (1) Each handler making shipments of certified seed, except those lots with a maximum size of 2 inches in diameter which are handled for planting within the district where grown or between District No. 2 and District No. 4, pursuant to paragraph (c) of this section shall pay assessments on such shipments and shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a certificate of privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each certificate of privilege.

(2) Each handler making shipments of potatoes pursuant to subparagraphs (5) through (10) of paragraph (c) of this section and each receiver receiving potatoes pursuant to subparagraph (2), (ii) of paragraph (c) of this section, shall:

(i) First, apply to the committee for and obtain a certificate of privilege to make such shipments.

(ii) Prepare, on forms furnished by the committee, a diversion report in quadruplicate on each individual shipment diverted from fresh market channels to the authorized outlets specified in this subparagraph.

(iii) Forward one copy of such diversion report to the committee office and forward two copies to the receiver with instructions to the receiver that he sign and return one copy to the committee office. The handler and receiver may each keep one copy for their files. Failure of handler or receiver to report such shipments by promptly signing and returning the applicable diversion report to the committee office shall be cause for cancellation of such handler's certificate of privilege and/or the receiver's eligibility to receive further shipments pursuant to any certificate of privilege. Upon the cancellation of any such certificate of privilege the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(e) *Minimum quantity exception.* Each handler may ship up to but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(f) *Inspection.* For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, or unless handled for potato chipping or prepeeling in accordance with paragraph (c) of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

(g) Any lot of potatoes previously inspected pursuant to § 947.60(a) is not required to have additional inspection under § 947.60(b) after regrading, resorting, or repacking such potatoes, if the inspection certificate is valid at the time of handling such regraded, resorted, or repacked potatoes.

(h) *Definitions.* (1) The terms "U.S. No. 1," "U.S. No. 2," "moderately skinned," and "slightly skinned," 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.

(2) The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean."

(3) The term "U.S. No. 2 Potatoes for Processing" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes for Processing (§§ 51.3410–51.3424 of this title), including the tolerances set forth therein.

(4) The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removing the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 U.S. Standards for Grades of Peeled Potatoes (§§ 52.2421–52.2433 of this title).

(5) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

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

Dated June 27, 1969, to become effective July 7, 1969, at 12:01 a.m. at which time § 947.327 *Limitation of Shipments* (33 F.R. 15296; 34 F.R. 1228) shall terminate.

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

[F.R. Doc. 69–7817; Filed, July 1, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 9676; Amdt. 39–792]

PART 39—AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 745D and 810 Series Aircraft

There have been fatigue cracks detected on the spar booms of the Vickers Viscount Models 745D and 810 Series Aircraft. In view of the serious consequences of a spar boom failure and since this condition is likely to exist or develop in other aircraft of the same type design, an airworthiness directive (AD) is being issued to require replacement of the spar booms before they exceed 90 percent of the retirement life approved prior to April 1, 1969.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

VICKERS VISCOUNT. Applies to Viscount Model 745D and 810 Series Aircraft.

Compliance required as indicated unless already accomplished.

To prevent fatigue damage to the inner section and center section lower wing spar booms accomplish the following:

(a) Replace the center section lower spar boom and the inner section lower spar boom with new booms of the same part number before they have exceeded 90 percent of the approved retirement time specified in the last applicable Viscount Instruction Manual, Chapter 3, Overhaul Schedule Section, dated before April 1, 1969, or within the next 250 landings whichever occurs later, after the effective date of this AD.

(b) All new center section and inner section lower wing spar booms that are installed in accordance with the requirements of paragraph (a) of this AD must be replaced before the accumulation of the revised retirement times as specified in the latest amendment to the Viscount Instruction Manual, Chapter 3, Overhaul Schedule Section, dated after April 1, 1969.

(c) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

This amendment becomes effective July 7, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, sec. 601(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 25, 1969.

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

[F.R. Doc. 69–7766; Filed, July 1, 1969; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9674; Amdt. 95–181]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, 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 consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective 24 July 1969, as follows:

1. By amending Subpart C as follows:

Section 95.48 *Green Federal airway 8* is amended to read in part:

From, To, and MEA

Shemya, Alaska, LF/RBN; Anvil INT, Alaska; 6,000.
Anvil INT, Alaska; Adak, Alaska, LF/RBN; 8,000.
Adak, Alaska, LF/RBN; Nikolski, Alaska, LF/RBN; *9,000. *8,900—MOCA.
Nikolski, Alaska, LF/RBN; Driftwood Bay, Alaska, LF/RBN; *9,000. *8,900—MOCA.
Driftwood Bay, Alaska, LF/RBN; Mordvinoff INT, Alaska; *9,000. *8,700—MOCA.
Mordvinoff INT, Alaska; Cold Bay, Alaska, LFR; 6,000.
Cold Bay INT, Alaska; Marlin INT, Alaska; 4,500.
Marlin INT, Alaska; Crab INT, Alaska; *2,000. *5,000—MEA required without HF airborne communications equipment.
Crab INT, Alaska; King Salmon, Alaska, LFR; *2,000. *9,000—MEA required without HF airborne communications equipment.

Section 95.51 *Green Federal airway 11* is amended to read in part:

Shemya, Alaska, LF/RBN; Amchitka, Alaska, LF/RBN; 6,000.
Amchitka, Alaska, LF/RBN; Adak, Alaska, LF/RBN; *8,000. *7,900—MOCA.
Adak, Alaska, LF/RBN; Nikolski, Alaska, LF/RBN; *9,000. *8,900—MOCA.
Nikolski, Alaska, LF/RBN; Driftwood Bay, Alaska, LF/RBN; *9,000. *8,900—MOCA.
Driftwood Bay, Alaska, LF/RBN; Mordvinoff INT, Alaska; *9,000. *8,700—MOCA.
Mordvinoff INT, Alaska; *Cold Bay, Alaska, LFR; **6,000. *5,300—MEA Cold Bay LFR, southwestbound. **8,000—MEA required without HF airborne communications equipment.

Section 95.1001 *Direct routes—United States* is amended to delete:

Battle Mountain, Nev., VORTAC; Lucin, Utah, VOR; 18,000. MAA—45,000.
Biscayne Bay, Fla., VOR; Bonefish INT, Fla.; *2,000. *1,300—MOCA.
Bluff INT, Ala.; Huntsville, Ala., VOR; 2,600.
Bonefish INT, Fla.; Nimrod INT, Fla.; *2,000. *1,000—MOCA.
Eufaula, Ala., VOR; Macon, Ga., VOR; *2,100. *2,000—MOCA.
Los Banas, Calif., VOR; *Holy City INT, Calif.; **10,000. *10,000—MCA Holy City INT, eastbound. **6,000—MOCA.
Paige INT, Tex.; College Station, Tex., VOR; *4,500. *1,600—MOCA.
Prudhoe Bay, Alaska, NDB; Hills INT, Alaska; *3,000. *1,200—MOCA.
Sagwon, Alaska, NDB; Juniper INT, Alaska; 4,000.
*Sagwon, Alaska, NDB; Prudhoe Bay, Alaska, NDB; 4,000. *4,000—MCA Sagwon NDB, southeastbound.
Salinas, Calif., VOR; Holy City INT, Calif.; 6,000.
Salinas, Calif., VOR; Morgan INT, Calif.; 5,000.
San Jose, Calif., VOR; Holy City INT, Calif.; 6,000.
Woodside, Calif., VOR; Holy City INT, Calif.; 6,000.

Section 95.1001 *Direct routes*—United States is amended by adding:

Franklin INT, Alaska; Prudhoe Bay, Alaska, LF/RBN; *2,000. *1,800—MOCA.
Fin INT, Alaska; Juniper INT, Alaska; *3,000. *2,300—MOCA.
Fort Yukon, Alaska, VOR; Flaxman Island, Alaska, LF/RBN; # 12,000. # MEA is established with a gap in navigation signal coverage.
Freeport, Bahamas, LF/RBN; Grand Bahama, Bahamas, LF/RBN; *2,000. *1,400—MOCA. MAA—39,000.
Fresto INT, Alaska; Hills INT, Alaska; *3,000. *2,400—MOCA.
Grand Bahama, Bahamas, LF/RBN; Marshall INT, Bahamas; *6,000. *1,400—MOCA. MAA—39,000.
Juniper INT, Alaska; Flaxman, Alaska, LF/RBN; *2,000. *1,900—MOCA.
Prudhoe Bay, Alaska, LF/RBN; Fresto INT, Alaska; *2,000. *1,800—MOCA.
Sagwon, Alaska, LF/RBN; Fin INT, Alaska; 3,000.
Sagwon, Alaska, LF/RBN; Franklin INT, Alaska; 3,000.

Section 95.1001 *Direct routes*—United States is amended to read in part:

Baltimore, Md., VOR; Salisbury, Md., VOR; 2,200.
Beaver INT, Alaska; *Chandalar, Alaska LF/RBN; **7,000. *8,000—MCA Chandalar LF/RBN northwestbound. **6,900—MOCA.
Bettles, Alaska, LF/RBN; *Coleville INT, Alaska; **10,000. *5,000—MCA Coleville INT, southeastbound. **9,000—MOCA.
Biscayne Bay, Fla., VOR; Guppy INT, Fla.; *2,000. *1,300—MOCA.
Biscayne Bay, Fla., VOR; Int. 008° M rad, Bimini, Nassau, VOR and 036° rad, Biscayne Bay, Fla., VOR (via Control 1150); *9,000. *1,300—MOCA.
Cairns, Ala., VOR; Hartford INT, Fla.; *2,000. *1,400—MOCA.
Chandalar, Alaska, LF/RBN; *Sagwon, Alaska, LF/RBN; 10,000. *4,100—MCA Sagwon LF/RBN southeastbound.
Chip River INT, Alaska; Point Barrow, Alaska, LF/RBN; *2,000. *1,900—MOCA.
Coleville INT, Alaska; Chip River INT, Alaska; *4,000. *3,600—MOCA. *10,000—MEA required without HF airborne communications equipment.
Fairbanks, Alaska, LFR; Beaver, INT, Alaska; *7,000. *6,000—MOCA.
Fort Myers, Fla., VOR; Roberts INT, Fla.; 2,000.
Guppy INT, Fla.; INT Biscayne Bay, Fla.; VOR 052° (via Control 1150) *4,000. *1,200—MOCA.
Hartford INT, Fla.; Marianna, Fla., VOR; *2,000. *1,500—MOCA.
Hills INT, Alaska; Umiat, Alaska, LF/RBN; *3,000. *10,000—MEA required without HF airborne communications equipment. *2,700—MOCA.
Homestead AFB, Fla., VOR; Biscayne Bay, Fla., VOR; *1,500. *1,300—MOCA.
INT, 067° M rad, Andraws VOR and 037° M rad, Nottingham VOR; Bodkin INT, Md.; 2,200.
Panama City, Fla., VOR; Greenhead INT, Fla.; *1,800. *1,500—MOCA.
Toolik INT, Alaska; Bettles, Alaska, LF/RBN; *10,000. 9,600—MOCA.
Umiat, Alaska, LF/RBN; Bettles, Alaska, LF/RBN; *10,000. *8,300—MOCA.
Umiat, Alaska, LF/RBN; Point Barrow, Alaska, LF/RBN; *3,000. *10,000—MEA required without HF airborne communications equipment. *2,000—MOCA.

Panama Routes

V–3:

40-mile DME Fix via 009° M rad, Champion INT, C.Z.; *10,500. *1,000—MOCA.
France Field, C.Z., VOR; 40-mile DME Fix; *3,000. *1,300—MOCA.

V–4:

France Field, C.Z., VOR; 40-mile DME Fix; *3,000. *1,300—MOCA.

Section 95.6004 *VOR Federal airway 4* is amended to delete:

Boise, Idaho, VOR; via S alter.; Canyon Creek INT, Idaho, via S alter.; 7,000.
Canyon Creek INT, Idaho, via S alter.; Jerome INT, Idaho, via S alter.; 8,000.
Jerome INT, Idaho, via S alter.; Burley, Idaho, VOR, via S alter.; 6,500.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Centralia, Ill., VOR via S alter.; Evansville, Ind., VOR via S alter.; 2,400.
Hill City INT, Idaho, via N alter.; Soldier INT, Idaho, via N alter.; *12,500. *9,200—MOCA.
Soldier INT, Idaho, via N alter.; *Kinzie INT, Idaho, via N alter.; northwestbound; 12,500; southeastbound; 8,000. *11,200—MCA Kinzie INT, northwestbound.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Jacksonville, Fla., VOR; Folkston INT, Ga.; *2,000. *1,500—MOCA.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Cordova, Ill., VOR; Harmon INT, Ill.; *2,400. *2,100—MOCA.
Harmon INT, Ill.; Shabbona INT, Ill.; *2,500. *2,100—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Cordova, Ill., VOR; Harmon INT, Ill.; *2,400. *2,100—MOCA.
Harmon INT, Ill.; Shabbona INT, Ill.; *2,500. *2,100—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Iron Mountain, Mich., VOR; Houghton, Mich. VOR; *3,600. *3,100—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to delete:

*Santa Barbara, Calif., VOR; Inez INT, Calif.; **8,700. *7,000—MCA Santa Barbara VOR, eastbound. **8,000—MOCA.
Inez INT, Calif.; *Fillmore, Calif., VOR; 8,700. *7,800—MCA Fillmore VOR, northwestbound.

Section 95.6012 *VOR Federal airway 12* is amended by adding:

Gaviota, Calif., VOR; Santa Barbara, Calif., VOR; 6,000.
Santa Barbara, Calif., VOR; Henderson INT, Calif.; *7,000. *6,600—MOCA.
Henderson INT, Calif.; *Fillmore, Calif., VOR; **6,000. *5,100—MCA Fillmore VOR, westbound. **5,900—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Adrian INT, Tex.; *Tower INT, Tex.; **6,000. *7,000—MRA. **5,400—MOCA.
Tower INT, Tex.; Amarillo, Tex., VOR; *6,000. *5,900—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Erie, Pa., VOR via N alter.; Buffalo, N.Y., VOR via N alter.; 3,000.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Indianapolis INT, Tex., via W alter.; College Station, Tex., VOR via W alter.; 1,800.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Pine Bluff, Ark., VOR; Walls INT, Miss.; *4,000. *1,500—MOCA.
Pine Bluff, Ark., VOR via S alter.; Prichard INT, Miss., via S alter.; *5,000. *1,800—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

San Antonio, Tex., VOR via W alter.; Blanco INT, Tex., via W alter.; *3,300. *2,800—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Monroe, La., VOR via N alter.; *Phoenix INT, Miss., via N alter.; 2,300. *2,800—MRA.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Billings, Mont., VOR; *Musselshell INT, Mont.; 6,000. *8,500—MRA.
Musselshell INT, Mont.; Forest Grove INT, Mont.; 7,700.
Forest Grove INT, Mont.; Lewistown, Mont., VOR; *7,700. *7,500—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Corpus Christi, Tex., VOR via N alter; Woodsboro INT, Tex., via N alter.; *1,600. *1,300—MOCA.

Section 95.6025 *VOR Federal airway 25* is amended to delete:

Santa Barbara, Calif., VOR via W alter.; Gaviota, Calif., VOR via W alter.; 6,000.
Gaviota, Calif., VOR via W alter.; Orcutt INT, Calif., via W alter.; 6,000.
Orcutt INT, Calif., via W alter.; San Luis Obispo, Calif., VOR via W alter.; northwestbound 4,000; southeastbound 6,000.
San Luis Obispo, Calif., VOR via W alter.; Paso Robles, Calif., VOR via W alter.; 5,000.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

Ventura, Calif., VOR; Henderson INT, Calif.; 5,000.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Jacksonville, Fla., VOR; Folkston INT, Ga.; *2,000. *1,500—MOCA.

Section 95.6052 *VOR Federal airway 52* is amended to read in part:

Cartter INT, Ill.; Evansville, Ind., VOR; 4,500.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Houston INT, Ind.; Morgantown INT, Ind.; *2,800. *2,100—MOCA.
Morgantown INT, Ind.; Indianapolis, Ind., VOR; *2,600. *2,100—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Crandall INT, Ga.; Murphy INT, N.C.; 6,000.
Murphy INT, N.C.; Harris, Ga., VOR; *6,000. *5,700—MOCA.

Section 95.6059 *VOR Federal airway 59* is amended by adding:

Newcomerstown, Ohio, VOR; Briggs, Ohio, VOR; 3,000.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

*Bandera INT, Tex.; San Antonio, Tex., VOR; **3,000. *4,300—MRA. **2,800—MOCA.

Section 95.6073 *VOR Federal airway 73* is amended by adding:

Wichita, Kans., VOR via E alter.; Walton INT, Kans., Via E alter.; 3,400.
Walton INT, Kans., via E alter.; Canton INT, Kans., via E alter.; *3,300. *3,000—MOCA.
Canton INT, Kans., via E alter.; Salina, Kans., VOR via E alter.; *3,300. *2,700—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Llano, Tex., VOR; Kingsland INT, Tex.; *3,000. *2,700—MOCA.
Llano, Tex., VOR via S alter.; Granite INT, Tex., via S alter.; *3,300. *2,800—MOCA.
Granite INT, Tex., via S alter.; Capitol INT, Tex., via S alter.; *3,000. *2,700—MOCA.
Kingsland INT, Tex.; Beth INT, Tex.; *3,000. *2,600—MOCA.
Beth INT, Tex.; Lake Travis INT, Tex.; *3,000. *2,300—MOCA.
Austin, Tex., VOR; *Butler INT, Tex.; **2,200. *3,000—MRA. **2,100—MOCA.
Butler INT, Tex.; Bastrop INT, Tex.; *2,500. *1,700—MOCA.
Bastrop INT, Tex.; Industry, Tex., VOR; *2,200. *1,800—MOCA.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

Plainview, Tex., VOR; *Canyon INT, Tex.; 5,000. *8,000—MRA.
Canyon INT, Tex.; Amarillo, Tex., VOR; 4,800.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Darby INT, Fla.; Shrimp INT, Fla.; *4,000. *1,200—MOCA.
Shrimp INT, Fla.; *Scallop INT, Fla.; **5,000. *3,000—MRA. **1,200—MOCA.
Scallop INT, Fla.; *Lobster INT, Fla.; **6,000. *3,000—MRA. **1,100—MOCA.
Lobster INT, Fla.; Tallahassee, Fla., VOR; *2,000. *1,600—MOCA.
Arcadia INT, Fla., via E alter.; Lakeland, Fla., VOR, via E alter.; *2,000. *1,500—MOCA.
Lakeland, Fla., VOR, via E alter.; Bayport INT, Fla., via E alter.; *1,800. *1,500—MOCA.
Bayport INT, Fla., via E alter.; *Richey INT Fla., via E alter.; **3,000. *2,500—MRA. **1,200—MOCA.
Richey INT, Fla., via E alter.; Shrimp INT, Fla., via E alter.; *5,000. *1,200—MOCA.
St. Petersburg, Fla., VOR via W alter.; *Oyster INT, Fla., via W alter.; **1,600. *4,000—MRA. **1,300—MOCA.
Oyster INT, Fla., via W alter.; *Scallop INT, Fla., via W alter.; **3,400. *3,000—MRA. **1,000—MOCA.
Scallop INT, Fla., via E alter.; Cross City, Fla., VOR via E alter.; *1,500. *1,200—MOCA.
Cross City, Fla., VOR via E alter.; Tallahassee, Fla., VOR via E alter.; *2,000. *1,600—MOCA.
Blue Ridge INT, Ga.; Murphy INT, N.C.; *8,000. *5,300—MOCA.
Murphy INT, N.C.; Howard INT, Tenn.; 8,000.

Section 95.6101 *VOR Federal airway 101* is amended to delete:

Kinzie, INT, Idaho; Int, 305° M rad Burley VOR and 269° M rad, Pocatillo VOR; *12,500. *9,200—MOCA.

Section 95.6101 *VOR Federal airway 101* is amended by adding:

Burley, Idaho, VOR; *Kinzie INT, Idaho; **8,000. *11,200—MCA Kinzie INT, northwestbound. **7,000—MOCA.
Kinzie INT, Idaho; Soldier INT, Idaho; northwestbound 12,500; southeastbound 8,000.

Section 95.6105 *VOR Federal airway 105* is amended to read in part:

Casa Grande, Ariz., VOR; Phoenix, Ariz., VOR; *5,000. *4,200—MOCA.

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

Lewistown, Mont., VOR; Forest Grove INT, Mont.; *7,700. *7,500—MOCA.
Forest Grove INT, Mont.; Miles City, Mont., VOR; *9,000. *7,500—MOCA.

Section 95.6127 *VOR Federal airway 127* is amended to read in part:

Wyanet INT, Ill.; Harmon INT, Ill.; *2,600. *1,800—MOCA.
Harmon INT, Ill.; Polo, Ill., VOR; *2,600. *2,100—MOCA.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

Cofield, N.C., VOR; *Sunbury INT, N.C.; **2,000. *2,500—MRA. **1,300—MOCA.

Section 95.6156 *VOR Federal airway 156* is added to read:

Moline, Ill., VOR; Bradford, Ill., VOR; 2,800.
Bradford, Ill., VOR; Peotone, Ill., VOR; *2,600. *2,100—MOCA.
Peotone, Ill., VOR; Int, 138° M rad, Chicago Heights VOR and 096° M rad, Peotone VOR; *2,500. *2,200—MOCA.
Int, 138° M rad, Chicago Heights VOR and 096° M rad, Peotone VOR; Int, 096° M rad, Peotone VOR and 237° M rad, Knox VOR; *4,000. *2,200—MOCA.
Int, 096° M rad, Peotone VOR and 237° M rad Knox VOR; Knox, Ind., VOR; *2,500. *2,100—MOCA.
Knox, Ind., VOR; South Bend, Ind., VOR; *2,500. *2,000—MOCA.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

Alma, Ga., VOR; *Baxley INT, Ga.; 2,000. *3,000—MRA.
Baxley INT, Ga.; Allendale, S.C., VOR; 2,000.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

San Antonio, Tex., VOR; Johnson City INT, Tex.; *3,300. *2,800—MOCA.
Johnson City INT, Tex.; Kingsland INT, Tex.; *4,000. *2,900—MOCA.

Section 95.6177 *VOR Federal airway 177* is amended to delete:

Fort Wayne, Ind., VOR; Claypool INT, Ind.; *2,600. *2,200—MOCA.
Claypool INT, Ind.; Int, 138° M rad, Chicago Heights VOR and 096° M rad, Peotone VOR; *4,000. *2,000—MOCA.
Int, 138° M rad, Chicago Heights VOR and 096° M rad, Peotone VOR; Chicago Heights, Ill., VOR; *2,600. *2,200—MOCA.
Fort Wayne, Ind., VOR; Monterey, Ind., VOR; *2,600. *2,200—MOCA.
Monterey, Ind., VOR; Chicago Heights, Ill., VOR; *2,600. *2,200—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

*Bandera INT, Tex.; San Antonio, Tex., VOR; **3,000. *4,300—MRA. **2,800—MOCA.
Eagle Lake, Tex., VOR via N alter.; Humble, Tex., VOR via N alter.; *2,000. *1,500—MOCA.

Section 95.6214 *VOR Federal airway 214* is amended to read in part:

INT, 238° M rad, Appleton, Ohio and 277° M rad, Zanesville, Ohio, VOR; Zanesville, Ohio, VOR; 3,000.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

San Antonio, Tex., VOR; Staples INT, Tex.; *3,000. *2,600—MOCA.
Staples INT, Tex.; Lockhart INT, Tex.; *2,600. *1,900—MOCA.
Lynchburg, Va., VOR; *Amherst INT, Va.; **3,000. *4,000—MRA. **2,600—MOCA.

Section 95.6225 *VOR Federal airway 225* is amended to read in part:

La Belle, Fla., VOR; Haven INT, Fla.; *2,000. *1,200—MOCA.
Haven INT, Fla.; Dixie Ranch INT, Fla.; *2,000. *1,100—MOCA.
Dixie Ranch INT, Fla.; Vero Beach, Fla., VOR; *2,000. *1,200—MOCA.

Section 95.6233 *VOR Federal airway 233* is added to read:

Roberts, Ill., VOR; Knox, Ind., VOR; *2,500. *2,100—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Jacksonville, Fla., VOR via W alter.; Cabins INT, Ga.; via W alter.; *2,000. *1,300—MOCA.
Jacksonville, Fla., VOR; Folkston INT, Ga.; *2,000. *1,500—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Paola INT, Fla.; Woodruff INT, Fla.; 2,100.
Woodruff INT, Fla.; Barberville INT, Fla.; *2,100. *1,300—MOCA.

Section 95.6278 *VOR Federal airway 278* is amended to read in part:

Greenwood, Miss., VOR; College INT, Miss.; 2,000.

Section 95.6332 *VOR Federal airway 332* is amended to delete:

Moline, Ill., VOR; Bradford, Ill., VOR; 2,800.
Bradford, Ill., VOR; Peotone, Ill., VOR; *2,600. *2,100—MOCA.
Peotone, Ill., VOR; Knox, Ind., VOR; *2,600. *2,100—MOCA.
Knox, Ind., VOR; South Bend, Ind., VOR; *2,500. *2,000—MOCA.

Section 95.6422 *Hawaii VOR Federal airway 22* is amended to read in part:

Barracuda INT, Hawaii; Sardine INT, Hawaii; 11,000.

Section 95.6422 *VOR Federal airway*

422 is amended to read in part:

Wolfiake, Ohio, VOR; Findlay, Ohio, VOR; 2,600.

Section 95.6427 *VOR Federal airway 427* is amended to delete:

Newcomerstown, Ohio, VOR; Briggs, Ohio, VOR; 3,000.

Section 95.6430 *VOR Federal airway 430* is amended to read in part:

Ironwood, Mich., VOR; Iron Mountain, Mich., VOR; *3,600. *3,100—MOCA.

Section 95.6443 *VOR Federal airway 443* is amended to read in part:

Tiverton, Ohio, VOR; Reedsburg INT, Ohio; 3,000.

Section 95.6455 *VOR Federal airway 455* is amended to read in part:

New Orleans, La., VOR via E alter.; Slidell INT, La., via E alter.; *1,500. *1,400—MOCA.

Slidell INT, La., via E alter.; Gulfport, Miss., VOR via E alter.; *1,800. *1,500—MOCA.

Section 95.6492 *VOR Federal airway 492* is amended to read in part:

LaBelle, Fla., VOR via N alter.; *Haven INT, Fla., via N alter.; **2,000. *3,000—MCA Haven INT, southeastbound. **1,300—MOCA.

Haven INT, Fla., via N alter.; Sherman INT, Fla., via N alter.; *3,000. *1,100—MOCA.

Sherman INT, Fla., via N alter.; Palm Beach, Fla., VOR via N alter.; *1,600. *1,300—MOCA.

Section 95.6500 *VOR Federal airway 500* is amended to read in part:

*Boise, Idaho, VOR; Arrow Rock INT, Idaho; eastbound 9,000; westbound 8,000. *7,000—MCA Boise VOR, eastbound.

Arrow Rock INT, Idaho; Hill City INT, Idaho; *11,500. *9,800—MOCA.

Hill City INT, Idaho; Soldier INT, Idaho; *12,500. *9,200—MOCA.

Soldier INT, Idaho; Richfield INT, Idaho; *12,500. *8,200—MOCA.

Section 95.6506 *VOR Federal airway 506* is amended to read in part:

*Kodiak, Alaska, VOR; Brooks INT, Alaska; **10,000. *4,000—MCA Kodiak VOR, northwestbound. **9,700—MOCA.

*Brooks INT, Alaska; King Salmon, Alaska, VOR; **5,000. *7,000—MCA Brooks INT, southeastbound. **4,500—MOCA.

Section 95.7030 *Jet Route No. 30* is amended to delete:

From, To, MEA, and MAA

Front Royal, Va., VOR; Herndon, Va., VORTAC; 18,000; 45,000.

Section 95.7138 *Jet Route No. 138* is amended to delete:

San Antonio, Tex., VORTAC; Humble, Tex., VORTAC; 18,000; 45,000.

Section 95.7138 *Jet Route No. 138* is amended by adding:

San Antonio, Tex., VORTAC; Houston, Tex., VORTAC; 18,000; 45,000.

2. By amending subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

Airway segment: From; to—changeover point: Distance; from

V–15 is amended by adding:

Humble, Tex., VOR via E alter.; Navasota, Tex., VOR via E alter.; 17; Humble.

V–16 is amended by adding:

Pine Bluff, Ark., VOR; Memphis, Tenn., VOR; 30; Pine Bluff.

V–34 is amended to delete:

Princeton, Maine, VOR; St. Johns, Canada, VOR; 36; Princeton.

V–119 is added to read:

Clarion, Pa., VOR; Bradford, Pa., VOR; 27; Clarion.

V–178 is added to read:

Lexington, Ky., VOR; Bluefield, W. Va., VOR; 96; Lexington.

Section 95.8005 *Jet routes changeover points:*

J–86 is amended by adding:

Humble, Tex., VORTAC; Grand Isle, La., VORTAC; 135; Humble.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on June 25, 1969.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[F.R. Doc. 69–7690; Filed, July 1, 1969; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Components Used in Fork Lift Trucks

§ 15.349 Disclosure of origin of imported components used in fork lift trucks.

(a) In response to a request for an advisory opinion, the Commission advised a company that one of its statements would not be proper but that it would not object to its other proposed statement. The company had requested an opinion in regard to the proper marking and advertising of fork lift trucks made partly of imported components with specific reference to the following two statements:

(1) "Assembled in U.S.A."

(2) "Assembled in U.S.A. of components of USA & Imports".

(b) The trucks will be sold to industrial users through various sales agencies throughout the United States, and the agencies will have on display at least one or two models to show to prospective purchasers. It is anticipated that parts imported from Bulgaria will represent approximately 40 percent of total production costs, parts, and labor assembly costs in the United States will represent 30 percent and the remaining 30 percent will represent parts imported from one of the following five countries: West Germany, France, England, Denmark, and Japan. Thus approximately 70 percent of total production costs will consist of imported components.

(c) In the opinion which was rendered, the Commission concluded that it could not accept the first proposed statement as being in conformity with section 5 of the FTC Act. However, the Commission said, it would interpose no objection to the use of the second proposed disclosure—"Assembled in U.S.A. of components of USA & Imports."

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 1, 1969.

By direction of the Commission.[1]

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–7754; Filed, July 1, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Accreditation Program for Producers of Concrete and Concrete Products

§ 15.350 Accreditation program for producers of concrete and concrete products.

(a) The Commission rendered an advisory opinion involving a proposed accreditation program in the construction industry, including the award of a certificate of accreditation. The program is designed to upgrade and maintain the quality of a building material.

(b) Under the proposed program, the sole criterion for accreditation and the award of a certificate of accreditation of established firms will be provable ability to function effectively in the field of concrete construction, and any applicant who has a satisfactory record of accomplishment as certified by the architect or engineer for whom concrete work was done will be accredited. Certificates will be renewed annually solely on the basis of satisfactory performance during the preceding year. The failure to maintain satisfactory performance standards could result in deaccreditation and withdrawal of the right to use the certificate. General supervision of the proposed program of accreditations will be vested in a Board of Directors, no member of which will have any financial interest in the product as might affect his impartiality under the program. The Board will have the responsibility, among other matters, for insuring nondiscriminatory administration of and free access to the program.

(c) There will be no requirement for any applicant as to the length of time in business, his capital, or size of operation. Applicant firms with no previous experience in the industry but having personnel of sufficient background and experience in concrete construction or related fields and which express a desire to engage in quality concrete constructions

[1] Commissioner MacIntyre did not concur.

will be accredited. All present and future applicants will have free, unrestricted and nondiscriminatory access to the program, whether or not they are a member of any sponsoring organization. All nonmember applicants will be accorded an equal opportunity for accreditation at a cost no greater than and under conditions no more onerous than those imposed upon comparably situated organization members for whom comparable services may be rendered. A uniform certificate of accreditation will be awarded to all who qualify.

(d) The Commission advised that it would not proceed against the practices so long as they are implemented in the manner described. The requesting party was advised further that in giving its approval to this request the Commission is expressing no opinion with respect to product standards which may be or are now established and that the approval will be of no force and effect should the proposed program of accreditation be implemented in contravention of Commission-administered law. The Commission added that should the proposed program be adopted the Commission may, from time to time, wish to assure itself that it is being used for the limited purposes intended.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 1, 1969.

By direction of the Commission.[1]

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

[F.R. Doc. 69–7753; Filed, July 1, 1969; 8:45 a.m.]

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

[File No. 206–9–1]

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Fiber Content of Special Types of Products

On March 27, 1969, the Commission issued a notice of amendment of § 303.10 (Rule 10) of Part 303, rules and regulations under the Textile Fiber Products Identification Act, "Fiber Content of Special Types of Products" so as to add a new paragraph thereto designated as paragraph (c), and to provide for the manner and form of disclosing the required fiber content information of textile fibers which contain components combined at or prior to the time of initial extrusion which if separately extruded would fall within existing definitions of textile fibers as set forth in § 303.7 (Rule 7) of the regulations under the aforesaid Act. Such notice was published in the FEDERAL REGISTER on March 28, 1969 at 34 F.R. 5836.

The notice of amendment provided that paragraph (c) of § 303.10 (Rule 10) would become effective 45 days after publication in the FEDERAL REGISTER. It was further provided that interested parties could submit written comments within 20 days of the publication of paragraph (c) of § 303.10 (Rule 10) in the FEDERAL REGISTER but this should not affect the effective date unless the Commission should so order.

Upon the indication of certain interested parties of a desire for a further period for comments, the time for the submission of written views and comments in the matter was extended to May 15, 1969 by notice dated April 18, 1969 and published in the FEDERAL REGISTER on April 23, 1969. The effective date of paragraph (c) of § 303.10 (Rule 10) of the rules and regulations under the Textile Fiber Products Identification Act was deferred until June 30, 1969.

In order to fully consider the necessity of making certain clarifying revisions in paragraph (c) of § 303.10 (Rule 10), the effective date of the aforesaid paragraph (c) of § 303.10 (Rule 10) of the rules and regulations under the Textile Fiber Products Identification Act is deferred until July 30, 1969.

Issued: June 27, 1969.

By the Commission.

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

[F.R. Doc. 69–7814; Filed, July 1, 1969; 8:49 a.m.]

[1] Commissioner Jones did not concur.

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 608—HANDKERCHIEF, SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and by means of Administrative Order No. 606 (34 F.R. 5434), the Secretary of Labor appointed and convened Industry Committee No. 82–B for the handkerchief, scarf, and art linen industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 82–B are hereby published, to be effective July 18, 1969, in this order amending section 608.2 of Title 29, Code of Federal Regulations. As amended, § 608.2 reads as follows:

§ 608.2 Wage rates.

* * * * *

(a) *Pre-1961 coverage classifications.* * * *

(1) *Hand-sewing on oblong scarves classification.* (i) The minimum wage for this classification is $1.05 an hour.

* * * * *

(2) *Other operations on oblong scarves classification.* (i) The minimum wage for this classification is $1.25 an hour.

* * * * *

(3) *Hand-sewing on products other than oblong scarves classification.* (i) The minimum wage for this classification is 50 cents an hour.

* * * * *

(4) *Other operations classification.* (i) The minimum wage for this classification is 72 cents an hour.

* * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.30 an hour.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 26th day of June 1969.

ROBERT D. MORAN, *Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.*

[F.R. Doc. 69–7819; Filed, July 1, 1969; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5—General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

This amendment of the General Services Administration Procurement Regulations prescribes policies and procedures which implement and supplement Subpart 1–3.8, Price Negotiation Policies and Techniques, of the Federal Procurement Regulations. The amendment expands Subpart 5–53.3, Audit of Contractors' Records, in the areas of contract audit and the processing of contractors' invoices or vouchers requesting payment under GSA contracts.

PART 5–3—PROCUREMENT BY NEGOTIATION

The table of contents for Part 5–3 is amended to include the following revised entry:

5–3.809 Contract audit as a pricing aid.

Subpart 5–3.8—Price Negotiation Policies and Techniques

Section 5–3.809 is revised to read as follows:

§ 5–3.809 Contract audit as a pricing aid.

The Contract Audits Division, Office of Audits and Compliance, and the Area Audits and Compliance Offices perform contract audits as a pricing aid upon request of a contracting officer pursuant to §§ 1–3.801, 1–3.809, and Subpart 5–53.3. Such requests shall be in writing and shall be directed to the appropriate audits and compliance office. In addition, they shall describe the problem, specify the purpose to be served by the audit, and identify any areas for particular pricing (or other) effort or emphasis, such as to review the contractor's accounting or estimating system.

PART 5–53—CONTRACT ADMINISTRATION

The table of contents for Part 5–53 is amended to include the following revised and new entries:

Sec.

5–53.303 Types of contracts subject to audit.
5–53.305 Payments under contracts subject to audit.
5–53.305–1 General.
5–53.305–2 Submission and processing of invoices or vouchers.
5–53.305–3 Action upon receipt of an audit report.
5–53.305–4 Suspensions and disapprovals of amounts claimed.
5–53.306 Additional internal controls.
5–53.307 Deviation.

Subpart 5–53.3—Audit of Contractors' Records

Subpart 5–53.3 is revised to read as follows:

§ 5–53.301 General.

The Contract Audits Division, Office of Audits and Compliance, and the Area Audits and Compliance Offices conduct contract audits (i.e., examinations) of contractors' records to the extent that such audits are required by law, regulation, or sound business judgment. Such audits include the conduct of periodic or requested audits of contractors as are warranted by such matters as the financial condition, integrity, and reliability of the contractor and prior audit experience, adequacy of the accounting system, and the amount of unaudited claims (see also § 5–3.809). In order that the Government can benefit to the maximum extent from such audits, a coordinated and cooperative effort shall be made by contracting officers, technical specialists, and finance and audit personnel (see §§ 1–3.801 and 5–53.102). It is the responsibility of the contracting officer to have an audit clause inserted in all contracts subject to audit pursuant to § 5–53.303.

§ 5–53.302 Purpose of audit.

In addition to the provisions of § 1–3.809, Contract audit as a pricing aid, audits are conducted to advise and make recommendations to the contracting officer concerning the:

(a) Propriety of amounts paid, or to be paid, by GSA to contractors where such amounts are based on a cost or time determination or on variable features related to the results of contractors' operations;

(b) Adequacy of measures taken by contractors regarding the use and safeguarding of Government assets under their custody or control;

(c) Compliance by contractors with contractual provisions having financial implications, such as progress payments, advance payments, guaranteed loans, cash return provisions, and price adjustments. The adequacy of a contractor's accounting system and controls shall be evaluated by contract audit (see § 1–3.809 (a)(1)) before inclusion of a Progress Payments clause in a contract, as provided in §§ 1–30.506 and 5–30.550(b)(3). A similar evaluation shall be made prior to the making of any advance payments or guaranteed loans pursuant to Parts 1–30 and 5–30;

(d) Reasonableness of contractors' settlement proposals in termination of contracts (see § 1–8.207);

(e) Compliance with contract provisions; and

(f) Contractors' financial condition and ability to perform or to continue to perform under Government contracts.

§ 5–53.303 Types of contracts subject to audit.

(a) The following types of contracts in excess of $2,500 shall include the Examination of Records by GSA clause (§ 5–53.304):

(1) Cost-reimbursement type contracts (see §§ 1–3.405 and 1–3.814–2(e));

(2) Advertised or negotiated contracts invblving the use or disposition of Government-furnished property (see § 5–53.102(b));

(3) Where advance payments progress payments based on costs, or guaranteed loans are to be made (see § 5–53.302(c));

(4) Contracts for supplies or services containing a price warranty or price reductions clause;

(5) Contracts or leases involving income to the Government where the income is based on operations that are under the control of the contractor or lessee;

(6) Fixed-price contracts with escalation (see §§ 1–2.104–3 and 1–3.404–3), incentives (see §§ 1–3.404–4 and 1–3.407), and redetermination (see §§ 1–3.404–5 and 1–3.404–7);

(7) Requirements and indefinite quantity (call-type) contracts (see §§ 1–2.104–4 and 1–3.409; see also § 5–53.306 for additional internal controls);

(8) Time and materials and labor-hour contracts (see §§ 1–3.406–1 and 1–3.406–2; see also § 5–53.306 for additional internal controls); and

(9) Leases (i) where the rental is subject to adjustment (such as for a change in real estate taxes or service costs) or (ii) where the rental is dependent upon actual costs.

(b) In some of the contracts listed in paragraph (a) of this § 5–53.303, it may be appropriate to contractually define the scope or extent of any audit, such as with respect to (1) the use or disposition of Government-furnished property or (2) variable or other special features of the contract, e.g., price escalation, and compliance with the price warranty or price reductions clauses. In such cases, the contract clause in § 5–53.304 may be appropriately modified with the concurrence of the (1) Office of General Counsel or Regional Counsel and (2) Contract Audits Division or the Area Audits and Compliance Office, as appropriate.

(c) Inclusion of the contract clause in § 5–53.304 (whether or not modified) in contracts does not affect in any way the requirements for (1) use of the Examination of Records clause permitting review of contractor books and records by the Comptroller General (see § 1–3.814–2(e)) or (2) the clauses on Audit and Records pertaining to the verification of cost or pricing data (see § 1–3.814–2).

(d) A copy of each contract, or modification, of the types described in § 5–53.305–1(a) subject to audit shall be furnished promptly after execution to the Contract Audits Division, Office of Audits and Compliance, General Services Administration, Washington, D.C. 20405, or to the Area Audits and Compliance Office, as appropriate.

§ 5–53.304 Contract clause.

The following contract clause is prescribed for use as provided in § 5–53.303:

EXAMINATION OF RECORDS BY GSA

The Contractor agrees that the Administrator of General Services or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this contract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any books, documents, papers, and records of the Contractor involving transactions related to this contract or compliance with any clauses thereunder.

The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Administrator of General Services or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under the subcontract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract or compliance with any clauses thereunder. The term "subcontract" as used in this clause excludes (a) purchase orders not exceeding $2,500 and (b) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

§ 5–53.305 Payments under contracts subject to audit.

§ 5–53.305–1 General.

(a) The contracting officer shall not approve the initial payment invoice or voucher until he has consulted with the Contract Audits Division or the Area Audits and Compliance Office, where the invoices or vouchers are under:

(1) Cost-reimbursement type contracts;

(2) The cost-reimbursement portion of fixed-price type contracts;

(3) Time and materials or labor-hour contracts; or

(4) Fixed-price contracts providing for (i) progress payments based on costs, (ii) advance payments, (iii) guaranteed loans, or (iv) incentives or redetermination.

(b) The contracting officer shall not approve the final payment (completion) invoice or voucher for such contracts, nor for the final payment or settlement of other contracts subject to audit (see § 5–53.303) prior to the (1) receipt and review of the contract audit report or (2) consultation with the Contract Audits Division or the Area Audits and Compliance Office if no audit is to be conducted; provided, that this paragraph (b) shall not apply to fixed-price contracts with escalation where no price revision (upward or downward) is to be made.

§ 5–53.305–2 Submission and processing of invoices or vouchers.

(a) Contractors shall be required to submit the invoices or vouchers described in § 5–53.305–1 directly to the contracting officer. The processing of invoices or vouchers prior to payment for work or services rendered shall include a review by the contracting officer, or his designated representative, to determine that the nature of items and amounts claimed are in consonance with the contract terms, represent prudent business transactions, and are within any stipulated contractual limitations (see § 5–53.102). The contracting officer must insure that these payments are commensurate with physical and technical progress under the contract. If the contractor has not deducted from his claim amounts which are questionable or which are required to be withheld, the contracting officer shall make the required deduction, except as provided in § 5–53.305–3.

(b) Subject to the provisions of § 5–53.305–1, approval by the contracting officer of any payment, including any specific approval as to the nature or amount of a cost, shall be noted on (or attached to) the invoice or voucher (see, for example, § 1–15.107 regarding advance understandings on particular cost items). The invoice or voucher shall be forwarded to the appropriate accounting center and retained therein after certification and scheduling for payment to a disbursing office.

§ 5–53.305–3 Action upon receipt of an audit report.

Audit reports shall be furnished to the contracting officer, with a copy to the appropriate accounting center. Upon receipt of an audit report, the contracting officer shall, pursuant to contract terms and the guidelines of § 5–53.102, determine the allowability of all costs covered by audit, giving full consideration to the auditor's recommendations. Where the contracting officer is in doubt or questions the recommendations of the auditor, deductions need not be made from invoices or vouchers for provisional payments. The contracting officer in such cases, however, shall confer with the auditor and other appropriate Government personnel (such as a price specialist or legal counsel) to determine what further action should be taken regarding the items of cost in question. If the contracting officer disagrees with the auditor's recommendations, the contracting officer shall prepare a statement for the contract file to support and justify his decision and shall furnish the auditor with a copy of such statement (see also § 1–3.811).

§ 5–53.305–4 Suspensions and disapprovals of amounts claimed.

The contracting officer shall notify the appropriate accounting center in writing when amounts claimed for payment are (a) suspended tentatively, (b) disapproved as not being allowable according to contract terms, or (c) not reasonably incident or allocable to performance of the contract. Such notice by the contracting officer shall be the basis for the issuance by the accounting center of GSA Form 533, Administrative Difference Statement. A copy of GSA Form 533 shall be attached to each copy of the invoice or voucher from which the deduction has been made, including an explanation of the deduction. Control over the issuance of GSA Form 533 shall be maintained by the accounting center.

§ 5–53.306 Additional internal controls.

As a supplement to the contractual right to audit (see § 5–53.303) contractor records in time and materials, labor-hour, requirements, and indefinite quantity (call-type) contracts, the contracting officer (with the assistance of the Contract Audits Division or the Area Audits and Compliance Office) shall establish appropriate internal controls or procedures prior to the performance of those contracts with respect to any flexible or variable features. For example, if a time and materials, or labor-hour contract is performed (on a Government facility or elsewhere) subject to observation or overall supervision by Government personnel (see § 1–3.406–1(b)), approval of time records may be provided for as incidental to the Government supervision. Any reasonable and reliable method or procedure may be established, to account for such matters as the time spent on the job, and materials or supplies received, which will assist the contract auditor and the contracting officer to determine the correctness of the charges to the contract.

§ 5–53.307 Deviation.

(a) Except as provided in paragraph (b) of this § 5–53.307, approval of any deviation (see § 5–1.108(b)(1)) in individual cases from the contract audit requirements of the Federal Procurement Regulations or General Services Administration Procurement Regulations shall be made by the Head of the appropriate Central Office Service or Staff Office only after consultation with the Deputy Director, Office of Audits and Compliance (Audits).

(b) The contracting officer and the Deputy Director, Office of Audits and Compliance (Audits), or the Area Audits and Compliance Office may agree to limit the application of specific contract audit requirements in individual cases, such as where the possible cost-benefits of the audit do not warrant the assignment of audit resources or where audit resources are unavailable; provided, that the stated urgency of a proposed procurement or other contract action shall not alone be adequate justification for such a waiver (see § 1–3.801–3 with respect to the avoidance of requirements issued on an urgent basis and § 1–3.809(b)(2) with respect to the allowance of as much time as possible for the audit work).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective June 24, 1969.

Dated: June 24, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–7733; Filed, July 1, 1969; 8:45 a.m.]

Chapter 6—Department of State

[Dept. Reg. 108.604]

PART 6–1—GENERAL

Subpart 6–1.4—Procurement Responsibility and Authority

DESIGNATION; DIPLOMATIC AND CONSULAR POSTS LOCATED OUTSIDE THE UNITED STATES

In § 6–1.404–2(c) subparagraph (5) is amended by adding a new subdivision (iv) to read as follows:

§ 6–1.404–2 Designation.

* * * * *

(c) * * *

(5) *Diplomatic and consular posts located outside the United States.* * * *

(iv) When expressly authorized by a U.S. Government agency which does not have an authorized contracting officer at the post, the officers named above in this subparagraph may enter into contracts for and on behalf of that agency. The exercise of this authority is subject to the provisions of the regulatory or other contracting officer designation issued by the contracting agency and any relevant administrative support or other interagency agreement. Statutory authorities and regulations of the contracting agency are applicable to contracts entered into

pursuant to this authority and the contracting agency is responsible for informing the individual it has designated to act as its contracting officer of pertinent statutes and regulations which supplement, implement or deviate from Chapter 1 of this title. In view of the contracting officer's responsibility for the legal, technical, and administrative sufficiency of the contracts he enters into, questions regarding the propriety of procurement actions that the post is requested to take pursuant to this authority may be referred to the Department for resolution with the headquarters of the agency concerned.

* * * * *

(Sec. 205(c), 63 Stat. 390, as amended; 40 U.S.C. 486(c) sec. 4, 63 Stat. 111; 22 U.S.C. 2658)

IDAR RIMESTAD,
Deputy Under Secretary for Administration.

JUNE 12, 1969.

[F.R. Doc. 69-7767; Filed, July 1, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69-700]

PART 0—COMMISSION ORGANIZATION

Authority Delegated

1. The Commission has before it a number of informal requests from standard broadcast stations looking toward on-the-air identification with a community other than the community of license. These requests fall short of the principal city signal criteria required by § 0.281 (kk) of the Commission's rules and regulations.

2. Five requests of this nature are currently pending, as follows:

a. WINE(AM) (940 kHz, 1 kw, D), Brookfield, Conn., requesting a Brookfield-Danbury identification. Although the station's 5 mv/m contour encompasses Danbury, its 25 mv/m signal does not reach the city.

b. WAAM(AM) (1600 kHz, 1 kw, 5 kw, DA-2, LS, U), Ann Arbor, Mich., requesting an Ann Arbor-Ypsilanti identification. Ypsilanti is totally encompassed by the station's 5 mv/m contour, day and night. However, the 25 mv/m signal, although covering the main business district by day, falls to 8 mv/m at night.

c. WVOL(AM) (1470 kHz, 1 kw, 5 kw-LS, DA-2, U), Berry Hill, Tenn., requesting a Berry Hill-Nashville identification. The station's 5 mv/m and 25 mv/m contours cover the entire city of Nashville during the day. At night, the 5 mv/m signal covers Nashville with some interference at the edges; a 10 mv/m interference-free contour covers 75.5 percent of the city.

d. WDAE(AM) (1250 kHz, 5 kw, DA-1, U), Tampa, Fla., requesting a Tampa-St. Petersburg identification. The entire city of St. Petersburg receives a signal intensity of 8 mv/m both day and night, and the business area receives a signal of about 15 mv/m, both day and night.

e. KIKO(AM) (1340 kHz, 250 W, 1 kw-LS, U), Miami, Ariz., requesting a Miami-Globe identification. The station's 5 mv/m and 25 mv/m contours cover the entire city of Globe during the day. However, the 25 mv/m signal, although covering the main business district by day, falls short at night.

3. By memorandum opinion and order of October 25, 1967 (10 FCC 2d 527), the Commission delegated to the Chief, Broadcast Bureau—section 0.281(kk)—authority to waive the AM and FM station identification requirements (§§ 73.117 and 73.287 of the rules, respectively) so as to permit stations to identify with all communities lying within their principal city contours as defined in §§ 73.188(b) for AM and 73.315(a) for FM. Only strict compliance with this standard was viewed as justifying multiple-city identification.

4. We find no sound basis for deviating from this determination. In conventional application processing, principal city coverage is generally considered essential to insure the necessary premium grade of service to the principal community or communities served. A fortiori, no less should be required for multiple-city identification purposes. Arguments based on similarity of program needs as a means of justifying dual-city requests must be rejected because of the transitory nature of programing judgments.

5. Moreover, it cannot be demonstrated to our satisfaction that strict compliance with the principal city coverage requirement will result in measurable hardship to the stations affected. Commission policy already permits a station which falls short of such coverage to identify "promotionally" with communities lying within its lesser coverage area (after recitation of call letters and station location). In our public notice adopted October 11, 1967, examples of permissible promotional-identification announcements were cited—See 10 FCC 2d 407, Example 3. For instance, a station assigned to the hypothetical city Millville which puts a less than principal city signal over the hypothetical city of Clarkston could identify as follows: "Station XXXX, Millville, serving Millville and Clarkston." Clearly, insofar as the listening public is concerned, promotional announcements of this character serve essentially the same purpose as do hyphenated identifications granted under § 0.281(kk):

6. The amendment herein ordered is intended to implement the foregoing determination by delegating to the Chief, Broadcast Bureau, authority to dismiss requests for multiple-city identification which do not show strict compliance with principal city coverage requirements. Since the amendment relates to internal Commission practice, the prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) need not be observed. Authority for the adoption of this amendment is contained in sections 4(i), 303(p), and 303 (r) of the Communications Act of 1934, as amended.

7. *Accordingly, it is ordered,* Effective July 3, 1969, that the above-referenced requests for multicity station identification are dismissed, and § 0.281(kk) of the Commission's rules and regulations is amended as set forth below.

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

Adopted: June 25, 1969.

Released: June 27, 1969.

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

In Part 0 of Chapter 1 of Title 47, Code of Federal Regulations, § 0.281(kk) is amended to read as follows:

§ 0.281 Authority delegated.

* * * * *

(kk) For waiver of the provisions of §§ 73.117 and 73.287 of this chapter to permit multiple-city identification, where the additional community or communities with which identification is sought are provided with the minimum principal city signal intensity specified in §§ 73.188(b) and 73.315(a) of this chapter for AM and FM broadcast stations, respectively; and to dismiss requests for multiple-city identification which do not meet principal city coverage requirements.

* * * * *

[F.R. Doc. 69-7786; Filed, July 1, 1969; 8:47 a.m.]

[Docket No. 18541 etc.; FCC 69-701]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments in Carthage, Miss. et al.

In the matter of amendment of § 73.202, *Table of assignments,* FM Broadcast Stations (Carthage, Miss., Mifflinburg, Pa., Forest City, Iowa, Hampton, S.C., Tylertown, Miss., French Lick, Ind., New Boston, Tex., Breckenridge, Minn., Minocqua, Wis., Charleston, Miss., and Southampton, N.Y.); Docket No. 18541, RM-1396, RM-1398, RM-1401, RM-1410, RM-1411, RM-1412, RM-1415, RM-1419, RM-1421, RM-1430, RM-1433.

1. The Commission has under consideration its notice of proposed rule making issued on May 5, 1969 (FCC 69-475, 34 F.R. 7446), inviting comments on a number of changes in the FM Table of Assignments as advanced by various interested parties. All comments and data filed in response to the notice were considered in making the following determinations. There were no opposing comments filed. Except as noted, the population figures were taken from the 1960 U.S. Census. The following decision disposes of all subject petitions, except *RM-1433, Southampton, N.Y.,* which will be included in a subsequent order.

[1] Commissioner Bartley absent.

2. *RM–1396, Carthage, Miss.* (*Meredith Colon Johnston*); *RM–1398, Mifflinburg, Pa.* (*Wireline Radio, Inc.*); *RM–1401, Forest City, Iowa* (*Marvin L. Hull*); *RM–1410, Hampton, S.C.* (*Hampton County Broadcasters, Inc.*); *RM–1411, Tylertown, Miss.* (*Tylertown Broadcasting Co.*); *RM–1412, French Lick, Ind.* (*Wireless of Indiana*); *RM–1415, New Boston, Tex.* (*Bowie County Broadcasting Co., Inc.*); *RM–1421 Minocqua, Wis.* (*Tomahawk Broadcasting Co.*); *RM–1430, Charleston, Miss.* (*Dixie Broadcasting Co., Inc.*). In the above cases interested parties seek the assignment of a first Class A channel in a community without requiring any other changes in the Table.[1] The communities range in size from 1,532 persons for Tylertown, Miss., to 2,930 persons for Forest City, Iowa. None of the communities are a part of an urbanized area (1960 Census) and each appears to warrant the proposed assignment. We are of the view that adoption of each proposal would serve the public interest and are therefore making the following additions to the FM Table of Assignments:

City	Channel No.
French Lick, Ind	261A
Forest City, Iowa	272A
Carthage, Miss	252A
Charleston, Miss	272A
Tylertown, Miss	249A
Mifflinburg, Pa	252A
Hampton, S.C	276A
New Boston, Tex	240A
Minocqua, Wis	240A

3. *RM–1419, Breckenridge, Minn.* On February 22, 1969, Interstate Broadcasting Corp., permittee of Station KKWB–FM, Channel 269A, Breckenridge, Minn., filed a petition seeking substitution of Channel 285A for 269A at Breckenridge, and modification of the KKWB–FM authorization to specify operation on Channel 285A.

4. In support of its petition, Interstate states that during equipment test operation on Channel 269A it received numerous complaints of interference being caused to reception of television Station KTHI–TV, Channel 11, Fargo, N. Dak., in the Breckenridge, Minn.-Wahpeton, N. Dak. area. As a result of the interference, regular program operation was only attempted for 2 hours over a 2-day period. The station has been silent since December 1968. A meeting during equipment tests was held with the area TV servicemen for the purpose of providing recommendations by the KKWB–FM engineers for eliminating the interference. The public was similarly informed through a release in the local newspaper. Petitioner notes that the majority of complaints appeared to be caused by overloading of TV receivers by the primary signal of KKWB–FM, which caused the receivers, in turn, to generate a second harmonic within themselves, the latter resulting in direct interference to the reception of the relatively weak signal of Channel 11. It is the opinion of the petitioner that a majority of the complaints could be eliminated by filters applied at the TV receivers and tuned to the KKWB–FM fundamental frequency. However, claiming that many complainants are reluctant to go to the expense of a corrective filter installation, it is urged that it would be in the public interest to permit the proposed channel change for KKWB–FM in order to avoid the TV interference experienced.

5. As we noted in the notice, by virtue of the general availability of other channels in the area, it does not appear that any community having a probable future need would be deprived of a channel by the proposed change, nor does it appear that the problem would be transferred to another area. The proposal therefore conforms with our announced policy concerning FM channel changes to avoid television interference. See public notice: Policy to Govern the Change in FM Channels to Avoid Interference to Television Reception, released February 3, 1966, FCC 66–106, 6 RR 2d 672. There were no comments filed in opposition to the proposal. We are therefore of the opinion that substitution of Channel 285A for 269A, at Breckenridge, Minn., is warranted and that modification of the KKWB–FM authorization accordingly would serve the public interest.

6. Authority for the adoption of the amendments contained herein is contained in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered,* That effective August 4, 1969, section 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, with respect to the communities listed below, as follows:

City	Channel No.
Indiana:	
French Lick	261A
Iowa:	
Forest City	272A
Minnesota:	
Breckenridge	285A
Mississippi:	
Carthage	252A
Charleston	272A
Tylertown	249A
Pennsylvania:	
Mifflinburg	252A
South Carolina:	
Hampton	276A
Texas:	
New Boston	240A
Wisconsin:	
Minocqua	240A

8. *It is further ordered,* That the outstanding construction permit held by Interstate Broadcasting Corp., for Station KKWB–FM on Channel 269A at Breckenridge, Minn., is modified, to specify operation on Channel 285A subject to the following condition:

(a) The permittee shall submit to the Commission by August 4, 1969, all the technical information required for the issuance of a modified construction permit specifying operation on Channel 285A.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; sec. 316 66 Stat. 717; 47 U.S.C. 154, 303, 307, 316)

Adopted: June 25, 1969.

Released: June 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 69–7787; Filed July 1, 1969; 8:47 a.m.]

[1] Of the places listed, Carthage and Tylertown, Miss., and Hampton, S.C., are each authorized an AM daytime-only station. Two competing applications are pending for an AM daytime-only facility at New Boston, Tex.

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1008, Amdt. 2]

PART 1033—CAR SERVICE

Illinois Terminal Railroad Co. Authorized To Operate Over Tracks of Illinois Central Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of June 1969.

Upon further consideration of Service Order No. 1008 (33 F.R. 14959, 34 F.R. 5997), and good cause appearing therefor:

It is ordered, That:

Section 1033.1008 *Illinois Terminal Railroad Co. authorized to operate over tracks of Illinois Central Railroad Co.* of Service Order No. 1008 be, and it is hereby amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1969.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2)).

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

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

[F.R. Doc. 69–7793; Filed, July 1, 1969; 8:48 a.m.]

[1] Commissioner Bartley absent; Commissioner Cox dissenting in part.

[Corrected Second Rev. S.O. 1023, Amdt. 1]

PART 1033—CAR SERVICE

Demurrage and Detention Charges on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 26th day of June 1969.

Upon further consideration of Corrected Second Revised Service Order No. 1023 (34 F.R. 8920), and good cause appearing therefor:

It is ordered, That:

Section 1033.1023 *Demurrage and detention charges on freight cars* of Corrected Second Revised Service Order No. 1023 be, and it is hereby, amended by substituting the following paragraph (j) for paragraph (j) thereof:

(j) *Expiration date.* This order shall expire at 6:59 a.m., September 1, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 6:59 a.m., July 1, 1969.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

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

[F.R. Doc. 69-7794; Filed, July 1, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 68]

REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Notice of Proposed Rule Making

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, notice is hereby given that the U.S. Department of Agriculture is proposing a revision of the Part 68 regulations (7 CFR Part 68) under authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624).

Statement of considerations. On June 5, 1969, a postponement of effective dates for revision of Part 68 regulations (7 CFR Part 68) was published in the FEDERAL REGISTER (34 F.R. 8963) to allow adequate consideration to comments and views submitted by the rice industry. As a result of subsequent meetings with the rice industry, the following amendments are proposed:

1. Section 68.16a would be amended to read:

§ 68.16a Issuance of corrected certificate.

(a) If any error is made in an inspection, a corrected inspection certificate may be issued in accordance with instructions issued by the Director. The term "error" shall be deemed to include any error of commission or error of omission.

(b) The original and copies of the corrected certificate shall be issued as promptly as possible to the same interested persons as received the incorrect certificate.

(c) The corrected certificate shall supersede the incorrect inspection certificate previously issued. The corrected certificate shall clearly identify by certificate number and date the incorrect certificate which it supersedes.

(d) The issuing inspector shall obtain the original and all copies of the superseded incorrect certificate if possible. If the inspector is unable to obtain the original and all copies of the superseded certificate, he shall, to the extent possible, notify all parties to the transaction, to prevent misuse of the superseded certificate.

2. Section 68.21 would be amended to read:

§ 68.21 How to obtain an appeal inspection.

(a) An application for appeal inspection may be made by any interested party who is dissatisfied with the results of an inspection.

(b) The application shall be made in writing or by telegraph and shall be filed in the office of a Supervising Inspector.

(c) The inspection certificate for the inspection appealed from shall be submitted with the application or as soon thereafter as possible.

(d) This paragraph is applicable to rice inspection only: Except as may be agreed upon by the interested parties, the application shall be filed before the rice has left the place where the inspection appealed from was made and not later than the close of business on the second business day following the date of the inspection appealed from, which time of filing may be extended by the Supervising Inspector for good cause shown.

(e) Subject to the limitations in paragraphs (f) and (g) of this section, an appellant may request that an appeal lot inspection be based on the official file sample, or based on a new sample if the lot can be positively identified by the Supervising Inspector as the lot which was previously inspected and the entire lot is available for sampling and examination. However, only one appeal inspection may be obtained from any original inspection.

(f) Subject to the limitations in paragraph (g) of this section, at the option of the Supervising Inspector, an appeal lot inspection shall be based on the sample or samples which are considered most representative of the lot.

(g) An appeal inspection shall be limited to a review of the sampling procedure and an analysis of the official file sample when, as a result of the original inspection, the commodity was found to be contaminated with filth or to contain a deleterious substance. If it is determined that the sampling procedures were improper, a new sample shall be obtained if the lot can be positively identified by the Supervising Inspector as the lot which was previously inspected and the entire lot is available for sampling and examination.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 30th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 26th day of June 1969.

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

[F.R. Doc. 69-7769; Filed, July 1, 1969; 8:46 a.m.]

[7 CFR Part 1133]

[Docket No. AO-275-A20]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn, Sunset Highway, Spokane, Wash., beginning at 9:30 a.m., local time, on Wednesday, July 9, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Inland Empire marketing area.

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

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

Proposed by Inland Empire Dairy Association and Spokane Milk Producers Association, Spokane, Wash.:

Proposal No. 1. Amend § 1133.8(a)(1) to read "the lesser of 100,000 pounds or 10 percent" instead of the present phrase which reads, "the lesser of 250,000 pounds or 20 percent."

Proposal No. 2. Delete § 1133.51(d) of the order dealing with the Supply-Demand adjustment to the Class I price.

Proposed by Arden-Mayfair, Inc., Spokane, Wash.:

Proposal No. 3. Amend § 1133.13(b) to read: (b) Products other than Fluid Milk Products, from any source (including those processed at the plant) which are reprocessed in connection with or converted to a Class I Fluid Milk product in the plant during the month. The skim milk components of such products shall be as follows:

(1) A weight equal to the weight of the volume increase caused by nonfat

milk solids in dry milk solids or condensed milk or skim milk products used for the fortification of, or as an additive to, Class I Fluid Milk products.

Proposal No. 4. Amend § 1133.40 by deleting in its entirety the following sentence: "If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids."

Proposal No. 5. Amend § 1133.41(a) to provide that Fluid Milk Products concentrated and disposed of in packaged form shall be Class I in an amount equal to the skim milk and butterfat used to produce the quantity of such products disposed of.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 6. Amend § 1133.80(d) (1) by deleting the words "An advance" where it appears and substituting therefor the words "A partial."

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

Copies of this notice of hearing and the order may be procured from the Market Administrator, James A. Burger, West 55 Mission Avenue, Spokane, Wash. 99201, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on June 26, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-7770; Filed, July 1, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Ch. III]

[Docket No. 69-7; Notice No. 1]

INFLATABLE OCCUPANT RESTRAINT SYSTEMS

Advance Notice of Proposed Rule Making

The Administrator is considering the issuance of a Federal Motor Vehicle Safety Standard requiring the installation of, and specifying performance requirements for, inflatable occupant restraint systems or other passive occupant restraint systems which provide comparable protection in passenger cars, multipurpose passenger vehicles, trucks, and buses.

Effective restraint of occupants during motor vehicle crashes is a fundamental goal of the Administration's motor vehicle safety program. The value of safety belts, which are required by existing motor vehicle safety standards, in reducing deaths and injuries has been proven. Nevertheless, the Administrator has concluded that safety belts alone do not represent the optimum solution to the problem of preventing deaths and reducing the severity of injuries caused primarily by the "second collision" that occurs when the occupant is hurled against the vehicle's interior. The principal disadvantage of safety belts is that only a very low percentage of the motoring population, as reported in the President's recent *Report on the Administration of the National Traffic and Motor Vehicle Safety Act of 1966* (at pages 16-18), presently takes advantage of the life-saving restraint protection they afford.

For these reasons, the interests of motor vehicle safety demand the prompt development and installation of passive restraint systems. One very promising system, now in its final development stages, is commonly referred to as the "air bag," a device which, in the event of potentially injurious deceleration, automatically inflates in front of the occupant within a few hundredths of a second after the initial crash contact.

A device such as the air bag has enormous advantages over traditional restraint systems. It is automatic. It distributes the heavy loads generated in motor vehicle crashes over a large area of the body enabling occupants to experience much higher crash forces without injury. It cushions occupants during the crash.

Many leading safety authorities have endorsed the concept of providing air bags or other passive occupant restraint systems which provide comparable protection in motor vehicles. The National Motor Vehicle Safety Advisory Council, established by Public Law 89-563 to consult with the Secretary of Transportation on motor vehicle safety standards, in a formal recommendation to the Secretary recently urged an accelerated effort in implementing inflatable passive restraint system developmental efforts, including appropriate administrative actions to assist in the early installation of such a system in motor vehicles.

For these reasons, the Administrator has under consideration a motor vehicle safety standard that would require manufacturers to install some type of passive occupant restraint system in new motor vehicles. Because of the protection such a restraint system would provide, it is desirable that the system be provided in new motor vehicles as soon as possible, and not later than January 1, 1972.

Interested persons are invited to submit written data, views, or arguments pertaining to this advance notice. Comments must identify the docket number and must be submitted in 10 copies to the Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591. All comments received before the close of business 90 days after the date this notice is published in the FEDERAL REGISTER will be considered by the Administrator. All comments will be available in the Rules Docket for examination both before and after the closing date for comments.

The Administrator requests the submission of information, including test results, test methods, test procedures, and other data concerning inflatable or other passive occupant restraint systems which provide comparable protection now under development or being considered. He particularly invites such information with respect to the following:

(1) Crash conditions under which the system should and should not deploy, e.g., deceleration levels and directions of impact.

(2) Deployment and deflation times and positioning of the system components, when inflated, in relation to the vehicle interior and vehicle occupants.

(3) Performance of the system in relation to the biomechanical characteristics of vehicle occupants, including recommended loads on the various portions of the human body, recommended noise and pressure levels, and other factors.

(4) The extent to which existing Federal Motor Vehicle Safety Standards dealing with impact protection and occupant restraint should be changed to reflect the issuance of a standard requiring installation of passive restraint systems.

(5) Design considerations such as reliability, maintenance, serviceability, environmental and other factors relating to the performance of such a system.

(6) Cost consequences of a standard requiring such a system, and the earliest practicable dates on which motor vehicles can be equipped with inflatable or other passive occupant restraint systems.

This advance notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority at 49 CFR 1.4(c).

Issued on June 26, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-7782; Filed, July 1, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 81, 83, 85, 87, 89, 91, 93, 95, 99]

[Docket No. 18588; FCC 69-707]

LICENSE TERMS

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Public Law 87-439, 76 Stat. 58, approved April 27, 1962, amended section 307(e) of the Communications Act to remove the restriction against granting

a license renewal in the Safety and Special Radio Services more than 30 days prior to the expiration of the license term. As a result, although the rules do not spell out the practice, in most of those services we currently treat applications for modification as applications for both modification and renewal and make grants for full 5-year terms, the maximum allowed under the Act. We hereby propose to amend the rules to reflect this practice.

3. In the Public Safety Radio Services, except in the Special Emergency Radio Service, modifications are normally granted only for the balance of the unexpired term of the license being modified. This is done so that practically all of the Public Safety Radio Services licenses in a particular state will expire on the same day, month, and year. The year of expiration is advanced in 4-year increments. The scheduled expiration dates vary from State to State. Thus, the expiration dates of licenses for State X would successively be July 1, 1969; July 1, 1973; July 1, 1977; for State Y they would be August 1, 1969; August 1, 1973; August 1, 1977; etc. Licenses for new stations are thereafter issued to expire on the State's next scheduled expiration date, except where that would result in less than a 1-year term, in which event the State's next succeeding expiration date is used. The same procedure is used to compute the term of a modified license issued during the last 12 months of the original license term. In the Special Emergency Radio Service we follow the practice, described in paragraph 2, of issuing licenses, modifications, and renewals for full 5-year terms.

4. To maintain the expiration schedule for Public Safety radio stations necessitates a sizable amount of work on the part of the Commission. The practice of issuing modifications for full 5-year terms would greatly reduce the number of renewal applications which we now have to process in the Public Safety Radio Services. We have found that about one-fourth of all Public Safety licenses are modified each year. If each were treated as a renewal, it would mean that over a 4-year period we would reduce significantly the number of applications filed solely for renewal. The renewal applications filed would be for only those station licenses not modified during the license term. Even as to those, there should be at least a 20 percent reduction in renewal processing workload inasmuch as those licenses would be renewed only every 5 years, instead of every 4 years as under the existing expiration schedule. It follows that there would also result a savings in processing time to the licensees, who would have fewer applications to be concerned with.

5. The current rule concerning license terms in the Disaster Communications Service, § 99.15, was adopted in contemplation of the use of an expiration schedule like that used in the Public Safety Radio Services. However, such a schedule is not used in the Disaster Communications Service. Accordingly, we propose to amend that section to reflect the actual practice followed, which conforms to the practice in the other Safety and Special Services.

6. In the Amateur Radio Service there are special operating time and code speed requirements which must be satisfied prior to a renewal grant. Therefore, a modification application is not routinely granted for a full license term, but only for the balance of the unexpired term, unless accompanied by a specific request for renewal and a statement concerning satisfaction of the renewal requirements. We contemplate no change in this practice and, therefore, propose no change in the Amateur Radio Service rules.

7. Accordingly, we propose to amend the rules in Parts 81, 83, 85, 87, 89, 91, 93, 95, and 99 as set forth in the attached appendix, so that they will reflect our current licensing practices and will conform the licensing practices in the Public Safety Radio Services to those of the other Safety and Special Radio Services.

8. Certain kinds of applications for radio stations (specified in section 309 of the Communications Act and § 1.962 of our rules) may not be granted earlier than 30 days following the issuance of a public notice. Generally, the public notice is required for new and renewal applications and also for applications for modification of licenses involving substantial changes. An application for minor modification of license of a 309(b) station will be granted, if in order, only for the remainder of the license term and, as provided by section 309(c) of the Act and § 1.962(b) of our rules, will not be put on public notice. However, when such an applicant requests a new full term in an application for a minor modification, we will treat the application as one for modification and renewal and will issue a public notice as required by the Act and our rules.

9. The proposed amendments of the rules are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 4, 1969, and reply comments on or before August 14, 1969. 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 in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

11. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 25, 1969.

Released: June 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[1] Commissioners Bartley and Wadsworth absent; Commissioner Johnson concurring in result.

1. Section 81.65(a) is amended to read:

§ 81.65 License term.

(a) Licenses for stations in the maritime service will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

2. Section 83.63(a) is amended to read:

§ 83.63 License term.

(a) Licenses for stations in the maritime service will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

3. Section 85.61(a) is amended to read:

§ 85.61 License term.

(a) Licenses for Alaska-public fixed stations and stations in the maritime services in Alaska will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

4. In § 87.49 the headnote and paragraph (a) are amended to read:

§ 87.49 License term.

(a) Licenses for stations in the Aviation Services will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

5. In § 89.73 paragraph (a) is amended to read:

§ 89.73 License term.

(a) License for stations in the Public Safety Radio Services will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

6. In § 91.63 paragraph (a) is amended to read:

§ 91.63 License term.

(a) Licenses for stations in the Industrial Radio Services will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

7. In § 93.63 paragraph (a) is amended to read:

§ 93.63 License term.

(a) Licenses for stations in the Land Transportation Radio Services will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

* * * * *

8. In § 95.33 the headnote and text are amended to read:

§ 95.33 License term.

Licenses for stations in the Citizens Radio Service will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

9. Section 99.15 is amended to read:

§ 99.15 License term.

Licenses in the Disaster Communications Service will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal.

[F.R. Doc. 69-7788; Filed, July 1, 1969; 8:47 a.m.]

[47 CFR Parts 2, 81, 83, 87]

SUBALLOCATION OF FREQUENCY BAND ETC.

Notice of Proposed Rule Making

In the matter of amendment of Parts 2, 81, 83 and 87 of the Commission's rules and regulations to suballocate, provisionally, the frequency band 1535–1660 MHz in the interest of fostering developmental programs for aeronautical and maritime purposes; Docket No. 18550; a petition for amendment of Parts 2 and 87 of the Commission's rules and regulations to provide for the use and development of an airborne collision avoidance system; RM–1201.

1. The Commission has received a telegram from Bonzer, Inc., requesting that the time for filing comments in this proceeding be extended to July 7, 1969. In support of its request, Bonzer states that it desires to submit comments but did not become aware of the proceeding until June 19, 1969, the day before comments were to be filed.

2. Bonzer, Inc., may be able to furnish information which would be helpful to the Commission in making a determination in this proceeding. The extension requested, moreover, will not interfere with the conduct of this proceeding or delay its outcome. Accordingly, a grant of the requested extension is in the public interest. This extension should also, of course, apply to the filing of reply comments.

3. In view of the foregoing: *It is ordered,* Pursuant to § 0.251(b) of the rules and regulations, That the time for filing comments in this proceeding is extended to July 7, 1969, and that the time for filing reply comments is extended to July 17, 1969.

Adopted: June 25, 1969.

Released: June 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DANIEL R. OHLBAUM,
Deputy General Counsel.

[F.R. Doc. 69-7789; Filed, July 1, 1969; 8:47 a.m.]

[47 CFR Part 91]

[Docket No. 18589; FCC 69-708]

USE OF FREQUENCIES ALLOCATED FOR LAND MOBILE OPERATIONS ON AIRPORTS

Notice of Proposed Rule Making

1. In the second report and order in Docket No. 13847 (FCC 68-128, 33 F.R. 3114), released February 9, 1968, the Commission made available 10 frequency pairs in the Business Radio Service for use in connection with the servicing and supplying of aircraft at airports serving urbanized areas of 200,000 or more population. The new rules provide for the use of two-frequency communication systems at air terminals with a maximum permissible power of 20 watts output for the base-mobile frequencies and 3 watts input for the mobile only frequencies. Subject to certain antenna limitations, mobile stations may also be used to provide the function of a base station on the mobile only frequencies. The rule making also established criteria by which other users in the Business Radio Service could, on a geographic basis, share these frequencies. In or near urbanized areas of 200,000 or more population, low-power in-plant, yard area type Business Radio systems are permitted to use these frequencies to within 5 miles of the boundaries of established airports serving these areas.

2. A petition for rule making seeking to amend the Commission's rules governing the use of aviation terminal frequencies was filed by Aeronautical Radio, Inc. (ARINC), on May 31, 1968. In its petition, ARINC asked that § 91.554 of the rules be changed to allow base station operation on the mobile only frequencies with a maximum power output of 3 watts because the present limitation of 3 watts input provides neither the flexibility of use nor protection they believe desirable for this service. The petitioner requests that operation of low power stations near airports by other Business users be placed on a secondary noninterference basis to air terminal operations. In addition, ARINC asks for rule changes that would require frequency coordination between air terminal users and other Business users operating low power installations near the protected airports. These changes are requested because air terminal users are not, in ARINC's opinion, afforded adequate protection under the present rules.

3. ARINC believes that the present rule provisions will result in serious derogation of the air terminal use. They maintain that 3-watt mobile stations used as base stations, located 5 miles from an airport boundary and transmitting over a nonobstructed path, would override signals from hand held portable equipment on the airport. Even on a coordinated basis, ARINC feels that such operations could cause harmful interference to, and may impair, airport operations to an extent that will render them useless and ineffectual. In view of the fact that many of the subject channels will be shared by several airline users, they request that we provide an additional safeguard by adding the following conditions to rules governing their use: "Such operation will be on a secondary noninterference basis to Air Terminal use in protected areas. Prior coordination is required with the Air Terminal users in the associated area."

4. The provision for use of air terminal frequencies by other Business users at locations 5 miles or more from the boundaries of established airports serving the 87 largest urbanized areas is designed to permit more efficient use of these frequencies outside of aviation terminal locations. Power limitations and mileage separations established in Docket 13847 are believed to be adequate to prevent interference to air terminal operations. No new facts have been presented that would indicate that these provisions are not adequate. During the short time this geographic sharing provision has been in effect, we have had no reported cases of interference. We do not believe that sufficient operating experience has been accumulated under the new rule provisions to warrant modification at this time, and the request to place other Business use on a secondary noninterference basis will be denied.

5. The Commission recently adopted a memorandum opinion and order and notice of proposed rule making in Docket No. 18406, released December 18, 1968, which deals with possible changes in the rules to require frequency coordination for certain specific frequencies in the Business Radio Service including those made available for use at air terminals. In view of this, ARINC's request that we require frequency coordination for shared use of aviation terminal frequencies will not be considered in this proceeding.

6. We propose to grant the request for an increase in permissible power to 5 watts input on aviation terminal mobile frequencies. Other Business users sharing these frequencies at distances between 5 and 75 miles of the boundaries of airports serving urbanized areas of 200,000 or more population would, however, continue to be limited to a maximum of 3 watts input power. The increase in maximum power should permit the desired flexibility sought by the petitioner. Although petitioner asked for an increase in the permissible output power, to maintain consistency with other provisions of the rules, power will be specified in terms of input power to the final radio frequency stage.

7. The petitioner also requests that a few footnote be added to the rules governing use of the air terminal frequencies to provide for single-frequency simplex operation on either base or mobile frequencies on a secondary noninterference basis to, and with no protection from, normal two-frequency operations on the same frequencies. Simplex operation on base station frequencies is permitted under the present rules (limitation (35) of § 91.554(b)), and licensees of such systems are afforded no protection from interference from base stations of two-frequency systems. In addition, a mobile unit transmitting on a mobile only frequency may be used to provide the functions of a base station; however, the separation between the control point and antenna may not exceed 25 feet. In view of these provisions, we do not believe any further rule making looking towards base station use of mobile only frequencies is warranted. To provide the greater flexibility desired by the petitioner, we proposed to modify the 25-foot limitation to permit a greater

horizontal separation between the antenna site and the control point. The modified rule will limit only the vertical separation to 25 feet, and the control point may be placed anywhere it may be needed on the air terminal site.

8. The proposed amendments, as set forth below are issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in section 1.415 of the Commission's rules, interested persons may file comments on or before August 4, 1969, and reply comments on or before August 14, 1969. 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.

10. In accordance with the provisions of section 1.419 of the Commision's Rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 25, 1969.

Released: June 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

Part 91 of the Commission's rules is amended as follows:

In § 91.554, paragraph (a) is amended by the deletion from the frequency table limitations on the entries beginning 465.650 and ending 465.875 and substituting the limitations as set forth below. Paragraph (b) is amended by adding a new subparagraph (42), as follows:

§ 91.554 Frequencies available.

(a) * * *

[1] Commissioners Bartley and Wadsworth absent; Commissioner Johnson concurring in result.

Frequency or band	Class of station(s)	General reference	Limitations
* * *	* * *	* * *	* * *
465.650	Mobile	Permanent use	7, 9, 34, 35, 36, 37, 38, 40, 42
465.675	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.700	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.725	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.750	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.775	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.800	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.825	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.850	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.875	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
* * *	* * *	* * *	* * *

(b) * * *

(42) Maximum permissible power input for stations on airports is 5 watts. Each station authorized on this frequency will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the functions of a base station, provided no harmful interference is caused to mobile unit operations and further provided, that the vertical separation between the control point or ground level and the center of the radiating portion of the antenna of any units so used shall not exceed 25 feet.

* * * * *

[F.R. Doc. 69-7790; Filed, July 1, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1041]

[No. MC-C-3437 (SUB-No. 4)]

AIR DELIVERY SERVICE ET AL.

Interpretation of Operating Rights Authorizing Service at Designated Airports

JUNE 27, 1969.

Petitioners: Air Delivery Service, Bayshore Air Freight, Inc., Con-O-V-Air Freight Service, Inc., Harbourt Air Freight Service, Inc., Pollard Delivery Service, Inc., and Trans Jersey Airfreight Service, Inc.

Petitioners' representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006.

By petition filed May 8, 1969, petitioners request the Commission to institute a rulemaking proceeding for the purpose of amending Subpart B of Part 1041, of Chapter X, 49 CFR, by the adoption of an additional section as follows:

§ 1041.23 Operating authority to serve named airports.

A certificate or permit issued to a motor carrier of property pursuant to Part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.) authorizing service to or from the air freight terminals of direct and indirect air carriers utilized by such air carriers and in handling property moving into or out of such airports by aircraft, when such air freight terminals are located outside the boundaries of such airports.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed institution of a rulemaking proceeding may do so by the submission of written data, views, or arguments. An original and 14 copies of such data, views, or arguments shall be filed with the Commission on or before August 11, 1969. Each such statement shall contain a statement of position with respect to the proposed rule-making proceeding, and a copy thereof shall be served upon petitioners' representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

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

[F.R. Doc. 69-7795; Filed, July 1, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1968 Rev., Supp. No. 17]

THE FULTON INSURANCE COMPANY

Change of Name to John Deere Insurance Company

The Fulton Insurance Company, New York, N.Y., a New York corporation, has formally changed its name to John Deere Insurance Company, effective May 12, 1969. A copy of Certificate of Amendment of the Certificate of Incorporation of The Fulton Insurance Company approved by the Insurance Department of the State of New York on May 12, 1969, changing the name of The Fulton Insurance Company to John Deere Insurance Company, has been received and filed in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated May 12, 1969, has been issued by the Secretary of the Treasury to the John Deere Insurance Company, New York, New York. under sections 6 to 13 of title 6 of the United States Code, to replace the Certificate issued June 1, 1968 to the Company under its former name, The Fulton Insurance Company. The underwriting limitation of $295,000 previously established for the Company remains in effect until June 30, 1969. A new underwriting limitation of $307,000 for the Company will become effective July 1, 1969.

The change in name of The Fulton Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: June 26, 1969.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-7813; Filed, July 1, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Filing of Plat of Survey

1. Plat of survey of the lands described below will be officially filed in the Land Office, Denver, Colo., effective at 10 a.m. on July 31, 1969.

SIXTH PRINCIPAL MERIDIAN, COLORADO

Dependent resurvey of a portion of the south boundary of T. 1 S., Rs. 78 and 79 W., and a metes and bounds survey of Exchange Survey No. 375, and four irregular tracts designated Tracts 37, 38, 39, and 40 in unsurveyed T. 2 S., Rs. 78 and 79 W.

The areas described aggregate 8,970.52 acres of Federally owned lands and 1,776.94 acres of private lands.

2. Tracts 37, 38, and 39 containing 1,776.94 acres are private lands.

3. Tract 40 containing 10.22 acres of public lands is a redesignation of lot 3 as shown on supplemental diagram of fractional sec. 5, said T. 2 S., R. 78 W., dated January 31, 1911.

4. Exchange Survey No. 375 containing 8,960.30 acres is entirely within the Arapaho National Forest. Since the lands are withdrawn for the national forest they will not be subject to disposition under the general public land laws by reason of the official filing of this plat.

J. ELLIOTT HALL,
Manager, Colorado Land Office.

JUNE 25, 1969.

[F.R. Doc. 69-7784; Filed, July 1, 1969; 8:47 a.m.]

[New Mexico 4829]

NEW MEXICO

Notice of Classification, Correction

JUNE 25, 1969.

The notice of classification published in the FEDERAL REGISTER on January 11, 1969 (34 F.R. 485), as Document No. 69-376, is corrected as follows:

1. Line 7 of the first paragraph, change Hidalgo County to McKinley and Valencia Counties.

2. This correction is the result of an amendment of the offered lands received on May 14, and May 29, 1969, following publication of notice of classification on January 11, 1969. The record showing comments received and other information is on file and can be examined in the New Mexico Land Office, Post Office and Federal Building, Federal Place, Santa Fe, N. Mex. 87501.

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-7785; Filed, July 1, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement 146]

PEANUTS; 1969 CROP

Incoming and Outgoing Quality Regulations and Indemnification

Pursuant to the provisions of sections 5, 31, 32, 34, and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 F.R. 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended "Incoming Quality Regulation—1969 Crop Peanuts", "Outgoing Quality Regulation—1969 Crop Peanuts" and the "Terms and Conditions of Indemnification—1969 Crop Peanuts", which modify or are in addition to the provisions of sections 5, 31, 32, and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended "Incoming Quality Regulation—1969 Crop Peanuts", "Outgoing Quality Regulation—1969 Crop Peanuts" and the "Terms and Conditions of Indemnification—1969 Crop Peanuts" be issued so as to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The 1969 peanut crop year begins July 1 and procedures and regulations for operations under the agreement should be established thereby affording handlers maximum time to plan their operations accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing the issuance hereof, they are represented on the Committee which has prepared and recommended these quality regulations and terms and conditions of indemnification for approval.

Upon consideration of the Committee recommendation and other available information the appended "Incoming Quality Regulation—1969 Crop Peanuts", "Outgoing Quality Regulation—1969 Crop Peanuts" and the "Terms and Conditions of Indemnification—1969 Crop Peanuts" are hereby approved this 27th day of June, 1969.

Dated: June 27, 1969.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

INCOMING QUALITY REGULATION—1969 CROP PEANUTS

The following modify section 5 of the peanut marketing agreement and modify or are in addition to the restrictions of section 31 on handler receipts or acquisitions of 1969 crop peanuts:

(a) *Modification of section 5, paragraphs (b), (c), and (d).* Paragraphs (b), (c), and (d) of section 5 of the peanut marketing agreement are modified as to 1969 crop farmers stock peanuts to read respectively as follows:

(b) *Segregation 1.* "Segregation 1 peanuts" means farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1 percent concealed damage caused by rancidity, mold, or decay and which are free from visible *Aspergillus flavus.*

(c) *Segregation 2.* "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more than 1 percent concealed damage caused by rancidity, mold, or decay and which are free from visible *Aspergillus flavus.*

(d) *Segregation 3.* "Segregation 3 peanuts" means farmers stock peanuts with visible *Aspergillus flavus.*

(b) *Moisture.* Except as provided under paragraph (e) *Seed peanuts,* no handler shall receive or acquire peanuts containing more than 10 percent moisture: *Provided,* That peanuts of a higher moisture content may be received and dried to not more than 10 percent moisture prior to storing or milling. On farmers stock, such moisture determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundredths place and shall not be rounded to the nearest whole number.

(c) *Damage.* For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(d) *Loose shelled kernels.* Handlers may separate from the loose shelled kernels received with farmers stock peanuts, those sizes of whole kernels which ride screens with the following slot openings: Runner—$^{16}/_{64}$- x $^{3}/_{4}$-inch; Spanish and Valencia—$^{15}/_{64}$- x $^{3}/_{4}$-inch; Virginia—$^{15}/_{64}$- x 1-inch. If so separated, those loose shelled kernels which do not ride such screens, shall be removed from the farmers stock peanuts and shall be held separate and apart from other peanuts and disposed of as oil stock. If the whole kernels are not separated, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be so held and so delivered or disposed of. The whole kernels which ride the screens may be included with shelled peanuts prepared by the handler for inspection and sale for human consumption. For the purpose of this regulation, the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers stock peanuts.

(e) *Seed peanuts.* A handler may acquire and deliver for seed purposes farmers stock peanuts which meet the requirements of Segregation 1 peanuts. If the seed peanuts are produced under the auspices of a State agency which regulates or controls the production of seed peanuts, such peanuts may contain up to 3 percent damaged kernels and Virginia type peanuts so produced and which are not stacked at harvest may contain up to 12 percent moisture. In the Southeastern Area and Virginia-Carolina Area, seed peanuts, other than the foregoing Virginia type, may contain up to 11 percent moisture and in the Southwestern Area up to 10 percent moisture. Seed peanuts may have visible *Aspergillus flavus.* However, any such seed peanuts with visible *Aspergillus flavus* shall be stored and shelled separate from other peanuts and any residual not used for seed, shall not be used or disposed of for human consumption unless it is determined to be wholesome by chemical assay for aflatoxin. Peanuts residual from those shelled and disposed of for seed purposes may be acquired by handlers if the seed sheller has signed the marketing agreement. If such peanuts have been shelled by a producer or seed sheller who has not signed the marketing agreement, the peanuts may be acquired only upon the condition that they are held and milled separate and apart from other receipts or acquisitions of the handler until inspected and certified (without having been washed, blanched, or cleaned with plastic pellets) as meeting the Outgoing Quality Regulation for the 1969 crop, as being either U.S. No. 1 peanuts or U.S. Splits of the U.S. standards for grades of shelled peanuts, and as being wholesome as determined by a chemical assay for aflatoxin. All chemical assays shall be by a Committee approved laboratory. If the peanuts fail any requirement they shall be disposed of by sale to the Commodity Credit Corporation, by sale for oil stock or by crushing.

(f) *Oil stock.* Handlers who are crushers may acquire as oil stock, peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption. The provision of section 31 of the marketing agreement restricting such acquisitions to handlers who are crushers is hereby modified to authorize all handlers to act as accumulators and acquire Segregation 2 or 3 farmers stock peanuts for the sole purpose of delivery to crushers: *Provided,* That all such acquisitions shall be held separate and apart from Segregation 1 peanuts acquired for milling or from edible grades of shelled or milled peanuts and shall be disposed of only by crushing or by delivery to crushers and the consequent production of oil and meal.

(g) *Segregation 3 control.* To assure the removal from edible outlets of any lot of peanuts determined by the Federal or Federal-State Inspection Service to be Segregation 3, each handler shall inform each employee, country buyer, commission buyer, or like person through whom he receives peanuts, of the need to receive and withhold all lots of Segregation 3 peanuts from milling for edible use. If any lot of Segregation 3 farmers stock peanuts is not withheld but returned to the producer, the handler shall cause the Inspection Service to forward immediately a copy of the inspection certificate on the lot to the designated office of the handler and a copy to the Committee.

OUTGOING QUALITY REGULATION—1969 CROP PEANUTS

The following modify or are in addition to the peanut marketing agreement restrictions of section 32 on handler disposition of 1969 crop peanuts for human consumption:

(a) *Shelled peanuts.* No handler shall ship or otherwise dispose of shelled peanuts for human consumption with respect to which appropriate samples for pretesting have not been drawn in accordance with subparagraph (c) of this regulation, or which if of a category not eligible for indemnification are not certified "negative" as to aflatoxin, or which contain more than (1) 1.25 percent damaged kernels, other than minor defects; (2) 2 percent damage and minor defects combined; (3) 9 percent moisture in the Southeastern and Southwestern areas, or 10 percent moisture in the Virginia-Carolina area; or (4) 0.10 percent foreign material in peanuts of U.S. grade, other than U.S. splits, or 0.20 percent foreign material in U.S. splits and edible quality peanuts not of U.S. grade. Fall through in such peanuts shall not exceed 4 percent except that fall through consisting of either split and broken kernels or whole kernels shall not exceed 3 percent and fall through of whole kernels in Runners, Spanish or Virginia "with splits" shall not exceed 2 percent. The term "fall through" as used herein, shall mean sound split and broken kernels and whole kernels which pass through specified screens. Screens used for determining fall through in peanuts covered by this subparagraph (a) shall be as follows:

Grade and type	Screen openings	
	Split and broken kernels	Whole kernels
Virginia	$^{17}/_{64}$-inch round	$^{15}/_{64}$ x 1-inch slot.
Runners	$^{17}/_{64}$-inch round	$^{15}/_{64}$ x $^{3}/_{4}$-inch slot.
Spanish and Valencia	$^{15}/_{64}$-inch round	$^{15}/_{64}$ x $^{3}/_{4}$-inch slot.

(Runners, Spanish or Virginia "with splits" means shelled peanuts which do not contain more than (a) 15 percent splits, (b) for Runners or Spanish 2 percent whole kernels which will pass through $^{15}/_{64}$ x $^{3}/_{4}$ slot screen and for Virginias a $^{15}/_{64}$ x 1 slot screen, and (c) otherwise meet the specifications of U.S. No. 1 grade).

(b) *Cleaned inshell peanuts.* No handler shall ship or otherwise dispose of cleaned inshell peanuts for human consumption: (1) with more than 1 percent

kernels with mold present unless a sample of such peanuts, drawn by an inspector of the Federal or Federal-State Inspection Service, was analyzed chemically by laboratories approved by the Committee or by a Consumer and Marketing Service laboratory (hereinafter referred to as "C&MS laboratory") and found to be wholesome relative to aflatoxin; (2) with more than 2 percent peanuts with damaged kernels; (3) with more than 10 percent moisture; or (4) with more than 0.50 percent foreign material.

(c) *Pretesting shelled peanuts.* Each handler shall cause appropriate samples of each lot of shelled peanuts to be drawn by an inspector of the Federal or Federal-State Inspection Service and sent as requested by the handler or buyer, for aflatoxin assay to a C&MS laboratory or a laboratory listed on the most recent Committee list of approved laboratories. The gross amount of peanuts drawn shall be large enough to provide for a grade analysis, for a grading check sample, for an original 12-pound, "A" sample for aflatoxin assay and for two 12-pound, "B" and "C", aflatoxin assay check samples. Upon the Committee finding, on the basis of original assays, that climatic conditions in any Production Area or State thereof were not conducive to the growth of *Aspergillus flavus*, it may suspend with the approval of the Secretary the drawing of "B" and "C" check samples on peanuts from such origins. All "B" and "C" check samples shall be analyzed in C&MS or designated laboratories. Additional 12-pound samples, "D" and "E" and so on, may be drawn when requested by the buyer and he accepts the costs. If the Federal or Federal-State inspector has access to a "sub-sampling mill", approved by the Peanut Administrative Committee, the sample may be ground in such mill, and the inspector shall forward an appropriate subsample to the laboratory, specified by the handler or buyer, for assay. Each "A" sample, or each "A" subsample, shall be accompanied by a notice of sampling, signed by the inspector, containing, at least, identifying information as to the handler (shipper), the buyer (receiver) if known, and the positive lot identification of the shelled peanuts. A copy of such notice on each lot shall be sent to the Committee office. All assay samples shall be positive lot identified and the "B" and "C" samples held by the Service for 30 days, after delivery of the "A" sample, and delivered for assay upon call of the laboratory or the Committee and at the Committee expense. The cost of drawing the "A", "B" and "C" samples and postage for mailing the "A" sample or subsample shall be borne by the handler. When the "A" sample has not been analyzed within 30 days from date of delivery of the "A" sample, and a second set of "B" and "C" samples must be drawn, the cost of drawing and mailing such samples shall be for the account of the holder of the peanuts. Cost of the assay on the "A" sample shall be for the account of the buyer of the lot and of the "B" and "C" samples for Committee account. If the handler elects to pay for the assay of the "A" sample, he shall charge the buyer when he invoices the peanuts and, if more than one buyer, on a pro rata basis. The results of each assay shall be reported to the buyer listed in the notice of sampling and, if the handler desires, to the handler. If the buyer is not listed in the notice, the results of the assay shall be reported to the handler who shall promptly give notice, or cause notice to be given, to the buyer of the contents thereof.

(d) *Identification.* Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures. For the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relating the inspection certificate to the lot covered so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. Such procedure on bagged peanuts shall consist of attaching a lot numbered tag bearing the official stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machine sewed if shelled peanuts) into the closure of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk or bulk bins shall have their lot identity maintained by sealing the conveyance and if in other containers by other means acceptable to the Federal or Federal-State inspectors and to the Committee. All lots of shelled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

(e) *Reinspection.* Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage, the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a reinspection to establish whether or not such peanuts may be disposed of for human consumption.

(f) *Interplant transfer.* Until such time as procedures permitting interplant or cold storage movement are established by the Committee, no handler shall so move, beyond the surveillance of the on-premises Federal-State inspector, cleaned inshell or shelled peanuts which have been bagged and tagged for handling under positive lot identification, unless such peanuts have been inspected and certified as meeting the outgoing quality regulation. However, any handler may transfer peanuts not so prepared from one plant owned by him to another of his plants or to commercial storage, without having such peanuts inspected and certified as meeting quality requirements, but such transfer shall be only to points within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requirements applicable to such peanuts.

(g) *Loose shelled kernels, fall through and pickouts.* (1) Loose shelled kernels which do not ride screens with the following slot openings: Runner—$^{16}/_{64}$- x $^{3}/_{4}$-inch; Spanish and Valencia—$^{15}/_{64}$- x $^{3}/_{4}$-inch; Virginia—$^{15}/_{64}$- x 1-inch; shall be disposed of only by sale as oil stock or by crushing. Fall through may be sold, as to qualities acceptable to it, to the Commodity Credit Corporation and the balance shall be sold as oil stock or crushed. Pickouts shall be sold as oil stock or crushed. For the purpose of this regulation: the term "non-edible quality peanuts described in paragraph (g) (1)" means loose shelled kernels, fall through, and pickouts; the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or those which fail to ride the screens (U.S. No. 1 screens) in removing whole kernels; the term "fall through" has the same meaning as in paragraph (a) of this regulation; and the term "pickouts" means those peanuts removed at the picking table, by electronic equipment, or otherwise during the milling process.

(2) All loose shelled kernels, fall-through and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels or delivered to the Commodity Credit Corporation. Each such category of peanuts shall be bagged separately in suitable new or clean, sound, used bags or placed in bulk containers acceptable to the Committee. Such peanuts shall be inspected by Federal or Federal-State inspectors in lots of not more than 100,000 pounds and a certification made as to moisture and foreign material content.

(3) Each category of nonedible quality peanuts described in paragraph (g) (1) shall be identified by positive lot identification procedures set forth in paragraph (d) but using a red tag. Such peanuts may be disposed of only by crushing into oil and meal or destroyed, unless other disposition is authorized by the Committee and all dispositions shall be reported to the Committee on such forms and at such times as it prescribes. Such peanuts shall be deemed to be "restricted" peanuts and the meal produced therefrom shall be used or disposed of as fertilizer or other nonfeed use. To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers or firms engaged in exporting who will export such meal for nonfeed use or sell it to the aforesaid fertilizer manufacturers. However, peanuts other than pickouts and meal from peanuts other than pickouts in specifically identified lots of not more than 50 tons each, may be sampled by Federal or Federal-State inspectors, or by the area association if authorized by the Committee, and tested for aflatoxin by laboratories approved by the Committee or operated by Consumer and Marketing Service, at handler's or crusher's expense, and if such meet Committee standards, the meal may be disposed of for feed use.

(4) Notwithstanding any other provision of this regulation or of the Incoming Quality Regulation applicable to 1969 crop peanuts, a handler may transfer such "restricted" peanuts to another plant within his own organization or transfer or sell such peanuts to another handler or crusher for crushing. Sales or transfer of restricted peanuts to persons not handlers under the agreement shall be made only on the condition that they agree to comply with the terms of this paragraph (g) including the reporting requirements.

TERMS AND CONDITIONS OF INDEMNIFICATION—1969 CROP PEANUTS

For the purpose of paying indemnities on a uniform basis pursuant to section 36 of the peanut marketing agreement effective July 12, 1965, each handler shall promptly notify, or arrange for the buyer to notify, the Manager, Peanut Administrative Committee of any lot of cleaned inshell or shelled peanuts, milled to the outgoing quality requirements and into one of the categories listed in the final paragraph of these terms and conditions, on which the handler has withheld shipment or storage or the buyer, including the user division of a handler, has withheld usage due to a finding as to aflatoxin content as shown by the results of chemical assay. To be eligible for indemnification, such a lot of peanuts shall have been inspected and certified as meeting the quality requirements of the agreement, shall have met all other applicable regulations issued pursuant thereto, including the pretesting requirements in (a) and (c) of the "Outgoing Quality Regulation—1969 Crop Peanuts", and the lot identification shall have been maintained. If the Committee concludes, based on assays to date or further assays, that the lot is so high in aflatoxin that it should be handled pursuant to these terms and conditions and such is concurred in by the Consumer and Marketing Service, the lot shall be accepted for indemnification. If the lot is covered by a sales contract, the lot may be rejected to the handler.

In an effort to make such eligible peanuts suitable for human consumption, and to minimize indemnification costs, the Committee and the Consumer and Marketing Service shall, prior to disposition for crushing, cause all suitable lots to be remilled or custom blanched or both.

"Custom blanching" means the process which involves blanching peanuts, and the subsequent removal of damaged peanuts for the purpose of eliminating aflatoxin from the lot. The process may be applied to either an original lot or the new lot which results from remilling. Custom blanching shall be performed only by those firms determined by the Committee to have the capability to remove the aflatoxin and who agree to such terms, conditions, and rates of payment as the Committee may find to be acceptable.

If the Committee and the Consumer and Marketing Service conclude that such lot is not suitable for remilling or custom blanching, the lot shall be declared to crushing and shall be disposed of by delivery to the Committee at such point as it may designate. The indemnification payment for peanuts in such a lot shall be the indemnification value of the peanuts, as hereinafter provided, plus actual costs of any necessary temporary storage and of transportation (excluding demurrage) from the handler's plant or storage to the point within the continental United States where the rejection occurred and from such point to a delivery point specified by the Committee. Payment shall be made to the handler as soon as practicable after delivery of the peanuts to the Committee. The salvage value for peanuts declared for crushing shall be paid to, and retained by, the Committee to offset indemnification expenses.

If it is concluded that the lot should be remilled or custom blanched, expenses shall be paid by the Committee on those lots which, on the basis of the inspection occurring prior to shipment, contained not more than 1 percent damaged kernels other than minor defects. Lots with damage in excess of 1 percent on such inspection shall be remilled without reimbursement from the Committee for milling, freight, or temporary storage and handling but otherwise shall be indemnifiable the same as lots with not more than 1 percent damage.

The indemnification value of peanuts delivered to the Committee for idemnification shall be the sales contract (including transfer) price established to the satisfaction of, and acceptable to, the Committee or if the lot is unsold the applicable market price determined by the Committee based on quotations in the most recent "Peanut Market News" report published by C&MS.

The indemnification payment on peanuts declared for remilling, and which contain not more than 1 percent damaged kernels other than minor defects, shall be the indemnification value referable to the weights of peanuts lost in the remilling process and not cleared for human consumption, plus temporary storage and transportation costs from origin to destination and return to point of remilling, except as hereinafter restricted, plus an allowance for remilling of one cent per pound on the original weight, less 1½ percent of the foregoing contract or market price multiplied by the original weight. On lots on which the remilling is not successful in making the lot wholesome as to aflatoxin, the indemnification payment shall be reduced by an additional 4 percent of the foregoing contract or market price multiplied by the original weight. If such peanuts are declared for custom blanching after remilling, the indemnification payment shall be the blanching cost, plus any temporary storage, the transportation costs from origin (whether handler or buyer premises) to point of blanching and on unsold lots from point of blanching to handler's premises and the value of the weight of reject peanuts removed from the lot. On lots which are custom blanched without remilling, the indemnification payment shall be determined in the same manner but it shall be reduced by 1½ percent of the foregoing contract or market price multiplied by the original weight. Moreover, blanching payments to each handler shall cover any loss sustained on all of his blanched lots of the crop caused by the market value obtained from sale of the blanched product being less than the computed indemnification payments for the original red skin lots.

Payment shall be made to the handler claiming indemnification or receiving the rejected lot as soon as practicable after receipt by the Committee of such evidence of remilling or custom blanching and clearance of the lot for human consumption as the Committee may require and the delivery of the peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any lot which is remilled or custom blanched or both, the Committee shall declare the entire lot for indemnification. However, the Committee shall refuse to pay indemnification on any lot(s) where it has reason to believe that the rejection of the peanuts arises from failure of the handler to use reasonable measures to receive and withhold from milling for edible use those Segregation 3 peanuts tendered to him either directly by a producer or by a country buyer, commission buyer or other like person.

Remilling may occur on the premises of any handler signatory to the marketing agreement or at such other plant as the Committee may determine. However, if the Committee orders remilling of a lot which has been found to contain aflatoxin prior to shipment from the locality of original milling, the Committee shall not pay freight costs should the handler move said lot to another locality for remilling. Where a lot has been shipped and the Committee orders remilling, the Committee will pay actual freight charges to the place of remilling but not in excess of the return freight from destination to the origin of the shipment.

Claims for indemnification on peanuts of the 1969 crop shall be filed with the Committee at least 30 days prior to December 31, 1970.

Each handler shall include, directly or by reference, in his sales contract the following provisions:

Should buyer find peanuts subject to indemnification under this contract to be so high in aflatoxin as to provide possible cause for rejection, he shall promptly notify the seller and the Manager, Peanut Administrative Committee, Atlanta, Ga. Upon a determination of the Peanut Administrative Committee, confirmed by the Consumer and Marketing Service, authorizing rejection, such peanuts, and title thereto, if passed to the buyer, shall be returned to the seller. Seller shall not be precluded from replacing such peanuts if he so elects.

Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause appropriate samples to be drawn by the Federal or Federal-State Inspection Service from such lot, shall cause the sample(s) to be sent to a C&MS laboratory

or if designated by the buyer, a laboratory listed on the most recent Committee list of approved laboratories to conduct such assay, for an aflatoxin assay and cause the laboratory, of other than the buyer's, to send one copy of the results of the assay to the buyer. The laboratory costs shall be for the account of the buyer and buyer agrees to pay them when invoiced by the laboratory or, in the event the seller has paid them, by the seller.

Any handler who fails to include such provisions in his sales contract shall be ineligible for indemnification payments with respect to any claim filed with the Committee on 1969 crop peanuts covered by the sales contract.

In addition, should any handler enter into any oral or written sales contract which fixes the level of aflatoxin at which rejection may be made and hence conflicts with these terms and conditions, the handler doing so will not be eligible for indemnification payments with respect to any claim filed with the Committee on 1969 crop peanuts on or after the filing date of a claim under such contract, except upon the Committee's finding that acceptance of such contract was inadvertent; and for purposes of this provision a claim shall be deemed to be filed when notice of possible rejection is first given to the Committee.

Categories eligible for indemnification are the following:

Cleaned inshell peanuts.

(1) U.S. Jumbos.
(2) U.S. Fancy Handpicks.
(3) Valencia—Roasting Stock.[1]

U.S. Grade shelled peanuts.

(1) U.S. No. 1.
(2) U.S. Splits.
(3) U.S. Virginia Extra-Large.
(4) U.S. Virginia Medium.

Shelled peanuts "with splits".

(1) Runners with splits meeting outgoing quality requirements.
(2) Spanish with splits meeting outgoing quality requirements.
(3) Virginias with splits meeting outgoing quality requirements.

[F.R. Doc. 69-7771; Filed, July 1, 1969; 8:46 a.m.]

[Marketing Agreement 146]

BUDGET OF EXPENSES OF ADMINISTRATIVE COMMITTEE AND RATE OF ASSESSMENT FOR THE 1969 CROP YEAR

Pursuant to Marketing Agreement 146, regulating the quality of domestically produced peanuts (30 F.R. 9402), and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found and determined that the expenses of said Committee and the rate of assessment applicable to peanuts produced in 1969 and for the crop year beginning July 1, 1969, shall be as follows:

(a) *Administrative expenses.* The budget of expenses for the Committee for the crop year beginning July 1, 1969, shall be in the total amount of $250,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Committee, and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement, determine to be appropriate.

(b) *Indemnification expenses.* Expenses of the Committee for indemnification payments, pursuant to the Terms and Conditions of Indemnification Applicable to 1969 Crop Peanuts, effective July 1, 1969, are estimated at, but may exceed $3 million, such amount being reasonable and likely to be incurred.

(c) *Rate of assessment.* Each handler shall pay to the Peanut Administrative Committee, in accordance with section 48 of the marketing agreement, an assessment at the rate of $3.25 per net ton of farmers stock peanuts received or acquired other than those described in section 31 (c) and (d) ($0.25 for administrative expenses and $3 for indemnification expenses).

(d) *Indemnification reserve.* Monetary additions to the indemnification reserve, established in the 1965 crop year pursuant to section 48 of the marketing agreement, shall continue. That portion of the total assessment funds accrued from the $3 rate and not expended in providing indemnification on 1969 crop peanuts shall be placed in such reserve and shall be available to pay indemnification expenses on subsequent crops.

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

Dated: June 27, 1969.

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

[F.R. Doc. 69-7818; Filed, July 1, 1969; 8:49 a.m.]

[1] Inshell peanuts with not more than 25 percent having shells damaged by discoloration, which are cracked or broken, or both.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMDAL CO.

Notice of Filing of Petition for Food Additive Erythromycin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that petitions (35-455V, 31-456V) have been filed by Amdal Co., Agricultural Division, Abbott Laboratories, North Chicago, Ill. 60064, proposing that § 121.249 *Food additives for use in milk-producing animals* (21 CFR 121.249) be amended to provide for the safe use of a formulation containing erythromycin, chlorobutanol, polysorbate 65, and triglyceride saturated fatty acids from coconut oil. A proposed condition of use is that milk taken from treated animals for 24 hours (two milkings) after the latest treatment must not be used for food.

Dated: June 25, 1969.

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

[F.R. Doc. 69-7755; Filed, July 1, 1969; 8:45 a.m.]

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 9F0838) has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of tolerances (21 CFR 120.234) for residues of the insecticide *O,O*-diethyl *O*-[*p*-(methylsulfinyl) phenyl] phosphorothioate in or on the raw agricultural commodities: Peanut hulls at 7 parts per million; sugar beets and sugar beet tops at 0.1 part per million; and peanuts at 0.03 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a thermionic emission-gas chromatographic procedure using a phosphorus-sensitive detector.

Dated: June 25, 1969.

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

[F.R. Doc. 69-7756; Filed, July 1, 1969; 8:45 a.m.]

ELANCO PRODUCTS CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Elanco Products Co., a division of Eli Lilly & Co., 640 South Alabama Street, Indianapolis, Ind. 46206, has withdrawn its petition (40-340V), notice of which was published in the FEDERAL REGISTER of November 9, 1968 (33 F.R. 16478), proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of methyltestosterone, diethylstilbestrol,

and tylosin in feed of swine for improved feed efficiency and increasing lean carcass yield.

Dated: June 25, 1969.

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

[F.R. Doc. 69-7757; Filed, July 1, 1969; 8:45 a.m.]

NATIONAL DRUG CODE SYSTEM

Notice Requesting Drug Firms To Apply for Labeler Identity Code Designations

The Secretary of Health, Education, and Welfare, acting on the recommendations of the Task Force on Prescription Drugs, has directed the Commissioner of Food and Drugs to establish a National Drug Code System.

The National Drug Code System will provide an identification system in computer language to permit automated processing of drug data by Government agencies, drug manufacturers and distributors, hospitals, and insurance companies.

The system has been developed with Government-industry agreement and will consist of a nine-character National Drug Code (NDC). The first three characters are the Labeler Identity Code and will be assigned by the Food and Drug Administration. The next four characters are the Drug Product Identity Code and the last two characters are the Trade Package Identity Code and these will be assigned by the drug firms within parameters defined by FDA.

When codes have been assigned, a National Drug Code Directory will be published by the Government to provide a complete listing of drugs and their code designations.

The Commissioner of Food and Drugs therefore requests all firms which manufacture and label or which repackage and label drugs to apply for Labeler Identity Code designations. Initially, a code designation cannot be assigned to a person whose only connection with drugs is that of a retailer, wholesaler, jobber, or distributor, even though his name appears on the label as such. It is preferable that such applications be submitted within 30 days of publication of this notice in the FEDERAL REGISTER. Applications should be addressed to the Director, Science Information Facility (CS-30), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

Along with their Labeler Identity Codes, all firms will be sent an instruction package outlining how product and trade package codes should be assigned, how drug product information should be returned to FDA for incorporation in the National Drug Code Directory, and how the code should be used in labeling.

Dated: June 24, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-7758; Filed, July 1, 1969; 8:45 a.m.]

SMITH KLINE & FRENCH LABORATORIES

Notice of Withdrawal of Petition for Food Additive Parbendazole

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101, has withdrawn its petition (40-302V), notice of which was published in the FEDERAL REGISTER of October 30, 1968 (33 F.R. 15952), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of parbendazole (methyl 5-butyl-2-benzimidazolecarbamate), administered as an oral drench, in cattle as an anthelmintic against various species of gastrointestinal nematodes.

Dated: June 25, 1969.

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

[F.R. Doc. 69-7759; Filed, July 1, 1969; 8:45 a.m.]

SMITH KLINE & FRENCH LABORATORIES

Notice of Withdrawal of Petitions for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101, has withdrawn its petitions (40-166V and 40-167V), notice of which was published in the FEDERAL REGISTER of September 14, 1968 (33 F.R. 13043), proposing the issuance of food additive regulations (21 CFR Part 121) to provide for the safe use of parbendazole (methyl 5-butyl-2-benzimidazolecarbamate) as an anthelmintic for use against various species of gastrointestinal nematodes when administered to cattle in medicated pellets and in medicated feed.

Dated: June 25, 1969.

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

[F.R. Doc. 69-7760; Filed, July 1, 1969; 8:45 a.m.]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0839) has been filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the establishment of tolerances (21 CFR 120.212) for negligible residues of the herbicide *S-ethyl* cyclohexylethylthiocarbamate in or on the raw agricultural commodities beet roots and beet tops at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a procedure in which the residues are extracted by direct steam distillation and determined gas chromatographically using either a microcoulometric or a flame photometric detector.

Dated: June 25, 1969.

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

[F.R. Doc. 69-7761; Filed, July 1, 1969; 8:45 a.m.]

WASHINGTON LABORATORIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9H2424) has been filed by Washington Laboratories, Inc., Pier 66, Seattle, Wash. 98121, proposing that § 121.1009 *Polysorbate 80* (21 CFR 121.1009) be amended to provide for the safe use of polysorbate 80 in the cooking water of shellfish.

Dated: June 25, 1969.

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

[F.R. Doc. 69-7762; Filed, July 1, 1969; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY FOR MORTGAGE CREDIT AND FEDERAL HOUSING COMMISSIONER

Delegation of Authority

SECTION A. The Assistant Secretary for Mortgage Credit and Federal Housing Commissioner (herein called the Assistant Secretary), is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), with respect to the Program of Loans for Housing for the Elderly or Handicapped, except the authority to:

1. Establish the rate of interest on Federal loans.
2. Sue and be sued.

3. Exercise the powers and authorities set forth in section 402(a) of the Housing Act of 1950, as amended (12 U.S.C. 1749a(a)).

SEC. B. The Assistant Secretary is authorized to issue such rules and regulations as may be necessary to carry out the power and authority delegated under section A.

SEC. C. The Assistant Secretary is further authorized to:

1. Redelegate to one or more employees under his jurisdiction any of the authority delegated under section A and authorize successive redelegations thereof to subordinate employees.

2. Redelegate to Regional Administrators and to Deputy Regional Administrators any of the authority delegated under section A and authorize successive redelegations thereof to Regional employees.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority shall be effective as of June 27, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-7810; Filed, July 1, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

Statement of Organization, Functions, and Delegations of Authority

Correction

In F.R. Doc. 69-7513 appearing at page 9895 in the issue of Thursday, June 26, 1969, the word "and" in the ninth line of the second paragraph should be changed to read "from".

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

TIRE MANUFACTURERS

Approved Code Marks

Section 201 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1421) and section 4.3 of Motor Vehicle Safety Standard No. 109 (49 CFR 371.21), as amended (33 F.R. 19711), requires that each tire be labeled with the name of the manufacturer or his brand name and an approved code mark to permit the seller to identify the manufacturer of the tire to the purchaser upon request. A list of approved code marks, assigned as of May 28, 1968, was published in 33 F.R. 8609. Since that time additional applications have been received and assignments made, and number 173 has been withdrawn because Gulf Tire & Supply Co. was not considered to be a manufacturer of tires within the meaning of section 201 of the Act (see 34 F.R. 7253). For the convenience of persons desiring this information, those assignments made as of May 28, 1968, as well as the additional approved code marks assigned as of May 15, 1969, are included and listed below:

125 The Gates Rubber Co.
126 McCreary Tire and Rubber Co.
127 Uniroyal, Inc.
128 Cooper Tire and Rubber Co.
129 Michelin Reifenwerke A.G. (Germany).
130 Michelin Tyre Co., Ltd. (England).
131 S.A. Belge Du Pneumatique Michelin (Belgium)
132 S.A.F.E. de Neumaticos Michelin (Spain).
133 Manufacture Francaise Des Pneumatiques Michelin (France).
134 N.V. Nederl. Banden-Industrie Michelin (Holland).
135 S.p.A. Michelin Italiana (Italy).
136 Michelin Ltd. (Nigeria).
137 The Mohawk Rubber Co.
138 The Kelly-Springfield Tire Co.
139 Denman Rubber Manufacturing Co.
140 Dunlop Tire and Rubber Corp.
141 Dunlop Canada Ltd. (Canada).
142 The Dunlop Co., Ltd. (England).
143 Dunlop Aktiengesellschaft (Germany). Formerly—Deutsche Dunlop Gummi Compagnie A.G.
144 Societe Anonyme des Pneumatiques-Dunlop (France).
145 The B. F. Goodrich Co.
146 The Seiberling Tire and Rubber Co.
147 The Firestone Tire and Rubber Co.
148 The Mansfield Tire and Rubber Co.
149 The Toyo Rubber Industry Co., Ltd. (Japan).
150 Mansfield-Denman General Co., Ltd. (Canada).
151 The General Tire and Rubber Co.
152 Lee Tire and Rubber Co.
153 The Armstrong Rubber Co.
154 The Dayton Tire and Rubber Co.
155 Firestone Tire and Rubber Co. of Canada Ltd. (Canada).
156 Brema Societa Per Azioni (Italy).
157 Firestone Hispania S.A. (Spain).
158 Phoenix Gummiwerke Aktiengesellschaft (Germany).
159 Firestone-Viskafors Gummifabrik Aktiebolag (Sweden).
160 Ohtsu Tire and Rubber Co., Ltd. (Japan).
161 Firestone Tyre and Rubber Co., Ltd. (England).
162 The Irish Dunlop Co., Ltd. (Ireland)
163 B. F. Goodrich Canada Ltd. (Canada).
164 Firestone France S.A. (France).
165 N.V. Nederlandsch-Amerikaansche Autobandenfabriek Vredestein (Netherlands)
166 Continental Gummi Werke A.G. (Germany).
167 Uniroyal Ltd. (Canada).
168 Pennsylvania Tire and Rubber Company of Mississippi, Inc.
169 The Goodyear Tire and Rubber Co.
170 The Goodyear Tire and Rubber Co. of Canada, Ltd. (Canada).
171 Seiberling Rubber Co. of Canada Ltd. (Canada).
172 Metzeler A.G. (Germany).
173 Number withdrawn—See No. 145.
174 Sumitomo Rubber Industries, Ltd. (Japan).
175 Gummiwerke Fulda GMBH (Germany).
176 Semperit Osterrichisch-Amerikanische Gummiwerke Aktiengesellschafe (Austria).
177 Bridgestone Tire Co., Ltd. (Japan).
178 Nitto Tire Co., Ltd. (Japan).
179 General Fabrica Espanola Del Caucho, S.A. (Spain).
180 CEAT Societa Per Azioni (Italy).
181 The Yokohama Rubber Co., Ltd. (Japan).
182 Trelleborg Rubber Co., Inc. (Sweden).
183 Madras Rubber Factory Ltd. (India).
184 Veith-Pirelli AG (West Germany).
185 CEAT Tyres of India Ltd. (India).
186 Kleber Colombes Co. (France).
187 Alliance Tire and Rubber Co., Ltd. (Israel).
188 Pirelli S.p.A. (Italy).
189 Productos Pirelli S.A. (Spain).
190 Pirelli Ltd. (England).
191 Pirelli—Hellas S.A. (Greece).
192 Turk—Pirelli Lastiklery A.S. (Turkey).
193 Avon Rubber Co., Ltd. (England).
194 Manufactura Nacional de Borracha, S.A.R.L. (Portugal).
195 Industria Firestone De Costa Rica.

This notice is made under the authority of sections 103, 119, and 201 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407, 1421).

Issued: June 25, 1969.

ROBERT BRENNER,
Acting Director,
National Highway Safety Bureau.

[F.R. Doc. 69-7783; Filed, July 1, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-225]

RENSSELAER POLYTECHNIC INSTITUTE

Order Extending License Expiration Date

By application dated May 29, 1969, Rensselaer Polytechnic Institute of Troy, N.Y., requested renewal of Facility License No. CX-22. The license authorizes the Institute to possess, use and operate a 100-watt (thermal) critical experiment facility in Schenectady, N.Y.

Application having been filed for renewal of said facility license pursuant to § 50.51 of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered,* That Facility License No. CX-22 which expires on June 30, 1969, is renewed for a period to expire June 30, 1979.

Dated at Bethesda, Md., this 19th day of June 1969.

For the Atomic Energy Commission.

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

[F.R. Doc. 69-7768; Filed, July 1, 1969; 8:46 a.m.]

[Docket No. 50-151]

UNIVERSITY OF ILLINOIS

Notice of Proposed Issuance of Facility License

The Atomic Energy Commission ("the Commission") is considering the issuance of a facility license, substantially in

the form set forth below, to the University of Illinois which would authorize the operation of an Advanced TRIGA nuclear reactor facility at steady-state power levels up to 1,500 kilowatts (thermal) on its campus in Urbana, Ill. Construction of the reactor was authorized by Construction Permit No. CPRR–105 issued August 9, 1968.

Prior to issuance of the license, the facility will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR–105. Also, the University of Illinois will be required to execute an indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140 of the Commission's regulations.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this facility license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice", 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed license, see (1) the application dated August 28, 1967, and supplements thereto, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the proposed Technical Specifications, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of June 1969.

For the Atomic Energy Commission.

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

PROPOSED FACILITY LICENSE

License No. ------

The Atomic Energy Commission ("the Commission") having found with respect to the application for license of the University of Illinois (hereinafter "the licensee") that:

1. The application for license complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. The reactor has been constructed in conformity with Construction Permit No. CPRR–105, and will operate in conformity with the application, the Act and the rules and regulations of the Commission;

3. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

4. The University of Illinois is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

5. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public; and

6. The University of Illinois is a nonprofit, educational institution and will operate the reactor for the conduct of educational activities. The licensee is therefore exempt from the financial protection requirements of section 170 of the Act.

Facility License No. R------ effective as of the date of issuance, is issued as follows:

1. This license applies to the Advanced TRIGA nuclear reactor (herein "the reactor"), owned by the University of Illinois and located on its campus in Urbana, Ill., and which is described in the application for license dated August 28, 1967, and supplements thereto dated October 26, 1967, and March 29, May 17, November 15, December 31, 1968, and February 21, March 26, and May 15, 1969 (herein referred to as "the application"), and authorized for construction by Construction Permit No. CPRR–105.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the University of Illinois:

A. Pursuant to section 104c of the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities", to possess, use, and operate the reactor as a utilization facility in accordance with the procedures and limitations described in the application and in this license;

B. Pursuant to the Act and Title 10, Chapter I, CFR, Part 70, "Special Nuclear Material", to receive, possess and use up to 5 kilograms of uranium-235 for use in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, Chapter I, CFR, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. *Maximum power level.* The licensee may operate the reactor at steady-state power levels up to a maximum of 1,500 kilowatts (thermal).

B. *Technical specifications.* The Technical Specifications contained in Appendix A to this license are hereby incorporated in this license. The licensee shall operate the reactor in accordance with these Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

4. This license is effective as of the date of issuance and shall expire at midnight, August 9, 1998.

For the Atomic Energy Commission.

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

Attachment: Appendix A—Technical Specifications.[1]

Date of Issuance:

[F.R. Doc. 69–7875; Filed, July 1, 1969; 8:49 a.m.]

[Docket No. 50–197]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Proposed Issuance of Construction Permit and Amended Facility License

The Atomic Energy Commission (hereinafter "the Commission") is considering the issuance of a construction permit, substantially as set forth below, to the National Aeronautics and Space Administration (NASA) of Cleveland, Ohio. The permit would authorize NASA to make alterations to its Zero Power Reactor II (ZPR–II) which is located on NASA's Lewis Research Center site in Cleveland. The ZPR–II was operated at 10 watts (thermal) under Facility License No. CX–21 using a 30-inch core tank. On February 17, 1969, the Commission issued Amendment No. 1 to Facility License No. CX–21 which authorized NASA to partially disassemble the ZPR–II in preparation for installation of a 10-inch core tank and other minor alterations.

As the application is complete enough to permit all evaluations, upon completion of the alterations to ZPR–II in compliance with the terms and conditions of the application and the construction permit, and in the absence of good cause to the contrary, the Commission will issue to NASA without further prior notice an amended facility license. The amended license, substantially as set forth below, would authorize NASA to operate the modified ZPR–II at increased power levels up to 100 watts (thermal) and to receive, possess and use up to a 5-curie plutonium-beryllium neutron source in connection with operation of the reactor.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this construction permit and amended facility license may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice", 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to these proposed issuances, see (1) the

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

application dated April 25, 1969, and supplement thereto dated June 5, 1969, (2) the related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 30th day of June 1969.

For the Atomic Energy Commission.

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

PROPOSED CONSTRUCTION PERMIT

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

1. By application dated April 25, 1969, and supplement thereto dated June 5, 1969, the National Aeronautics and Space Administration (NASA) requested authority to make alterations to its Zero Power Reactor II (ZPR-II) located at NASA's Lewis Research Center in Cleveland, Ohio. The altered ZPR-II will be operated in the place of the former ZPR-II under amended Facility License No. CX-21.

2. The Atomic Energy Commission ("the Commission") has found that:

A. The application complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations set forth in Title 10, CFR, Chapter I;

B. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities";

C. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Act;

D. NASA is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

E. NASA has submitted sufficient technical information concerning the proposed facility to provide reasonable assurance that the proposed facility can be constructed and operated at the proposed location without endangering the health and safety of the public; and

F. The issuance of a construction permit to NASA for alteration of ZPR-II will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10 CFR Part 50 "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to NASA to alter the ZPR-II in accordance with the application and this permit. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is August 15, 1969. The latest completion date of the facility is December 15, 1969. The term "completion date," as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material; and

B. The reactor facility to be altered is the ZPR-II which is located at NASA's Lewis Research Center in Cleveland, Ohio, as specified in the application.

4. Upon completion of the alteration of the reactor in accordance with the terms and conditions of this permit, upon finding by the Commission that the facility authorized has been reconstructed and will operate in conformity with the application and the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue to NASA Amendment No. 2 to Facility License No. CX-21, as proposed this date, the expiration date of which is midnight, April 12, 1972.

Date of issuance:

For the Atomic Energy Commission.

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

PROPOSED AMENDED FACILITY LICENSE

License No. CX-21 Amendment No. 2

1. The Atomic Energy Commission ("the Commission") has found that:

A. The application for license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter, "the Act"), and the Commission's regulations set forth in Title 10, CFR, Chapter I;

B. The reactor has been constructed in conformity with Construction Permit No. CPCX-19 and altered in conformity with Construction Permit No. CPCX-------, and will be operated in conformity with the application, the Act, and the rules and regulations of the Commission;

C. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

D. The National Aeronautics and Space Administration is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

E. The issuance of this license, as amended, for the possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

F. The National Aeronautics and Space Administration is a Federal Agency which does not have to furnish proof of financial protection and has executed an indemnity agreement which satisfies the requirements of 10 CFR Part 140.

2. Facility License No. CX-21, as amended, is hereby amended in its entirety to read as follows:

A. This license applies to the solution-type critical experiments facility designated as the Zero Power Reactor II (ZPR-II) (herein referred to as "the reactor" or "ZPR-II") which is owned by the National Aeronautics and Space Administration (hereinafter, "the and Space Administration (hereinafter, "the Lewis Research Center in Cleveland, Ohio, as described in the application dated April 28, 1961, and amendments thereto, including amendment dated April 25, 1969, and supplement thereto dated June 5, 1969 (herein referred to as "the application").

B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses NASA:

(1) Pursuant to section 104c of the Atomic Energy Act of 1954, as amended and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities, to possess, use and operate the reactor as a utilization facility at the designated location in Cleveland, Ohio, in accordance with the procedures and limitations described in the application and in this license;

(2) Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess, and use up to (1) 53 kilograms of contained uranium-235 and (2) 5 curies of plutonium contained in an encapsulated plutonium-beryllium neutron source, both in connection with operation of the ZPR-II; and

(3) Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

C. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) *Maximum power level.* The licensee may operate the ZPR-II at steady-state power levels up to a maximum of 100 watts (thermal).

(2) The licensee shall not operate the ZPR-II while the ZPR-I is in operation.

(3) *Technical specifications.* The technical specifications contained in Appendix A hereto are hereby incorporated in this license. The licensee shall operate the reactor in accordance with these technical specifications. No changes shall be made in the technical specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

D. This amended license is effective as of the date of issuance and shall expire at midnight, April 12, 1972.

For the Atomic Energy Commission.

Attachment: Appendix A—Technical Specifications.[1]

Date of issuance:

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

[F.R. Doc. 69-7904; Filed, July 1, 1969; 9:52 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 69-33]

ATLANTIC & GULF/WEST COAST OF SOUTH AMERICA CONFERENCE AGREEMENT NO. 2744-30, ET AL.

Order Instituting Proceeding

Nine conferences of carriers that operate between the United States and Central and South America have filed modifications of their basic agreements for approval in accordance with the provisions of section 15 of the Shipping Act,

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

1916. The modifications have been assigned agreement numbers as follows:

Conference name	Agreement No.
Atlantic & Gulf/West Coast of Central America and Mexico Conference	8300–8
Atlantic & Gulf/West Coast of South America Conference	2744–30
East Coast Colombia Conference	7590–16
Leeward & Windward Islands & Guianas Conference	7540–18
United States Atlantic & Gulf-Haiti Conference	8120–8
United States Atlantic & Gulf-Jamaica Conference	4610–13
United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference	6190–23
United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference—oil Companies Contract Agreement (Proprietary Cargo)	6870–11
West Coast South America Northbound Conference	7890–5

Each such modification adds the following paragraph to the existing agreement:

No provision of this Agreement shall be deemed to prohibit the Conference from agreeing to, and establishing, through rates by arrangement with other modes of transportation; or to prohibit the publication and filing of through rates by the Conference, in conformity with any such rate agreement; or to prohibit the issuance by the member lines of through bills of lading pursuant to a published Conference tariff embodying through rates or the adoption by the member lines of any uniform through bill of lading which may be agreed upon, and formally adopted, by the Conference. However, no member line, either individually or in concert with any other member line or lines or any nonmember line or lines, may negotiate, establish, publish, file, or operate under any through intermodal transportation rates or issue any through bills of lading otherwise than pursuant to the formal action and authorization of the Conference.

Each agreement has also been modified to delete any language that would conflict with implementation of the new provision. The conferences state that they ask for authority to establish through rates between points in the United States and points in the countries they serve by arrangements with carriers of other modes of transportation and to permit each conference to adopt a uniform through bill of lading. Individual member lines are precluded from offering through service outside the conference mechanism.

By letter dated February 7, 1969, Mr. N. I. Bass, Attorney, Advisor, Section of Opinions of the ICC, stated that the subject agreements appear to be an attempt by the applicants to indirectly secure antitrust relief for rate-making activities among carriers of different classes which they cannot lawfully obtain directly under present statutory law. Since each of the carrier classes is subject to the jurisdiction of different regulatory agencies, Mr. Bass believes that neither the FMC nor the ICC has exclusive jurisdiction over the activities of all the carrier parties so as to confer the antitrust immunity sought by the conference. Mr. Bass further advised that the foregoing reflects his opinion and was not an official expression of the views of the Interstate Commerce Commission.

A request for an investigation and hearing was received from Mr. R. J. Riddick, Executive Secretary of the Freight Forwarders Institute, Washington, D.C. The Institute is a voluntary association of common carriers holding permits under Part IV of the Interstate Commerce Act. The protestants allege that the conference is attempting to assert jurisdiction over inland cargo movements in the United States and would presume to afford legal rights concerning such movements to its members which neither it nor the Federal Maritime Commission can legally give. Mr. Riddick states that, "If it is intended that the members of the Conference would perform functions set forth in section 402 of the Interstate Commerce Act, 49 U.S.C. § 1002, the performance of such functions would result in violations of that Act." (Section 402 entitled "Definitions and Exemptions" defines the functions of a freight forwarder.)

It is further alleged that the proposed expansion of ocean common carrier operations into the interstate commerce of the United States would result in confusion to the shipping public and would be detrimental to commerce and contrary to the public interest.

The last allegation is not supported in any way in the protest, and no reason appears why such effects will, or are likely to, occur. However, it is the Commission's view that Mr. Bass' letter and the arguments of the protestants, viewed in the light of the great interest in the establishment of through intermodal rates and services, raise timely questions not heretofore specifically ruled upon by the Commission.

It is therefore ordered, That a proceeding be instituted, pursuant to sections 15, 18(b), and 22 of the Shipping Act, 1916, to develop the issues raised by the protestants (except that allegation disposed of above), by Mr. Bass, and by the conferences' responses thereto, so as to assist the Commission in determining whether the nine pending agreements should be approved, disapproved or modified; and

It is therefore ordered, That such proceedings be limited to the filing of briefs and an oral argument on the following issues:

1. Whether the concerted activities stated in the new paragraph to be added to each agreement are approvable in the form requested by the conferences.

2. The extent to which the Commission has jurisdiction to approve such agreements.

3. The extent to which the Commission may accept for filing under section 18(b) of the Shipping Act, 1916, the through rate tariffs and through bills of lading that appear to be contemplated by the agreements.

4. The extent of the antitrust immunity that would stem from approval of the agreements.

It is further ordered, That notice of this proceeding be published in the FEDERAL REGISTER. Persons having a direct interest in the matter, other than respondents, protestant, and Hearing Counsel may file petitions to intervene on or before July 11, 1969, with copies to all parties, in accordance with § 502.72 of the Commission's rules of practice and procedure.

Affidavits of fact and memoranda of law shall be filed on or before July 22, 1969. Replies thereto shall be filed on or before August 6, 1969. An original and 15 copies must be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with copies to all parties. Oral argument will be heard at a date to be announced later.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

RESPONDENTS

Mr. C. D. Marshall, Chairman, Atlantic & Gulf/West Coast of Central America and Mexico Conference, 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, Atlantic & Gulf/West Coast of South America Conference, 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, East Coast Colombia Conference, 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, Leeward & Windward Islands & Guianas Conference, 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, United States Atlantic & Gulf-Haiti Conference, 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, United States Atlantic & Gulf-Jamaica Conference, 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference, 11 Broadway, New York, N.Y., 10004.

Mr. C. D. Marshall, Chairman, United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference—Oil Companies Contract Agreement (Proprietary Cargo), 11 Broadway, New York, N.Y. 10004.

Mr. C. D. Marshall, Chairman, West Coast South America Northbound Conference, 11 Broadway, New York, N.Y. 10004.

PROTESTANT

Mr. Richard J. Riddick, Executive Secretary, Freight Forwarders Institute, 410 Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006.

[F.R. Doc. 69–7791; Filed, July 1, 1969; 8:47 a.m.]

[Docket No. 69–32]

[Agreement 9772]

NETHERLANDS-BELGIUM/U.S. NORTH ATLANTIC TRADE

Order of Investigation and Hearing Regarding Rate Agreement

The Commission has before it an application for approval of a rate agreement, pursuant to section 15 of the Shipping Act, 1916, between the Continental North Atlantic Westbound Freight Conference (Agreement 8210, as amended),

Hamburg-Amerika Linie, Meyer Line and Norddeutscher Lloyd in the trade from The Netherlands and Belgium to the U.S. North Atlantic. The agreement has been designated Federal Maritime Commission Agreement No. 9772. In pertinent part the agreement provides as follows:

That said parties, consistent with their obligations, if any, under any conference or other agreement in the trade covered by this Agreement, intend, by one or more representatives, to confer with each other and discuss together from time to time the matter of rates, charges, classifications, practices, and tariff matters appropriate and conformably with law and the interests of the foreign commerce between the United States and the continental ports of Europe in the Antwerp/Hamburg range to be charged or observed by them in the trade with such ports as indicated above covered by their services; and to agree on various rates, charges, classifications, practices, and related tariff matters, to be charged or observed by them respectively. Any rate, charge classification, practice, or related tariff matter of any party may be altered upon first giving the other parties at least 48 hours' advance notice thereof.

A number of questions concerning the approvability of this agreement are raised by the above language. The Commission's staff has been advised orally that any agreement as to rates is limited to the trade from The Netherlands and Belgium to the U.S. North Atlantic. Also, it is stated that the agreement authorizes any two or more parties to the agreement separately to confer, discuss, and fix rates. Such interpretations may not be apparent from a normal reading of the above language, hence, there is at the outset a question whether the agreement should be modified so as to state clearly its intended operation.

Futhermore, the scope of the agreement extends to the trade "between the United States and the continental ports of Europe in the Antwerp/Hamburg range," which includes trades covered by other approved rate agreements. Some of the parties to Agreement 9772 are also parties to the other approved agreements. It is not clear how this agreement is to operate in those trades in which some other agreement has rate authority or the effect of such dual operations.

Moreover, if Agreement 9772 is approved, it is not clear what the operation of the Continental North Atlantic Westbound Freight Conference will be once it becomes a single party to the agreement or whether its continued operation within a larger group of carriers is desirable.

The parties to the agreement submitted statements purporting to demonstrate a transportation need. In essence, the purported need is that without the said agreement there is a possibility or even likelihood of serious rate competition which would disrupt the trade in the future. There is no allegation, and available facts would seem to indicate otherwise, that any serious disruptive rate competition has occurred to date. This, plus the fact that one rate agreement for this trade is already approved and in existence, suggests that an investigation should be held to receive further evidence with respect to the alleged transportation need for Agreement No. 9772.

All of the parties to this agreement separately filed general rate increases to become effective on March 3, 1969. At present it appears that the rates of all parties are nearly identical. This raises a question whether the parties have acted in concert with respect to rates prior to receiving approval of their agreement.

Therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, the Commission institute an investigation to determine (1) whether Agreement No. 9772 would be unjustly discriminatory or unfair as between carriers, shippers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or in violation of the Shipping Act, 1916, and on the basis of the findings, to determine whether Agreement No. 9772 should be approved, disapproved, or modified; and (2) whether the parties have carried out this agreement prior to approval in violation of section 15;

It is further ordered, That the parties listed in the appendix attached hereto be made respondents in this proceeding;

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents;

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene in accordance with Rule 5(1), 46 CFR 502.72 of the Commission's rules of practice and procedure;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX

Meyer Line, c/o Boyd, Weir, Sewell, Inc., General Agents, 17 Battery Place, New York, N.Y. 10004.

Hamburg-Amerika Linie, c/o U.S. Navigation Co., Inc., Agents, 17 Battery Place, New York, N.Y. 10004.

Norddeutscher Lloyd, c/o U.S. Navigation Co., Inc., Agents, 17 Battery Place, New York, N.Y. 10004.

Continental North Atlantic Westbound Freight Conference, Mrs. M. Bourgeois, Secretary, 79 De Bomstraat, Antwerp, Belgium.

[F.R. Doc. 69-7792; Filed, July 1, 1969; 8:47 a.m.]

NATIONAL COMMISSIDN ON PRODUCT SAFETY

HOUSEHOLD PRODUCTS PRESENTING HEALTH AND SAFETY RISK

Notice of Hearing

Notice is hereby given that pursuant to section 3(a) of Public Law 90-146; 81 Stat. 466, the National Commission on Product Safety will hold public hearings at 9:30 a.m. on July 29, 1969, in Room 2154, Rayburn House Office Building, Washington, D.C. The hearings will deal with the safety of glass bottles and other containers used by consumers in or around the household, including:

(i) Nature, cause, frequency, and severity of injuries associated with glass bottles and other containers, especially those which are pressurized;

(ii) Scope and adequacy of designs, testing procedures, and standards in the container manufacturing and glass bottling industries, especially those applicable to containers which are pressurized;

(iii) Liability of manufacturers and bottlers for injuries caused by defective glass bottles and other containers and the effect of such civil liability in promoting safety;

(iv) Methods of eliminating or reducing such unreasonable hazards as may exist.

Interested persons are invited to attend and participate by the submission of written statements. Such statements should be furnished to the Commission at its office, 1016 16th Street NW., Washington, D.C. 20036, not later than July 21, 1969. Such statements will be made a part of the record of the hearings and will be available for inspection by the public.

Interested persons desiring to offer oral testimony at these hearings should advise the Commission and file written statements setting forth the substance of their proposed testimony by July 21, 1969. The Commission will attempt to grant such requests to the extent time permits.

Persons desiring to furnish oral testimony or to submit statements at subsequent Commission hearings are invited to so advise the Commission in writing specifying the proposed subject of their testimony and group affiliation, if any.

Dated: June 30, 1969.

ARNOLD B. ELKIND,
Chairman.

[F.R. Doc. 69-7874; Filed, July 1, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4763]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Issue and Sale of Common Stock by Holding Company and Exemption From Competitive Bidding

JUNE 25, 1969.

Notice is hereby given that American Electric Power Co., Inc. ("AEP"), 2 Broadway, New York, N.Y. 10004, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

AEP proposes to issue and sell, through an underwritten public offering, 2,540,097 additional shares of its authorized but unissued common stock, par value $6.50 per share. The terms of the proposed sale will be determined by negotiations with investment bankers. AEP believes that, under present conditions, a procedure involving competitive bids for an offering of AEP's common stock of between $80-$90 million would result in a lower price and a greater cost to AEP than the procedure herein proposed. As a result, AEP hereby requests the Commission to take appropriate action, pursuant to Rule 50(a)(5), to exempt the issue and sale of the additional common stock from compliance with the competitive bidding requirements of that rule so as to authorize AEP to enter into negotiations with investment bankers, under circumstances where competitive conditions are maintained, to establish the terms and conditions under which the additional common stock is to be issued and sold.

AEP proposes to use the proceeds of the sale of the common stock to pay and retire AEP's short-term debt, consisting of commercial paper and notes to banks, which is estimated not to exceed $85 million. Any excess proceeds will be used by AEP for other corporate purposes, including a cash capital contribution or contributions prior to December 31, 1969, to one or more of its public-utility subsidiary companies.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses incident to the proposed transaction are to be filed by amendment.

Notice is further given that any interested person may, not later than July 8, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said 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 AEP at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

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

[F.R. Doc. 69-7772; Filed, July 1, 1969; 8:46 a.m.]

[70-4764]

METROPOLITAN EDISON CO.

Notice of Proposed Issue and Sale of Bonds at Competitive Bidding

JUNE 26, 1969.

Notice is hereby given that Metropolitan Edison Co. ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pa. 19605, an electric utility subsidiary company of General Public Utilities Corp. ("GPU"), a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $25 million principal amount of First Mortgage Bonds, _____ percent Series, due August 1, 1999. The interest rate of the bonds (which shall be a multiple of one-eighth of 1 percent) and the price to be paid to Met-Ed (which shall not be less than 100 percent nor more than 102.75 percent of the principal amount thereof plus accrued interest from August 1, 1969, to the date of delivery) will be determined by the competitive bidding. The bonds will be issued under an indenture dated as of November 1, 1944, between Met-Ed and Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York), trustee, as heretofore supplemented, and as to be further supplemented by a supplemental indenture to be dated August 1, 1969.

The filing states that the proceeds (other than premium, if any, and accrued interest) from the sale of the bonds will be deposited with the trustee under the indenture and withdrawn from time to time against bondable value of property additions. It is estimated that at the issue date of the bonds approximately $19 million of such proceeds will be withdrawn. Such proceeds, together with funds made available from operations and cash contributions to Met-Ed by GPU will be used for the purpose of financing Met-Ed's business as a public-utility company, including reimbursement of Met-Ed's treasury for expenditures therefrom for construction purposes (including interest charged to construction) and to pay bank loans outstanding at the time of the sale of the bonds which loans are expected to aggregate $23 million. Any premium realized from the sale of the bonds will be utilized for the financing of Met-Ed's business including the payment of the expense of this financing. The balance of the proceeds from the sale of the bonds will be withdrawn from time to time during a period expected to be less than 1 year as bondable value of property additions permits. The cost of Met-Ed's 1969 construction program is estimated at approximately $102,100,000 and such costs and other cash requirements will be met from funds derived from operations, funds made available from cash capital contributions, funds from the issue and sale of the bonds, and funds from short-term bank loans, which bank loans are expected to aggregate $34 million at the end of 1969.

It is stated that the fees and expenses incident to the proposed transaction are estimated at $84,000, including counsel fees of $27,000 and accounting fees of $5,300. The fees and disbursements of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is further stated that the issue and sale of the bonds is subject to the jurisdiction of the Pennsylvania Public Utility Commission, the State commission of the State in which Met-Ed is organized and doing business. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 18, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or

by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-7773; Filed, July 1, 1969; 8:46 a.m.]

BARTEP INDUSTRIES, INC.

Order Suspending Trading

JUNE 27, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 29, 1969, through July 8, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-7774; Filed, July 1, 1969; 8:46 a.m.]

COMMERICIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

JUNE 27, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey 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 June 30, 1969, through July 9, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-7775; Filed, July 1, 1969; 8:46 a.m.]

FEDERAL OIL CO.

Order Suspending Trading

JUNE 27, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Federal Oil Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 29, 1969, through July 8, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-7776; Filed, July 1, 1969; 8:46 a.m.]

INTERCONTINENTAL INDUSTRIES, INC.

Order Suspending Trading

JUNE 26, 1969.

The common stock, $1 par value, of Intercontinental Industries, Inc., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Intercontinental Industries, Inc., being traded otherwise than on a national securities exchange; and

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

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 26, 1969, 1:30 p.m., e.d.t., through July 5, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-7777; Filed, July 1, 1969; 8:46 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

JUNE 26, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Rajac Industries, Inc., 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 June 26, 1969, at 11 a.m., e.d.t., through July 5, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-7778; Filed, July 1, 1969; 8:46 a.m.]

[812-2535]

WHITEHALL MANAGEMENT CORP. ET AL.

Notice of and Order for Hearing on Application for Exemption From Certain Provisions

JUNE 25, 1969.

Notice is hereby given that Pinestock Associates, Inc. ("Pinestock"), Fiduciary Equity Associates, Inc. ("FEA"), and Quasar Associates, Inc. ("Quasar"), 140 Broadway, New York, N.Y. 10005 (collectively the "Funds"), all open-end investment companies registered under the Investment Company Act of 1940 ("Act"), and Whitehall Management Corp. ("Whitehall"), a Delaware corporation which acts as investment adviser to the Funds, have applied pursuant to section 6(c) of the Act for an order exempting them from Rule 22c-1 of the rules and regulations under the Act, to the extent necessary to permit the shares of Funds to be priced for sale semimonthly. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Funds were organized to serve as investment vehicles for customers of Donaldson, Lufkin & Jenrette, Inc. ("DLJ"), an investment banking firm and member of the New York Stock Exchange which is the holder of all the outstanding shares of Whitehall.

All sales of shares of the Funds are made through DLJ and are made without the imposition of a sales charge. A minimum initial investment is required of $10,000 for Pinestock and FEA and $100,000 for Quasar. Each of the Funds has reserved the right to decline to accept subscriptions. Under the investment advisory agreements presently in effect, the computation of net asset values for each of the Funds is performed by Whitehall.

On March 31, Pinestock had net assets of $26,693,800 and 522 stockholders, FEA had net assets of $17,407,100 and 92 stockholders, and Quasar had net assets of $3,236,100 and 60 stockholders.

Rule 22c–1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading, not less frequently than once daily as of the time of the close of trading on such exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Whitehall and the Funds propose to price shares for sale at the net asset value as of the close of trading on the New York Stock Exchange on the 15th day (or the first business day thereafter if the 15th day is not a business day) and on the last business day of each month. Subscriptions received prior to the close of the New York Stock Exchange on those days are to be priced at net asset value per share as of such close of business.

Subscriptions submitted prior to the two monthly dates on which sales will be made will not be accepted until such dates and will be revocable at the option of the subscriber at any time prior thereto. Redemption of shares by all three funds will be made daily, and any shares tendered for redemption and received prior to the close of the New York Stock Exchange on any day will be valued as of such close of business.

Shares of Pinestock and FEA are currently being offered on the semimonthly basis described above. Shares of Quasar are currently offered on a daily basis.

Whitehall represents that unless this application is granted, the amount of employee and supervisory time and payroll devoted to determining the net asset values of the Funds will have to be substantially increased.

In the case of each of the Funds, the investment advisory fee paid to Whitehall is based on performance but is never less than certain costs assumed by Whitehall, including the cost of determining net asset value. In any year in which such costs are greater than the performance fee, the difference, including the cost of determining net asset value on a daily basis, would be borne by shareholders of the Funds. In a year in which the performance fee is greater than the certain costs, the increased cost due to daily net asset determination might lead Whitehall to submit to shareholders of the fund concerned an amendment to the investment advisory contract to increase the performance fee.

In a 6-month period from October of 1968, through March of 1969, 112 sales (exclusive of dividend reinvestment) and 88 redemptions were made in Pinestock, and 66 sales (exclusive of dividend reinvestment) and 15 redemptions were made in FEA. Since sales were made only semimonthly, prices for shares of Pinestock and FEA were computed at other dates only when requests for redemptions were made. During the 6-month period, requests for redemptions were received and prices on shares computed on days other than the normal semimonthly pricing days, 26 times for Pinestock and one time for FEA.

Applicants represent that the proposed pricing method, under which shares are prospectively valued, is consistent with the objective of Rule 22c–1 to prevent dilution in the value of shares and short-term speculation resulting from sale of shares at a previously determined price.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation under the Act, 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.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 29th day of July 1969 at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than the Applicants, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 25th day of July 1969, his application pursuant to Rule 9(c) of the Commission's rules of practice. 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 Applicants at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters are presented for consideration without prejudice to its specifying additional matters upon further examination:

(1) Whether the proposed manner of pricing complies with Rule 22c–1.

(2) Whether the exemption requested 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.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to the Applicants and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

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

[F.R. Doc. 69–7779; Filed, July 1, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30 (Rev. 12) Amdt. 6]

AREA ADMINISTRATORS

Delegation of Authority To Conduct Program Activities in Field Offices

Delegation of Authority No. 30 (Revision 12) (32 F.R. 179), as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, and 34 F.R. 5134) is hereby further amended by revising Items I.A.1 and I.A.2, to read as follows:

I. *Area Administrators*—A. *Financial assistance program.* 1. To approve business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share). To decline business and economic opportunity loans in any amount.

2. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $30,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $35,000 for a single disaster on home loans, and (b) $100,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster Guaranteed Loans up to $1 million, and to decline them in any amount.

Effective date: April 21, 1969.

HILARY SANDOVAL, Jr., *Administrator.*

[F.R. Doc. 69–7763; Filed, July 1, 1969; 8:45 a.m.]

[Delegation of Authority 30, Rocky Mountain Area, Amdt. 2]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in Rocky Mountain Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Rev. 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 17217, 19097, and 34 F.R. 5134), Delegation of Authority No. 30 (Rocky Mountain Area), 33 F.R. 10680, as amended (34 F.R. 7054), is hereby further amended by adding Items I.H.1 and I.H.2.

I. *Area Coordinators.* * * *

H. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

* * * * *

Effective date: June 18, 1969.

GEORGE E. SAUNDERS,
Area Administrator.

[F.R. Doc. 69-7764; Filed, July 1, 1969; 8:45 a.m.]

[Delegation of Authority 30 (Rev. 2), Amdt. 2, Southeastern Area]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in Southeastern Area

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Rev. 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 17217, 19097, 34 F.R. 5134), Delegation of Authority No. 30 (Rev. 2), Southeastern Area, 33 F.R. 9317, dated June 25, 1968, as amended (34 F.R. 8730), is hereby further amended by:

1. Adding Item I.H. to read as follows:

I. *Area Coordinators.* * * *

H. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

* * * * *

Effective date: June 9, 1969.

WILEY S. MESSICK,
Area Administrator,
Southeastern Area.

[F.R. Doc. 69-7765; Filed, July 1, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 51, Amdt. 2]

ERIE-LACKAWANNA RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 51, and good *It is ordered,* That:

Car Distribution Direction No. 51 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 20, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 26, 1969.

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

[F.R. Doc. 69-7796; Filed, July 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 52, Amdt. 2]

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

Car Distribution

Upon further consideration of Car Distribution Direction No. 52, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 52 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 20, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 26, 1969.

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

[F.R. Doc. 69-7797; Filed, July 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 50, Amdt. 2]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Seaboard Coast Line Railroad Co., Norfolk and Western Railway Co., and Chicago, Burlington & Quincy Railroad Co.

Upon further consideration of Car Distribution Direction No. 50, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 50 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 20, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 26, 1969.

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

[F.R. Doc. 69-7798; Filed, July 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 46, Amdt. 3]

SOUTHERN RAILWAY CO. AND MISSOURI PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 46, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 46 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 13, 1969, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 29, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 26, 1969.

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

[F.R. Doc. 69-7799; Filed, July 1, 1969; 8:48 a.m.]

[No. 11761]

ILLINOIS CENTRAL RAILROAD CO.

Iowa Passenger Fares and Charges

JUNE 20, 1969.

Notice is hereby given that the Illinois Central Railroad Co., through its attorneys named below, has filed a petition with the Interstate Commerce Commission, praying that the Commission modify its outstanding orders in this proceeding to allow the petitioner to increase its intrastate passenger fares within the State of Iowa by eliminating a 10 percent discount on round-trip passenger fares.

The petitioner points out that effective June 15, 1969, new interstate round-trip fares were established at strictly double the one-way fare on the respective class of service (thereby eliminating the 10 percent discount on interstate fares); that interstate and intrastate passengers are transported on the same trains under the same conditions; that, therefore, intrastate passenger fares maintained at a lower level than the prevailing level of interstate passenger fares would cause difficulties; and that since maximum intrastate passenger fares are fixed by State statute (fares in excess thereof, which would result from the sought increases herein, not being subject to the jurisdiction of the regulatory body of that State, namely, the Iowa State Commerce Commission), modifications producing fares in excess of the State statutory limits are solely within the jurisdiction of the Interstate Commerce Commission, if required because of the burdensome effect of the intrastate fares and practices on interstate commerce, pursuant to section 13 of the Interstate Commerce Act.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies upon either J. W. Foster or Kenneth L. Novander, 135 East 11th Place, Chicago, Ill. 60605. Thereafter, the Commission will proceed to render its decision in this matter, including the observance of any additional requirements that appear warranted to assure due process of law.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7800; Filed, July 1, 1969; 8:48 a.m.]

[No. 34896] [1]

ATCHISON, TOPEKA, AND SANTA FE RAILWAY CO. ET AL.

Texas Intrastate Passenger Coach Fares

JUNE 20, 1969.

Notice is hereby given that the common carriers by railroad shown below have, through their attorneys, filed a petition with the Interstate Commerce Commission for modification of the outstandings orders of the Commission in these proceedings.

The petitioners point out that effective June 15, 1969, the basic interstate one-way and round-trip coach fares will be increased by 5 percent; that the maximum intrastate passenger fares are fixed by statute of the Legislature of the State of Texas, fares in excess thereof not being subject to the jurisdiction of the regulatory body of that State (Railroad Commission); and that interstate and intrastate passengers are transported on the same trains, the transportation conditions of the one being no more favorable than those in respect to the other. Wherefore, the petitioners pray that this Commission modify the outstanding orders in these proceedings to the extent necessary to enable them to establish and maintain the sought 5 percent increase in passenger fares applicable on intrastate movements within the State of Texas.

The petitioners are: The Atchison, Topeka and Santa Fe Railway Co.; The Kansas City Southern Railway Co.; Missouri Pacific Railroad Co.; Southern Pacific Co.; and The Texas and Pacific Railway Co.;

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies upon either J. D. Feeney or James W. Nisbet, 280 Union Station Building, Chicago, Ill. 60606. Thereafter, the Commission will proceed to render its decision in this matter, including the observance of any additional requirements that may appear warranted to assure due process of law.

[1] Embraces also: No. 28846, Increases in Texas Rates, Fares and Charges, and No. 33683 Texas Intrastate Passenger Coach fares.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7801; Filed, July 1, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 27, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41674—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 628), for interested rail carriers. Rates on cups, dishes, plates or trays, polystyrene, in carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 89 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41675—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 629), for interested rail carriers. Rates on blackstrap molasses, and other various commodities, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 89 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7802; Filed, July 1, 1969; 8:48 a.m.]

[Notice 557]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 27, 1969.

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 2229 (Deviation No. 18), RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, Dallas, Tex. 75247, filed June 18, 1969. Carrier's representative: E. Larry Wells, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Jackson, Miss., and Laplace, La., over Interstate Highway 55 (traversing U.S. Highway 51 pending completion of Interstate Highway 55), 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 Jackson, Miss., over U.S. Highway 80 via Vicksburg, Miss., and Monroe, La., to Shreveport, La.; (2) from Ferriday, La., over U.S. Highway 65 to junction Louisiana Highway 128 west of St. Joseph, La., thence over Louisiana Highway 128 to St. Joseph, thence over Louisiana Highway 607 via Osceola, Lake Bruin, Newellton, and Balmoral, La., to junction U.S. Highway 65 at or near Somerset, La., thence over U.S. Highway 65 to Tallulah, La.; and (3) from New Orleans, La., over U.S. Highway 61 to Natchez, Miss., thence over U.S. Highway 65 to Ferriday, La., and return over the same routes.

No. MC 2900 (Deviation No. 28), RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla. 32203, filed June 20, 1969. Carrier's representative: Larry D. Knox, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Indianapolis, Ind., and Columbus, Ohio, over Interstate Highway 70 (traversing U.S. Highway 40 pending completion of portions of Interstate Highway 70 not completed), 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 Indianapolis, Ind., over U.S. Highway 52 to Cincinnati, Ohio, thence over U.S. Highway 22 to Washington Court House, Ohio, thence over U.S. Highway 62 to Columbus, Ohio, and return over the same route.

No. MC 2900 (Deviation No. 29) RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla. 32203, filed June 20, 1969. Carrier's representative: Larry D. Knox, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 70 to junction Interstate Highway 75, thence over Interstate Highway 75 to Dayton, Ohio, and return over the same route, 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 Indianapolis, Ind., over U.S. Highway 52 to Cincinnati, Ohio, thence over U.S. Highway 25 to Dayton, Ohio, and return over the same route.

No. MC 3560 (Deviation No. 19), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo. 8023, filed June 17, 1969. Carrier's representative: William Kenworthy, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Moline, Ill., over Interstate Highway 80 to junction Interstate Highway 74, thence over Interstate Highway 74 to Bloomington, Ill., and return over the same route, 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 Moline, Ill., and Bloomington, Ill., over U.S. Highway 150.

No. MC 52743 (Deviation No. 4), MIAMI TRANSPORTATION COMPANY, INC., OF INDIANA, 1220 Harrison Ave., Cincinnati, Ohio 45214, filed June 16, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Louisville, Ky., and Indianapolis, Ind., over Interstate Highway 65, 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 Louisville, Ky., over U.S. Highway 31W to Sellersburg, Ind. (also over U.S. Highway 31E), thence over U.S. Highway 31 to Scottsburg, Ind., thence over Indiana Highway 56 to junction Indiana Highway 256, thence over Indiana Highway 256 to Madison, Ind.; and (2) from Madison, Ind., over Indiana Highway 7 to Columbus, Ind., thence over U.S. Highway 31 to Indianapolis, Ind., and return over the same routes.

No. MC 108298 (Deviation No. 9) ELLIS TRUCKING CO., INC., 1600 Oliver Avenue, Indianapolis, Ind. 46221, filed June 18, 1969. Carrier's representative: Kirkwood Yockey, Suite 501 Union Federal Building, 45 North Pennsylvania Street, Indianapolis, Ind. 46204. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: From Marion, Ky., over U.S. Highway 641 to junction U.S. Highway 62, thence over combined U.S. Highways 641 and 62 to Gilbertsville, Ky., thence over access road to Purchase Parkway, thence over Purchase Parkway to Fulton, Ky., and return over the same route, 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 Evansville, Ind., over U.S. Highway 41 to Henderson, Ky., thence over U.S. Highway 60 to Paducah, Ky., thence over U.S. Highway 45 to Union City, Tenn., thence over U.S. Highway 45W to Humboldt, Tenn., thence over Alternate U.S. Highway 70 to Brownsville, Tenn., thence over U.S. Highway 70 to Memphis, Tenn., and return over the same route.

By the Commission.

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

[F.R. Doc. 69-7803; Filed, July 1, 1969; 8:48 a.m.]

[Notice 1308]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 27, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

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 8957 (Sub-No. 9) (Republication), filed April 12, 1968, published in the FEDERAL REGISTER issue of May 2, 1968, and republished this issue. Applicant: GLENN H. BROWER, Rural Delivery No. 1, Lewistown, Pa. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. By application filed April 12, 1968, as amended, Glenn H. Brower, of Lewistown, Pa., seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of waste or scrap materials, metals, and metal articles, between Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, except metal alloys from Philadelphia, Pa., and metal alloys, other than loose, from Baltimore,

Md., to Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa.; waste or scrap materials, metals, and scrap or used metal articles, between Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina, and Texas, except the transportation of articles which because of size or weight require the use of special equipment; and waste or scrap material metals, and scrap or used metal articles except automobile parts, between Lewistown, Pa., and points in Dectaur and Derry Townships, Mifflin County, Pa., on the one hand, and, on the other, points in Mississippi and Tennessee, except the transportation of articles which because of size or weight require the use of special equipment; with the restriction that the operations authorized be limited to a transportation service to be performed, under a continuing contract or contracts, with Sitkin Converting, Inc., Sitkin Industries, Inc.—Scrap Iron Division, Sitkin's Metal Trading, Inc., Sitkin Smelting and Refining, Inc., and Wasco Corp.

A report of the Commission, on further proceedings, decided June 12, 1969, and served June 23, 1969, 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, over irregular routes of (1) *waste or scrap materials, metals, and metal articles,* between Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, except metal alloys from Philadelphia, Pa., and *metal alloys,* other than loose, from Baltimore, Md., to Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa.; (2) *waste or scrap materials, metals, and scrap or used metal articles,* between Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina, and Texas, except the transportation of articles which because of size or weight require the use of special equipment; and

(3) *Waste or scrap materials, metals, and scrap or used metal articles* (except automobile parts), between Lewistown, Pa., and points in Decatur and Derry Townships, Mifflin County, Pa., on the one hand, and, on the other, points in Mississippi and Tennessee, except the transportation of articles which because of size or weight require the use of special equipment; that applicant is fit, willing, and 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. Because it is possible that other parties 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 report, 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, and also subject to prior receipt of a request of applicant in writing for the coincidental cancellation of his permits in Nos. MC 8957 (Subs 2, 3, 7, and 8).

No. MC 108340 (Sub-No. 18) (Republication), filed October 28, 1968, published in the FEDERAL REGISTER issues of November 12, 1968, and June 18, 1969, and republished this issue. Applicant: HANEY TRUCK LINE, a corporation, 2219 Cedar Street, Forest Grove, Oreg. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. By application filed October 28, 1968, as amended, applicant 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 cannery food processing plant and animal food processing plant, products (except frozen fruits, frozen berries, frozen vegetables, and frozen fish), materials, supplies, and equipment, between points in Washington County, Oreg., on the one hand, and, on the other, points in Washington restricted to shipments originating at or destined to canneries, food processing plants, and animal food processing plants; and, restricted to shipments originating at or destined to points in Washington County, Oreg. By order dated April 30, 1969, applicant was granted authority to operate in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of (1) canned goods and canned pet feed and (2) materials, supplies, and equipment used in the production sale, and distribution of the commodities in (1) above, between designated points; A supplemental order of the Commission, Operating Rights Board, dated June 6, 1969, and served June 23, 1969, 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, over irregular routes of (1) *prepared foods* (except frozen prepared fruits, frozen prepared berries, frozen prepared vegetables, and frozen prepared fish);

(2) *Animal feed;* and (3) *materials, supplies, and equipment* used in the manufacture of the commodities described in (1) and (2) above and in the manufacture of frozen food products, between points in Washington County, Oreg. on the one hand, and, on the other, points in Washington, restricted to the transportation of traffic originating at or destined to points in Washington County, Oreg., on the one hand, and, on the other, able properly to perform such service and to conform to the requirements of the Interstate Commerce Act the Commission's rules and regulations thereunder. Because it is possible that other parties, 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.

No. MC 119914 (Sub-No. 16) (Republication), filed February 10, 1969, published in the FEDERAL REGISTER issue of March 6, 1969, and republished this issue. Applicant: MINNESOTA-WISCONSIN TRUCK LINES, INC., 965 Eustis Street, St. Paul, Minn. 55114. By application filed February 9, 1969, applicant 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 the commodities indicated below from Hayward, Wis., to Clam Lake, Wis., and points within 25 miles of Clam Lake, except the points specified below. An order of the Commission, Operating Rights Board, dated June 5, 1969, and served June 18, 1969, 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, over irregular routes, of *general commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from Hayward, Wis., to Draper, Loretta, and Winter, Wis., and to points in that part of Wisconsin bounded by a line beginning at the junction of U.S. Highway 2 and Wisconsin Highway 27, and extending south along Wisconsin Highway 27, to its junction with Wisconsin Highway 70, thence east along Wisconsin Highway 70 to its junction with Wisconsin Highway 13, thence north along Wisconsin Highway 13 to its junction with Wisconsin Highway 182, thence east along Wisconsin Highway 182 to its junction with U.S. Highway 51, thence north along U.S. Highway 51 to its junction with U.S. Highway 2, thence west along U.S. Highway 2 to its junction with Wisconsin Highway 27 (except Butternut, Glidden, Mellen, Drummond, Grandview, and Mason and points in their commercial zones); that applicant is fit, willing, and 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. Because it is possible that other persons, who have relied upon the notice

of the publication 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.

No. MC 129644 (republication), filed January 12, 1968, published in the FEDERAL REGISTER issue of January 25, 1968, and republished this issue. Applicant: C & J TRAVEL, INC., 163 Central Avenue, Dover, N.H. 03820. Applicant's representative: Catherine Immen (same address as applicant). By application filed January 12, 1968, applicant 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, and express in the same vehicle with passengers, in special party service, restricted to transportation in vehicles having a capacity of not more than 11 passengers, between Somersworth, Dover, Portsmouth, and Exeter, N.H., on the one hand, and, on the other, Logan International Airport, at East Boston, Mass. By report and order of December 6, 1968 under modified procedure, the Commission, Review Board No. 2 granted the application partially. By petition filed January 9, 1969, applicant seeks to amend the application.

A decision and order of the Commission, Division 1, acting as an Appellate Division, dated June 6, 1969, and served June 19, 1969, finds on reconsideration, that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle over irregular routes (1) of *passengers and their baggage*, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, in special operations; and (2) of *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted (a) to the transportation of shipments in the same vehicle with passengers, and (b) against the transportation of packages or articles weighing more than 100 pounds in the aggregate from one consignor at one location to one consignee at one location during a single day, between Somersworth, Dover, Portsmouth, and Exeter, N.H., on the one hand, and, on the other, Logan International Airport, at East Boston, Mass.; subject to the conditions (a) that applicant shall conduct separately its for-hire carrier operations and its other business activities, (b) that it shall maintain separate accounts and records therefor, and (c) that it shall not transport property as both a private and for-hire carrier in the same vehicle at the same time; that applicant is fit, willing, and 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. 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 decision and 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.

No. MC 133445 (Sub-No. 2) (Republication), filed February 2, 1969, published in the FEDERAL REGISTER issue of March 6, 1969, and republished this issue. Applicant: GERALD T. STUCK, 414 East Main Street, Middleburg, Pa. 17842. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. By application filed February 2, 1969, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of semitrailers, semitrailer chassis, semitrailer bodies, vehicle bodies (except mobile homes), and intermodal containers, having a capacity of not less than 1,000 cubic feet, new or used, between the plantsite of Trailco Manufacturing & Sales Co. at or near Hummels Wharf, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, and District of Columbia, under a continuing contract with Trailco Manufacturing & Sales Co., of Hummels Wharf, Pa. An order of the Commission, Operating Rights Board, dated June 5, 1969, and served June 19, 1969, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *semitrailers, semitrailer chassis, motor vehicle bodies, and containers*, between the plantsite of Trailco Manufacturing & Sales Co., at Hummels Wharf, Pa., on the one hand, and, on the other, points in Delaware, Indiana, Maryland, New Jersey, New York, Ohio, Virginia, and West Virginia, and the District of Columbia, under a continuing contract with Trailco Manufacturing & Sales Co., of Hummels Wharf, Pa., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and 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. 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 of this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit 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.

NOTICE OF FILING OF PETITION

No. MC 127681 (Sub-No. 1), and No. MC 127681 (Sub-No. 2) (Notice of filing of Petition for Modification of Permits), filed December 13, 1968. Petitioner: JOE JONES, JR., doing business as JOE JONES TRUCKING CO., Atlanta, Ga. On August 17, 1967, petitioner was issued permit No. MC 127681 (Sub-No. 1), authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, (1) of dry chemicals, packaged in paper bags and drums, between the plantsites of Mayo Chemical Co., located in Smyrna and Dalton, Ga., and Chattanooga, Tenn., and from the plantsites of Mayo Chemical Co. in Smyrna and Dalton, Ga., and Chattanooga, Tenn., to customers of Mayo Chemical Co., located at points in the United States (excluding points in Alaska and Hawaii); (2) of defective, rejected, or repossessed chemical products manufactured by Mayo Chemical Co., from customers of Mayo Chemical Co., located at points in the United States (excluding points in Alaska and Hawaii), to the plantsites of the Mayo Chemical Co., located in Smyrna and Dalton, Ga., and Chattanooga, Tenn.; and (3) of dry chemicals, manufactured, packaged in paper bags and drums, from suppliers of Mayo Chemical Co., located at points in Ohio, Michigan, Pennsylvania, Massachusetts, Connecticut, New Jersey, New York, Delaware, Maryland, West Virginia, and Texas, to the plantsites of Mayo Chemical Co., located in Smyrna and Dalton, Ga., and Chattanooga, Tenn., and to customers of Mayo Chemical Co., located at points in the United States (excluding Alaska and Hawaii), subject to the restriction that such operations may only be performed under a continuing contract or contracts with the Mayo Chemical Co.

Review Board No. 2, on June 11, 1968, made and filed its report and order in No. MC 127681 (Sub-No. 2), granting petitioner authority to extend his contract carrier operations by motor vehicle and transport, over irregular routes, dry chemicals, manufactured, packaged in paper bags and drums, from suppliers of Mayo Chemical Co., located at points in Indiana, Illinois, Missouri, and Louisiana, to the plantsites of Mayo Chemical Co., located in Dalton and Smyrna, Ga., and Chattanooga, Tenn., and to customers of Mayo Chemical Co., located at points in the United States (excluding Alaska and Hawaii), under a continuing contract with Mayo Chemical Co., but that no permit authorizing such operations has yet been issued in such proceeding. By petition filed December

13, 1968, petitioner, seeks modification of his permit No. MC 127681 (Sub-No. 1), and modification of the findings of the report of Review Board No. 2 in No. MC 127681 (Sub-No. 2), so as (1) to delete therefrom all references to the Mayo Chemical Co., and the points of Smyrna and Dalton, Ga., and Chattanooga, Tenn., thereby permitting the rendition of service at all the plantsites of shipper located in Georgia, and (2) to substitute Oxford Chemicals, of Chamblee, Ga., a division of Consolidated Foods, in lieu of the Mayo Chemical Co., as the shipper in whose behalf service may be performed. An order of the Commission, dated May 15, 1969, served May 29, 1969, provides, that notice of the petition, filed December 13, 1968, for modification be published in the FEDERAL REGISTER, and that said petition be designated for oral hearing at a time and place to be hereafter fixed. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 765 (Sub-No. 3), filed June 16, 1969. Applicant: MILLS TRANSFER COMPANY, a corporation, 51 Sleeper Street, Boston, Mass. 02210. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), between points in Massachusetts. NOTE: Applicant states it intends to tack with its present irregular route authority at Boston, Mass., and with its regular route authority at Boston and at intermediate points in Massachusetts on said routes. This application is directly related to MC-F-10517, published FEDERAL REGISTER issue of June 25, 1969. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 106401 (Sub-No. 29), filed June 4, 1969. Applicant: JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Charlotte, N.C. 28201. Applicant's representatives: Thomas G. Sloan (same address as applicant), and Donald E. Cross, Suite 917, Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Massachusetts. NOTE: This application is directly related to MC-F-10499, published in the FEDERAL REGISTER June 6, 1969. Applicant states it would tack to its regular route points generally between Boston and Springfield. If a hearing is deemed necessary, applicant requests it be held at Washintgon, D.C.

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-10030 (Petition) (RYDER TRUCK LINES, INC.—Control—MERCHANTS FREIGHT SYSTEM, INC.), published in the February 2, 1968, issue of the FEDERAL REGISTER, on page 2680. By petition filed June 18, 1969, petitioners seek to substitute *RYDER TRUCK LINES, INC., a Florida corporation*, in lieu of RYDER TRUCK LINES, INC., a Tennessee corporation.

No. MC-F-10519. Authority sought to purchase by MORVEN FREIGHT LINES, INCORPORATED, Highway No. 74, Post Office Box 718, Wadesboro, N.C. 28170, of the operating rights of S. D. SESSIONS, doing business as SESSIONS TRUCKING COMPANY, Highway 109 North, Post Office Box 537, Wadesboro, N.C. 28170, and for acquisition by CHARLES B. RATLIFF, Highway No. 74 East, Post Office Box 718, Wadesboro, N.C. 28170, of control of such rights through the purchase. Applicants' attorney and representative: H. P. Taylor, Jr., Anson Professional Building, Post Office Box 593, Wadesboro, N.C. 28170 and Charles B. Ratliff, Post Office Box 718, Wadesboro, N.C. 28170. Operating rights sought to be transferred: *Wood chips*, as a *common carrier*, over irregular routes from points in Montgomery County, N.C., to points in Florence County, S.C., from points in Anson County, N.C., to points in Florence and Darlington Counties, S.C.; and *limestone*, in bulk, from points in Cherokee County, S.C., to points in Anson, Stanly, Montgomery, Moore, Richmond, Scotland, Robeson, Hoke, and Union Counties, N.C. Vendee is authorized to operate under a certificate of registration within the State of North Carolina. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-120307 Sub 4 is a matter directly related.

No. MC-F-10520. Authority sought for control by TOSE, INC., 64 West Fourth Street, Bridgeport, Pa. 19405, of A B C EXPRESS COMPANY, Fifth Street and Columbia Avenue, Philadelphia, Pa. 19122, and for acquisition by LEONARD H. TOSE, also of Bridgeport, Pa. and DESMOND J. McTIGHE, 11 East Airy Street, Norristown, Pa. 19401, of control of A B C EXPRESS COMPANY, through the acquisition by TOSE, INC. Applicants Attorneys: Desmond J. McTighe, 11 East Airy Street, Norristown, Pa. 19401 and Anthony C. Vance, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Operating rights sought to be controlled: *New furniture and new home furnishings*, as a *contract carrier*, over irregular routes between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, and New Jersey, with restriction; *such commodities*, as are dealt in by department stores, between Philadelphia, Pa., on the one hand, and, on the other, certain specified points in New Jersey and Wilmington, Del., with restriction; between Philadelphia, Pa., and Moorestown, N.J., with restriction; between Philadelphia, Pa., on the one hand, and, on the other, Yonkers, N.Y. (not including points in the commercial zone thereof other than Yonkers), and the depot of the United Parcel Service, Inc. (Bloomingdale warehouse) in Long Island City, N.Y., with restriction; between Philadelphia, Pa., on the one hand, and, on the other, certain specified points in Pennsylvania, with restriction; between Rutherford, N.J., on the one hand, and, on the other, certain specified points in Pennsylvania, New Jersey, and New Castle County, Del., between St. Davids, Pa., and certain specified points in Cecil County, Md., New Castle County, Del., and certain specified points in New Jersey, with restriction; and *such commodities*, as are dealt in by department stores (except new furniture and new home furnishings), between Bloomfield and Newark, N.J. on the one hand, and, on the other, Philadelphia, Pa., with restriction. TOSE, INC. is authorized to operate as a *common carrier* in Pennsylvania, New York, Maryland, New Jersey, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10521. Authority sought for control by ALBERT J. EYRAUD, 2222 East 38th Street, Vernon, Calif. 90058, of (1) ASBURY SYSTEM, 2222 East 38th Street, Vernon, Calif. 90058, and (2) ASBURY TRANSPORTATION CO., 2222 East 38th Street, Vernon, Calif. 90058. Applicants' attorneys: Wade and Wade, 453 South Spring Street, Room 729, Los Angeles, Calif. 90013. Operating rights sought to be controlled: (1) Under MC-133315 Sub-No. 1TA, temporary authority to operate as a contract carrier, petroleum coke, in bulk, from the account of Standard Oil Co. of California, over irregular routes, from El Segundo, Calif., to Long Beach, Calif., on traffic having a subsequent movement by water; and (2) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in the Los Angeles, Calif., and Los Angeles Harbor commercial zone, as defined by the Commission, between points in the Los Angeles, Calif., and Los Angeles Harbor commercial zones as defined by the Commission, on the one hand, and, on the other, points in Kern and Kings Counties, Calif., points in Los Angeles County, Calif. (except those in the Los Angeles, Calif., and Los Angeles Harbor commercial zones), and points in Fresno County, Calif., located within 20 miles of Coalinga, Calif., between points in Kern and Kings Counties, Calif;

Liquid petroleum products, from The Dalles, Oreg., to certain specified points in Washington, from certain specified points in Oregon, to points in Washington, those in Malheur County, Oreg., and those in Idaho, except those in Lemhi, Blaine, Minidoka, and Cassia Counties, Idaho, and east thereof, from The Dalles and Umatilla, Oreg., and Attalia, Wash., to points in Oregon and Washington east of the summit of the Cascade Mountains, and those in Idaho as specified above, from Eureka, Calif., to points in Curry County, Oreg.; *liquid petroleum products,* in bulk, from certain specified points in Oregon, and Attalia and Vancouver, Wash., to certain specified points in Idaho; *petroleum and petroleum products,* in bulk, in tank trucks, from Pasco, Wash., to points in Idaho and that part of Oregon and Washington east of the summit of the Cascade Mountains, from Mukilteo, Wash., to U.S. Air Force installations in Idaho and Oregon; *petroleum products,* in bulk, in tank vehicles, between Eureka, Calif., on the one hand, and, on the other, certain specified points in Oregon, and Yreka, Calif., from Crescent City, Calif., to certain specified points in Oregon, and Siskiyou and Shasta Counties, Calif., serving points in Siskiyou and Shasta Counties over highways through Oregon, from Eureka, Calif., to Cave Junction, Oreg., from Eureka, Calif., to certain specified points in Oregon, and Siskiyou and Shasta Counties, Calif., except Cave Junction, Grants Pass, Medford, Klamath Falls, and Merrill, Oreg., and Yreka, Calif., from Baker and Blakely, Oreg., to points within 10 miles of each, and points within 5 miles of Pasco, Wash., to certain specified points in Idaho, points in Oregon in and east of Hood River, Wasco, Jefferson, Deschutes, and Klamath Counties, Oreg., and points in Washington in and east of Skamania, Yakima, Kittitas, Chelan, Klickitat, and Okanogan Counties, Wash., from Crescent City, Calif., to points in Coos and Lake Counties, Oreg., from Spokane, Wash., and points within 10 miles thereof, to points in Idaho on and north of the southern boundary of Idaho County;

Machinery, equipment, materials, and supplies used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum products and byproducts, and *machinery, equipment, materials, and supplies* used in or in connection with, the construction, operations, repair, servicing, maintenance, and dismantling of pipelines, between certain specified points in California; *asphalt, asphalt products, and heavy fuel oils,* in bulk, in tank vehicles, from Spokane, Wash., to points in Washington in and east of Walla Walla, Franklin, Adams, Lincoln, and Ferry Counties, Wash.; *petroleum and petroleum products,* in bulk, in tank vehicles, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, from Meridian, Calif., to points within 5 miles of Meridian, to certain specified points in Oregon; *aqua ammonia,* in bulk, in tank vehicles, from Malin, Oreg., to certain specified points in California; *petroleum products,* as described by the Commission in appendix XIII of the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, in bulk, in tank vehicles, from points in Coos County, Oreg., to points in Del Monte and Humboldt Counties, Calif.; *anhydrous hydrazine,* in bulk, in tank vehicles, from Lake Charles, La., and Saltville, Va., to Nimbus and Santa Susana, Calif., and the site of the Rocky Mountain Arsenal at Denver, Colo.; *unsymmetrical dimethylhydrazine,* in bulk, in tank vehicles, from Baltimore, Md., to Nimbus and Santa Susana, Calif., and the site of the Rocky Mountain Arsenal at Denver, Colo.;

Unsymmetrical dimethylhydrazine and anhydrous hydrazine mixtures, in bulk, in tank vehicles, from the site of the Rocky Mountain Arsenal at Denver, Colo., to U.S. Government missile sites and supporting missile installations and to missile testing and research facilities in Arizona, Arkansas, California, Florida, Kansas, New York, and Tennessee; *petroleum products* (except petrochemicals), as defined by the Commission in appendix XIII to the report in *Description in Motor Carrier Certificates,* 61 M.C.C. 209, in bulk, in tank vehicles, from Chico, Calif., to certain specified points in Oregon; and unsymmetrical dimethyl hydraxine mix, in bulk, in tank vehicles, moving on Government bills of lading, between Rocky Mountain Arsenal, Colo., on the one hand, and, on the other, Lewis Research Center, at or near Cleveland, Ohio, and White Sands Missile Range, N. Mex. Application has not been filed for temporary authority under section 210a(b). NOTE: See also MC-F-10086 (CAPITAL TRUCK LINE, INC.—Purchase (Portion)—ASBURY TRANSPORTATION CO.), and MC-F-10443 (B. F. WALKER, INC.—Purchase (Portion)—ASBURY TRANSPORTATION CO.), published in the April 10, 1968, and April 16, 1969, issues of the FEDERAL REGISTER, on pages 5603 and 6560, respectively.

No. MC-F-10522. Authority sought for control by OLD DOMINION FREIGHT LINE, Post Office Box 1189, High Point, N.C. 27261, of BARNES TRUCK LINE, INC., 506 Mayo Street, Wilson, N.C. 27893, and for acquisition by L. C. CROWDER, E. E. CONGDON, and J. R. CONGDON, all also of High Point, N.C., of control of BARNES TRUCK LINE, INC., through the acquisition by OLD DOMINION FREIGHT LINE. Applicant's attorney: Francis W. McInery, 100 16th Street NW., Washington, D.C. 20036. Operating rights sought to be controlled: *General commodities,* excepting among others, household goods and commodities in bulk, as a *common carrier,* over irregular routes, from Richmond and Norfolk, Va., and Wilmington, N.C., to Smithfield, N.C., from Norfolk and Richmond, Va., and Baltimore, Md., to points in Wayne County, N.C., and Faison and Burgaw, N.C.; between certain specified points in North Carolina, on the one hand, and, on the other, Baltimore, Md., points in Virginia on and east of U.S. Highway 15 (except those in Accomack and Northampton Counties, Va.), and certain specified points in Pennsylvania, with restriction; *general commodities,* excepting among others, commodities in bulk, but not excepting household goods, between Wilson, N.C., and points within 50 miles of Wilson, on the one hand, and, on the other, points in North Carolina, South Carolina, and Virginia; *farm and forest products,* from Smithfield, N.C., and points in North Carolina within 100 miles of Smithfield to Norfolk, Va., Baltimore, Md., points in North Carolina, and points on U.S. Highway 301 between Smithfield, N.C., and Petersburg, Va., and on U.S. Highway 1 between Raleigh, N.C., and Baltimore, Md.;

Farm products, from points in Georgia, North Carolina, South Carolina, and Virginia, to Washington, D.C., to Baltimore, Md., Philadelphia, Pa., Newark and Jersey City, N.J., Wilmington, Del., New York, N.Y., Hartford and New Haven, Conn., Providence, R.I., Boston, Mass., and Bluefield and Charleston, W. Va.; *farm wagons,* from Wilson, N.C., to points in Georgia and Florida; *agricultural commodities,* from points in Nash County, N.C., and points within 100 miles of Nash County to Washington, D.C., Baltimore, Md., and Philadelphia, Pa.; *grain products, sugar, salt, fertilizer, and fertilizer materials,* from Richmond and Norfolk, Va., and Wilmington, N.C., Smithfield, and points in North Carolina within 100 miles of Smithfield; *cotton,* from points in South Carolina to certain specified points in North Carolina and Richmond and Norfolk, Va., from Smithfield, N.C., and points in North Carolina within 100 miles of Smithfield, to Danville, Va.; *grain products,* from Richmond and Norfolk, Va., and Wilmington, N.C., to points in South Carolina; *household goods* as defined by the Commission, *office furniture and equipment, and store fixtures,* between Smithfield, N.C., and points within 25 miles thereof, on the one hand, and, on the other, points in South Carolina and Virginia; *groceries and feeds,* from Norfolk and Jarratt, Va., to points in Nash County, N.C.; *lumber,* from points in that part of North Carolina on and east of U.S. Highway 29, to points in Virginia, Delaware, Maryland, New Jersey, Pennsylvania, and the District of Columbia; *feed, seed, and fertilizer,* between points in Lenoir and Pitt Counties, N.C., on the one hand, and, on the other, Norfolk, Va.;

Unprocessed agricultural products, other than tobacco, between certain specified points in North Carolina, on the one hand, and, on the other, points and places in South Carolina, Georgia, Florida, Virginia, Maryland, Pennsylvania, and the District of Columbia; *tobacco,* between points in North Carolina, South Carolina and Virginia; *tobacco, tobacco sheets, and baskets, containers and articles,* used in the shipping and handling of tobacco, between points in North Carolina and Virginia, on the one hand, and, on the other, certain

specified points in Florida and points in Georgia; *hay balers*, from Tarboro, N.C., to points in Arkansas, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, Oklahoma, Texas, and South Dakota; *materials and supplies* used in the manufacture of hay balers, from the above-specified destination points to Tarboro, N.C.; *agricultural machinery, agricultural implements and agricultural machinery parts*, from Tarboro, N.C., to points in Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Indiana, Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, New York, Pennsylvania, Maryland, Delaware, New Jersey, Ohio, and West Virginia; *materials and supplies*, used in the manufacture of agricultural machinery, agricultural implements, and agricultural machinery parts, from the above-specified destination points, except points in Ohio, to Tarboro, N.C.; *lumber*, except plywood and veneer, from points in that part of North Carolina, on and east of U.S. Highway 29 to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Ohio, Illinois, Indiana, West Virginia, Kentucky, Tennessee, and Florida; *hardboard sheets and boards*, from Catawba, S.C., and points within 5 miles thereof, to Dover, Del., and points in Connecticut, New York (except points in the New York, N.Y., commercial zone, as defined by the Commission), and New Jersey (except points in the Trenton, N.J., Philadelphia, Pa., and New York, N.Y., commercial zones, as defined by the Commission); *Flakeboard*, from Farmville, N.C., to points in Delaware, Georgia, Maryland, New Jersey, Pennsylvania, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Ohio, Illinois, Indiana, West Virginia, Kentucky, Florida, Iowa, Wisconsin, and the District of Columbia, with restriction; *articles* used in the farming or forestry industries, from Tarboro, N.C., and Davenport, Iowa, to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, and the District of Columbia, from Davenport, Iowa, to points in North Carolina, South Carolina, and Virginia, from Tarboro, N.C., to points in Iowa; *materials and supplies* used in the manufacture of articles used in farming or forestry industries, from points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, and the District of Columbia, to Tarboro, N.C., with restrictions. OLD DOMINION FREIGHT LINE is authorized to operate as a *common carrier* in Virginia, North Carolina, and South Carolina. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10523. Authority sought for control by GRAVES TRUCK LINE INC., 739 North 10th Street, Salina, Kans. 67401, of GRAVES VAN LINE, INC., 411 West Lincoln, Salina, Kans. 67401, and for acquisition by W. H. GRAVES, JOHN GRAVES, both of 739 North 10th Street, Salina, Kans., DWIGHT GRAVES, 3402 West Harry, Wichita, Kans., and LOWELL P. GRAVES, 92 Shawnee Avenue, Kansas City, Kans., of control of GRAVES VAN LINE, INC., through the acquisition by GRAVES TRUCK LINE, INC. Applicants' attorney: John E. Jandera, 641 Harrison, Topeka, Kans. Operating rights sought to be controlled: Under MC-126713, Sub-No. 1 TA, temporary authority to operate as a common carrier, household goods, as defined by the Commission, over irregular routes, between points in Kansas, on traffic having a prior or subsequent out-of-State movement. GRAVES TRUCK LINE, INC., is authorized to operate as a *common carrier* in Kansas, Missouri, Nebraska, Oklahoma, Colorado, Iowa, Texas, Wyoming Arkansas, Louisiana, New Mexico, North Dakota, and South Dakota. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

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

[F.R. Doc. 69-7804; Filed, July 1, 1969; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 27, 1969.

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, 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. MC-4355, Sub-No. 4, filed June 11, 1969. Applicant: SUPERIOR TRUCKING SERVICE, INC., 100 East 29th Street, Chattanooga, Tenn. 37410. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities* (except livestock, used household goods, commodities in bulk, and those requiring special equipment): (1) Between Manchester, Tenn., and Murfreesboro, Tenn., from Manchester over Tennessee Highway No. 2, U.S. Highway No. 41, to Murfreesboro and return over the same route serving all intermediate points; (2) between Shelbyville, Tenn., and Murfreesboro, Tenn., from Shelbyville over Tennessee Highway 10, U.S. Highway 231 to Murfreesboro and return over the same route serving all intermediate points. Routes Nos. 1 and 2 to be tacked to applicant's existing authority so as to provide through service between all points on Routes 1 and 2 and all of applicant's present routes being described in Certificates of Registration MC-97974 (Sub-No. 2), and MC-97974 (Sub-No. 6), and in certificate of public convenience and necessity MC-97974 (Sub-No. 5). Both intrastate and interstate authority sought.

HEARING: Monday, August 11, 1969, 9:30 a.m., at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. L-13247 (Case No. 3), filed April 24, 1969. Applicant: EXPRESS DELIVERY SYSTEM, INC., 716 East Haley Street, Midland, Mich. 48640. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Certificate of public convenience and necessity sought to operate a freight service as follows: *Packaged express*, between Midland, Bay City, and Saginaw, and points within 5 miles of each of said cities, on the one hand, and, on the other, points within 50 miles of Midland subject to the following restrictions: (1) Restricted to same day deliveries; (2) restricted to service in straight trucks only; (3) no shipment shall exceed 300 pounds; and (4) no more than 500 pounds may be transported from any one consignor to any one consignee on any one day. Both intrastate and interstate authority sought.

HEARING: Wednesday, July 2, 1969, at 9:30, at Seven-Story Office Building, 525 West Ottawa, Lansing, Mich. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich. 48913, and should not be directed to the Interstate Commerce Commission.

State Docket No. A-51087, filed May 16, 1969. Applicant: RICHARD J. BERGKAMP, doing business as RICK'S TRUCKING, 1151 Bordwell Street, Post Office Box 454, Colton, Calif. 92324. Applicant's representative: Hutton & Edwards, 655 North Eighth Street, Post

Office Box 44, Colton, Calif. 92324. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities* (except, (1) used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (2) automobiles, trucks, and buses; viz, new and used, finished or unfinished passenger automobiles, including jeeps, ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, combined, buses and bus chassis; (3) livestock; viz; bucks, bulls, calves, cattle, cows, dairy cattle, ewe, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; (5) liquids, compressed gases, commodities in semiplastic form, and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (6) commodities when transported in bulk in dump trucks or in hopper-type trucks; (7) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (8) logs; (9) articles of extraordinary value as set forth in Rule 3 of Western Classification No. 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof;

(10) commodities likely to contaminate or damage other freight; (11) explosives as described in and subject to the regulations of Agent H. A. Campbells' Tariff No. 10; This applicant proposes to transport these commodities as excepted, to, from, and between: (a) All points and places in the Los Angeles Basin Territory as described in Item No. 270 of Minimum Rate Tariff No. 2; California Public Utilities Commission; (b) The Los Angeles Basin Territory and Palm Springs, Indio, Thermal, and points and places along Interstate Highway 10, U.S. Highway 60, and State Highway 111, and all points within 5 miles laterally of said highways; (c) The Los Angeles Basin Territory and Escondido, San Diego, and National City, and points and places along U.S. Highway 395, Interstate Highway 5, and Interstate Highway 8 and all points within 5 miles laterally of said highways; (d) The Los Angeles Basin Territory and Oceanside, San Diego, and points and places along U.S. Highway 101, Interstate Highway 5, and all points within 5 miles of said highways. This applicant proposes to use all available public highways between points proposed to be served as hereinabove mentioned, and within the cities hereinabove proposed to be served, and applicant proposes to use such streets and highways as may be necessary to serve consignors and consignees located within said cities. 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 California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 69–7805; Filed, July 1, 1969; 8:49 a.m.]

[Notice 859]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 27, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 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 1824 (Sub-No. 45 TA), filed June 17, 1969. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Candy and confectionery, and articles,* used in the manufacture, sale, and distribution thereof, serving the plantsite of Russell Stover Candies, Inc., at Clarksville, Va., as an off-route point in connection with Applicant's regular-route operations, between Baltimore, Md., and Norfolk, Va., for 180 days. NOTE: Applicant intends to tack MC 1824 and Subs. Supporting shipper: Russell Stover Candies, Inc., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 45059 (Sub-No. 10 TA), filed June 18, 1969. Applicant: McNAUGHTON BROS., INC., 625 South 13th Street Extension, Indiana, Pa. 15701. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Indiana, Westmoreland, Armstrong, Blair, Cambria, Allegheny, Clearfield, and Jefferson Counties, Pa., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133; CTI-Container Transport, International, Inc., 17 Battery Place, New York, N.Y. 10004; Columbia Export Packers, Inc., 19000 South Vermont Avenue, Torrance, Calif. 90502; Home-Pack Transport, Inc., 57–58 49th Street, Maspeth, N.Y. 11378. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa., 15222.

No. MC 59640 (Sub-No. 17 TA), filed June 17, 1969. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, N.J. 07016. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products,* such as are dealt in and sold by wholesale, retail, and chain grocery and food business houses for the account of Supermarkets General Corp., from New Milford, Conn., to the warehouse facilities of Supermarkets General Corp. at Woodbridge Township, N.J., for 180 days. Supporting shipper: Supermarkets General Corp., 3 Commerce Drive, Cranford, N.J. 07016. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 118159 (Sub-No. 69 TA), filed June 20, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals, petroleum products and waxes,* in packages and containers, from Enid, Okla., to points in Delaware, Maryland, Ohio, New York, and Pennsylvania, for 180 days. Supporting shipper: Champlin Petroleum Co., Post Office Box 552, Enid, Okla. 73701. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T–4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 118159 (Sub-No. 70 TA), filed June 20, 1969. Applicant: EVERETT

LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from plantsite and warehouse facilities of Kraft Foods Division of Kraftco Corp. at Dallas, Tex., to points in Louisiana and Mississippi, for 180 days. Supporting shipper: Kraft Foods, Division of Kraftco Corp., Forest Lane, Garland, Tex. 75040. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 127631 (Sub-No. 1 TA), filed June 20, 1969. Applicant: HAWAIIAN VAN & STORAGE CO., LTD., 601 Middle Street, Honolulu, Hawaii 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii, for 180 days. NOTE: Applicant proposes to enter into joint through motor-water-motor rates under section 216(c) of the Act. Supporting shippers: Drivers, Helpers, Warehousemen and Construction Division, 451 Atkinson Drive, Honolulu, Hawaii 96814 and Union Oil Co. of California, 735 Bishop Street, Honolulu, Hawaii 96813. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 127632 (Sub-No. 1 TA), filed June 20, 1969. Applicant: TRANS-PACIFIC VAN COMPANY, LTD., 611 Middle Street, Honolulu, Hawaii 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii, for 180 days. NOTE: Applicant proposes to enter into joint through motor-water-motor rates under section 216(c) of the Act. Supporting shippers: The Ilikai Hotel, 1777 Ala Moana Boulevard, Honolulu, Hawaii, 96815 and International Longshoremen's Warehousemen's Union, 451 Atkinson Drive, Honolulu, Hawaii 96814. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 127657 (Sub-No. 1 TA), filed June 20, 1969. Applicant: HAWAIIAN PACKING & CRATING CO., LTD., 611 Middle Street, Honolulu, Hawaii 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii, for 180 days. NOTE: Applicant proposes to enter into joint through motor-water-motor rates under section 216(c) of the Act. Supporting shippers: BG Marine Services, a division of Genge Industries, Inc., Post Office Box 227, Port Hueneme, Calif. 93041 and Credit Bureau of Hawaii, Post Office Box 3738, Honolulu, Hawaii 96811. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 129821 (Sub-No. 1 TA), filed June 18, 1969. Applicant: SHERMAN TRANSFER & STORAGE CO. (a corporation), 2701 Frisco Road, Sherman, Tex. Applicant's representative: James E. Hightower, Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Interstate Commerce Commission, in containers, between points in Atoka, Bryan, Carter, Choctaw, Coal, Garvin, Johnson, Love, Marshall, Murray, Pontotoc, and Pushmataha Counties, Okla., and Cooke, Grayson, Fannin, Lamar, Delta, Hopkins, Hunt, and Collin Counties, Tex., restricted to shipments having a prior or subsequent movement beyond said points, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Karevan World Movers, Post Office Box 9240, Seattle, Wash. 98109; Burnham World Forwarders, Inc., 1632 Second Ave., Columbus, Ga.; Cartwright Van Lines, Inc., 4250 24th Avenue West, Seattle, Wash. 98199; Headquarters, Department of Army, Office of Judge Advocate General, Washington, D.C. 20310. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 133633 (Sub-No. 1 TA), filed June 23, 1969. Applicant: HIGHWAY EXPRESS, INC., Post Office Box 1326, Hattiesburg, Miss. 39401. Applicant's representative: Douglas C. Wynn, Post Office Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods, classes A and B explosives, and commodities which because of size or weight require special equipment), between Waynesboro, Miss. (and points within 5 miles of its commercial zone), on the one hand, and, on the other, Jackson and Meridian, Miss.; Mobile, Ala., and New Orleans, La., and points within their respective commercial zones, for 180 days. NOTE: Applicant does not intend to tack, but states to interline with all carriers at Jackson and Meridian, Miss., Mobile, Ala., and New Orleans, La. Supporting shippers: There are approximately 14 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 133790 (Sub-No. 1 TA), filed June 12, 1969. Applicant: C AND C SHRIMPERIES, INC., 2364 Toussaint Avenue, Savannah, Ga. 31404. Applicant's representative: Virgil H. Smith, Suite 431, Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen foods, from points in Glynn and Chatham Counties, Ga., to points in the United States (except Alaska and Hawaii), for 120 days. Supporting shippers: King Shrimp Co., Inc., Brunswick, Ga.; Williams Seafood, Inc., 101 Riverview Drive, Savannah, Ga. 31404; Sea Pak, Division of W. R. Grace & Co., Box 667, St. Simons Island, Ga. 31522. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, 400 West Bay Street, Box 35008, Jacksonville, Fla. 32202.

No. MC 133827 TA, filed June 23, 1969. Applicant: GLEN SVIHLA, doing business as GLEN SVIHLA TRUCKING, 602 12th Street NW., Mandan, N. Dak. 58554. Applicant's representative: Gerald G. Glaser, Post Office Box 773, Bismarck, N. Dak. 58501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Processed meat scraps*, from Williston, N. Dak., to Delgrade, Minn.; (2) *green hides*, from Williston, N. Dak., to Milwaukee, Wis.; (3) *fresh meats*, from Williston, N. Dak., to points in the continental United States; and *empty cartons and barrels*, on return, for 180 days. Supporting shipper: Williston Packing Co., Inc., Post Office Box 1328, Williston, N. Dak. 58801. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

By the Commission.

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

[F.R. Doc. 69-7806; Filed, July 1, 1969; 8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July

FEDERAL REGISTER

VOLUME 34 • NUMBER 127

Thursday, July 3, 1969 • Washington, D.C.

Pages 11177–11254

NOTICE

New Location of Federal Register Office.

The Office of the Federal Register is now located at 633 Indiana Ave. NW., Washington, D.C. Documents transmitted by messenger should be delivered to Room 405, 633 Indiana Ave. NW. Other material should be delivered to Room 400.

Mail Address.

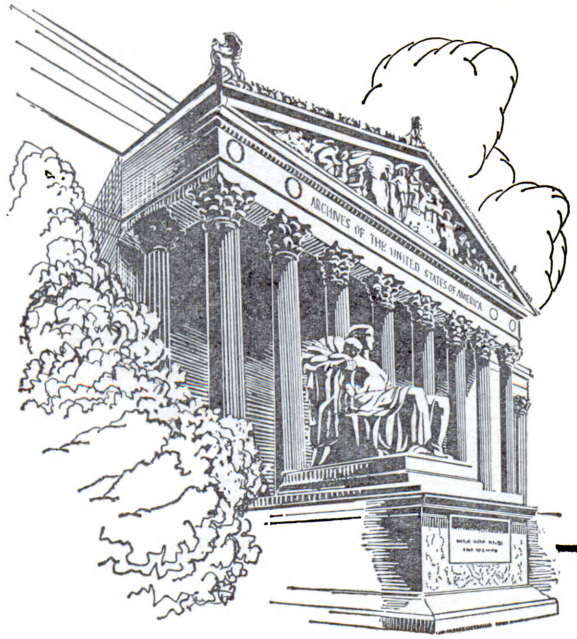
Mail address remains unchanged: Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

Public Inspection of Documents.

Documents filed with the Office of the Federal Register are available for public inspection in Room 405, 633 Indiana Ave. NW., Washington, D.C., on working days between the hours of 9 a.m. and 5 p.m.

Agencies in this issue—

Detailed list of Contents appears inside.



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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1969, and specifies how they are affected.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102 of Schedule A is amended to show that youths hired for temporary employment during the summer on the basis of their economic or educational needs are designated Summer Aids and are appointed under standards prescribed by the Commission. Effective on publication in the FEDERAL REGISTER, paragraph (v) of § 213.3102 is amended as set out below.

§ 213.3102 Entire executive civil service.

* * * * *

(v) Temporary Summer Aid positions whose duties involve work of a routine nature not regularly covered under the General Schedule and requiring no specific knowledges or skills, when filled by youths appointed for summer employment under such economic or educational needs standards as the Commission may prescribe. A person may not be appointed unless he has reached his 16th but not his 22d birthday, or employed for more than 700 hours under this paragraph.

* * * * *

This paragraph shall apply only to positions whose pay is fixed at the equivalent of the minimum wage rate established by the Fair Labor Standards Amendments of 1966 (currently $1.60 an hour), at the equivalent of an applicable State or municipal minimum wage rate if that is higher, or by prior agreement with the Commission, at some other rate, when an agency is precluded by law from fixing pay at one of the foregoing rates.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–7864; Filed, July 2, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3215 is amended to show that a Schedule B authority for 35 positions of Manpower Development Specialist GS–9 through GS–15 in the Manpower Administration replaces two Schedule B authorities, scheduled to expire on June 30, 1969, one for 25 positions of Manpower Development Specialist GS–9 through GS–15 in the Bureau of Work Training Programs and the other for 10 positions of Manpower Development Specialist, GS–13 through GS–15, and Manpower Development Officer, GS–15, in the Concentrated Employment Program of the Manpower Administration. The new authority may not be used after June 30, 1970. Effective on publication, paragraphs (a) and (b) are revoked, and paragraph (c) added to § 213.3215 as set out below.

§ 213.3215 Department of Labor.

(a) [Revoked]
(b) [Revoked]
(c) Not to exceed 35 positions of Manpower Development Specialist at grades GS–9 through GS–15 in the Manpower Administration. This authority may not be used after June 30, 1970.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–7866; Filed, July 2, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306(a)(41) is amended to show that the position of Deputy Assistant Secretary (Near East, South Asia Affairs, and MAP Policy Review), Office of the Assistant Secretary of Defense for International Security Affairs is removed from Schedule C.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–7863; Filed, July 2, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

Section 213.3342 is amended to show that one additional position of Special Assistant to the President and Chairman is excepted under Schedule C, and that the headnote is revised to reflect the Bank's current title. Effective on publication in the FEDERAL REGISTER, § 213.3342 is amended as set out below.

§ 213.3342 Export-Import Bank of the United States.

* * * * *

(d) Two Special Assistants to the President and Chairman.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–7865; Filed, July 2, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—COMMODITY DISTRIBUTION

[Amdt. 1]

PART 251—FINANCIAL ASSISTANCE FOR DISTRIBUTION OF FEDERALLY DONATED COMMODITIES

Payments and Records and Audits

The regulations for the operation of the Commodity Distribution Program (32 F.R. 15948) are hereby amended as follows:

1. In § 251.8, paragraph (b) is revised to read as follows:

§ 251.8 Payments.

* * * * *

(b) *To State agencies.* C&MS shall, on a monthly basis, advance funds to each State agency for its use and for payment to participating units in an amount equal to the sum of the approved monthly expenses to be incurred by the State agency and units, as set forth in the respective approved budgets. If the amount advanced to the State agency by C&MS for use in any month exceeds the expenses actually incurred in connection with approved budgeted items for such month, the amount to be advanced by C&MS to the State Agency for a subsequent month shall be reduced by the amount of such excess.

* * * * *

2. In § 251.9, the last sentence is revised to read as follows:

§ 251.9 Records and audits.

* * * Each State agency shall submit to C&MS, each month, on a form approved by C&MS, a certified record of all disbursements made under the Program for the preceding month and of the balance of funds on hand, and unobligated, at the end of such preceding month.

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

NOTE: The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: June 27, 1969.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 69-7857; Filed, July 2, 1969; 8:47 a.m.]

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

[Valencia Orange Reg. 283]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.583 Valencia Orange Regulation 283.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 1, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 4, 1969, through July 10, 1969, are hereby fixed as follows:

(i) District 1: 140,000 cartons;

(ii) District 2: 212,000 cartons;

(iii) District 3: 48,000 cartons.

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

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

Dated: July 2, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7932; Filed, July 2, 1969; 11:34 a.m.]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1504—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Correction

In F.R. Doc. 69-3617, appearing at page 6150, in the issue for Friday, April 4, 1969, delete the 8th line in § 1504.102(a)(1) and insert instead "the particular hazard, equipment shall".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-WA-23]

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

Alteration of Control Zone, Transition Area, and Additional Control Areas

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to increase the effective hours of controlled airspace near Point Barrow, Alaska.

The Point Barrow Flight Service Station (FSS) has been operating on a part-time basis (0600-2200 Monday-Friday and 0600-1800 Saturday-Sunday) and since the FSS provides the necessary communication link for air traffic control service, the effective hours of the associated controlled airspace has coincided with the operational hours of the FSS. Beginning July 24, 1969, the Point Barrow FSS will operate continuously and air traffic control service will be available on a continuous basis. Therefore, for the safety of aircraft conducting instrument flight rule operations, it is necessary to increase the effective hours of controlled airspace in the Point Barrow area.

Air Traffic in the North Slope area of Alaska continues to increase rapidly as a result of oil discoveries in the Prudhoe Bay area. The hours of operation of the Point Barrow FSS were recently increased from 70 to 104 hours per week. Prior to the increase, the average number of aircraft handled by the FSS was 717 per week. Since the increase in hours of operation, the average has been 1717 per week. A corresponding increase is expected when the flight service station commences 24 hour operation.

Since this action involves, in part, the use of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854.

Since these amendments are in the interest of safety, the Administrator has determined that notice and public procedure hereon are impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as hereinafter set forth.

1. Section 71.163 (34 F.R. 5449) is amended as follows:

a. In Bettles, Alaska, "This additional control area is effective during the specific dates and times established in advance by a Notice to Airmen and continuously published in the Alaska Airman's Guide and Chart Supplement." is deleted.

b. In Umiat/Point Barrow, Alaska, all after "Point Barrow, Alaska, RBN." is deleted.

c. In Point Barrow/Barter Island, Alaska, all after "Barter Island, Alaska, RBN." is deleted.

2. In § 71.171 (34 F.R. 4557) Point Barrow, Alaska, is amended by deleting all after "8 miles west of the RBN."

3. In § 71.181 (34 F.R. 4637) Point Barrow, Alaska, is amended by deleting all after "longitude 156° 43'00" W."

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 27, 1969.

T. MCCORMACK,
Acting Chief, Airspace, and Air Traffic Rules Division.

[F.R. Doc. 69-7862; Filed, July 2, 1969; 8:48 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9664; Amdt. 656]

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 amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

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

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 approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Grand Beach Int	MGC RBn (final)	Direct	1250	T-dn	300-1	300-1	200-½
North Liberty Int	MGC RBn	Direct	2300	C-dn	600-1	600-1	600-1½
Westville Int	MGC RBn	Direct	2300	S-dn-20	600-1	600-1	600-1
				A-dn	NA	NA	NA

Procedure turn E side of crs, 010° Outbnd, 190° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1250′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MGC RBn, climb to 2300′ on crs 190° and return to RBn.
NOTES: (1) Use South Bend altimeter setting. (2) Procedure not authorized between 0200-1300.
CAUTION: 730′ MSL (80′ AGL) light pole 450′ W of Runway 20 centerline and 400′ past threshold.
MSA within 25 miles of facility: 000°-090°—2100′; 090°-180°—2900′; 180°-360°—2100′.

City, Michigan City; State, Ind.; Airport name, Michigan City; Elev., 650′; Fac. Class., MIIW; Ident., MGC; Procedure No. NDB (ADF) Runway 20, Amdt. 2; Eff. date, 24 July 69; Sup. Amdt. No. 1; Dated, 25 Nov. 67

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

Atlanta, Ga.—Fulton County, NDB (ADF)-1, Amdt. 3, 3 June 1967 (established under Subpart C).
Rome, Ga.—Russell Field, ADF 1, Amdt. 2, 2 Apr. 1966 (established under Subpart C).
Atlanta, Ga.—Fulton County, VOR-1, Amdt. 9, 3 June 1967 (established under Subpart C).
Cedartown, Ga.—Cornelius-Moore Field, VOR-1, Orig., 4 Jan. 1968 (established under Subpart C).
Grand Island, Nebr.—Municipal, VOR Runway 13, Amdt. 6, 13 Feb. 1969 (established under Subpart C).
Grand Island, Nebr.—Municipal, VOR Runway 17, Amdt. 10, 13 Feb. 1969 (established under Subpart C).
Lakeland, Fla.—Lakeland Municipal, VOR Runway 4, Orig., 28 Jan. 1967 (established under Subpart C).
Rome, Ga.—Russell Field, VOR 1, Amdt. 3, 2 Apr. 1966 (established under Subpart C).
Vero Beach, Fla.—Vero Beach Municipal, VOR 1, Amdt. 6, 3 Apr. 1965 (established under Subpart C).

3. 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:

Agana, Guam—NAS Agana, ADF 2, Amdt. 3, 6 June 1964, canceled, effective 24 July 1969.
Agana, Guam—NAS Agana, VOR 1, Amdt. 1, 30 Mar. 1963, canceled, effective 24 July 1969.

4. By amending § 97.15 of Subpart B to amend very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

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

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 approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
LTA VOR	10-mile DME Fix, R 115°	Direct	11,000	T-n%	2500-4	2500-4	2500-4
10-mile DME Fix, R 115°	12-mile DME Fix, R 115°	Direct	10,400	T-d%	1000-3	1000-3	1000-3
Marklee Int	Richardson Int	Direct	13,000	C-dn*	2500-4	2500-4	2500-4
Richardson Int	12-mile DME Fix, R 115°	Direct	11,000	S-dn	NA	NA	NA
12-mile DME Fix, R 115°	18-mile DME Fix, R 115° (final)	Direct	8800	A-dn	NA	NA	NA

Procedure turn N side of R 115°, 295° Outbnd, 115° Inbnd, 11,000′ within 10 miles of 12-mile DME Fix R 115°.

Minimum altitude over 10-mile DME Fix, R 115°, 11,000′; 12-mile DME Fix, R 115°, 10,400′; 18-mile DME Fix, R 115°, 8800′ on final approach crs.

Crs and distance, 18-mile DME Fix, R 115° to airport, 165°—4.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 18-mile DME Fix, R 115°, turn left and climb northwestbound on R 115° to 11,000′; hold SE of 10-mile DME Fix, R 115° (295° Inbnd), right turns, 1-minute pattern.

NOTES: (1) Approach not authorized for 4-engine turbojets over 60,000 pounds. (2) Air carrier will not reduce landing or takeoff visibility due to local conditions.

CAUTION: High terrain all quadrants. Lee side turbulence and down drafts may be encountered on final approach when winds aloft exceed 20 knots. Heavy icing and severe turbulence should be expected during storm conditions.

%After takeoff, climb in VFR conditions to cross 18-mile DME Fix, R 115° of LTA VOR at or above 8500′ and climb northwestbound on R 115°. Upon reaching 10,400′, aircraft cleared north- or south-bound via V28/113, reverse crs to the right to cross Richardson Int at or above 11,000′.

*Use Lake Tahoe altimeter setting. Approach not authorized when Lake Tahoe Tower not in operation.

MSA within 25 miles of facility: 000°–090°—13,000′; 090°–180°—12,900′; 180°–270°—11,000′; 270°–360°—11,100′.

City, South Lake Tahoe; State, Calif.; Airport name, Lake Tahoe; Elev., 6262′; Fac. Class., L–B VORTAC; Ident., LTA; Procedure No. VOR/DME–1, Amdt. 2; Eff. date, 24 July 69; Sup. Amdt. No. 1; Dated, 25 Mar. 67

5. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Cordele, Ga.—Cordele, VOR/DME No. 1, Orig., 28 Apr. 1966 (established under Subpart C).

Eastman, Ga.—Eastman-Dodge Co., VOR/DME–1, Orig., 26 Aug. 1967 (established under Subpart C).

Grand Island, Nebr.—Municipal, VOR/DME Runway 35, Amdt. 3, 13 Feb. 1969 (established under Subpart C).

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

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

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 approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
FOT VOR	SE crs ILS (final)	FOT R 034° 13.6 miles.	3500	T-dn$	300-1	300-1	200-½
SE crs ILS	OM (final)	SE crs ILS	1800	C-dn**	500-1	500-1	500-2
14-mile DME FOT, R 136°	Kneeland Int	14-mile CCW arc	5500	S-dn-31 #	200-½	200-½	200-½
Yager Int	Kneeland Int	SE crs ILS	5500	A-dn	800-2	800-2	800-2
Kneeland Int	OM (final)	SE crs ILS	1800				

Procedure turn not authorized.

Minimum altitude at glide slope interception Inbnd from FOT VOR 3500′; from Kneeland Int 5500′.

Altitude of glide slope and distance to approach end of runway at OM 1800′—4.7 miles; at MM 460′—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a left-climbing turn, climb to 2000′ on crs of 295° from the LMM to Trinidad Int.

NOTES: (1) Procedure not authorized with any component of the ILS or airborne receiver inoperative except the approach lights. 300-¾ required if approach lights are inoperative. (2) Back crs unusable. (3) Runway marking nonstandard. Solid bar at 1000′ and triangular arrowhead at 2000′ from threshold.

**CAUTION: All manuevering W of airport. High terrain E.

#RVR 2400′. Descent below 417′ not authorized unless ALS visible.

$RVR 2400′ authorized Runway 31.

City, Arcata-Eureka; State, Calif.; Airport name, Arcata; Elev., 217′; Fac. Class., ILS; Ident., I-ACV; Procedure No. ILS Runway 31, Amdt. 12; Eff. date, 24 July 69; Sup. Amdt. No. ILS-31, Amdt. 11; Dated, 22 Oct. 66

7. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Atlanta, Ga.—Fulton County, Radar 1, Amdt. 4, 18 Feb. 1967 (established under Subpart C).

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

Agana, Guam—NAS Agana, Radar 1, Amdt. 3, 26 Feb. 1966, canceled, effective 24 July 1969.

9. 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 VOR

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: 5 miles after passing Warren Int.
HBR VOR	Warren Int	HBR, R 223°	3000	Climb to 3000′ on HBR R 223° within 20 miles.

Procedure turn not authorized.
FAF, Warren Int. Final approach crs, 223°. Distance FAF to MAP, 5 miles.
Minimum altitude over Warren Int., 3000′.
NOTES: (1) Radar vectoring. (2) Use Altus AFB altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1820	1	394	1880	1	454	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Altus; State, Okla.; Airport name, Altus Municipal Field; Elev., 1426′; Facility, HBR; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 24 July 69

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: FTY VOR.
Radar vector to final approach crs.			Climbing left turn to 3000′ proceed to Wade Int via FTY VOR R 275° and hold, or as directed by ATC. Supplementary charting information: Hold W, 1 minute, left turns, 095° Inbd. REIL, Runway 8.

Procedure turn not authorized. Approach crs (profile) starts at Wade Int.
Final approach crs, 095°.
Minimum altitude over Wade Int, 3000′; over Margaret Int, 2600′; over Terry FM, 1520′.
MSA: 000°–180°—3100′; 180°–270°—2700′; 270°–360°—2900′.
NOTES: (1) Radar required. (2) ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1520	1	680	1520	1	680	1520	1½	680	NA
	Dual VOR/FM/ADF:									
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1380	1	540	1380	1	540	1480	1½	640	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City. Atlanta; State, Ga.; Airport name, Fulton County; Elev., 840′; Facility, FTY; Procedure No. VOR-1, Amdt. 10; Eff. date, 24 July 69; Sup. Amdt. No. 9; Dated, 3 June 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 8.5 miles after passing RMG VOR.
RMG NDB	RMG VOR	Direct	3300	Climbing right turn to 3000′ proceed to RMG VOR via R 189° and hold.
Dalton Int	RMG VOR	Direct	3500	Supplementary charting information: Hold S, 1 minute, right turns, 349° Inbnd. Final approach crs to center of landing area.
Kennesaw Int	RMG VOR	Direct	3000	

Procedure turn E side of crs, 009° Outbnd, 189° Inbnd, 3000′ within 10 miles of RMG VOR.
FAF, RMG VOR. Final approach crs, 189°. Distance FAF to MAP, 8.5 miles.
Minimum altitude over RMG VOR, 2000′.
MSA: 000°–090°—3900′; 090°–180°—3300′; 180°–270°—3700′; 270°–360°—3500′.
NOTES: (1) Use Rome, Ga., altimeter setting. (2) No weather reporting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1700	1	727	1700	1	727	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Cedartown; State, Ga.; Airport name, Cornelius-Moore Field; Elev., 973′; Facility, RMG; Procedure No. VOR-1, Amdt. 1; Eff. date, 24 July 69; Sup. Amdt. No. Orig.; Dated, 4 Jan. 68

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: GHM VOR.
				Climbing right turn to 2600′ to GHM VOR and hold.
				Supplementary charting information: Hold S, 1 minute, right turns, 354° Inbnd. 935′ antenna ½ mile NW.

Procedure turn E side of crs, 174° Outbnd, 354° Inbnd, 2600′ within 10 miles of GHM VOR.
Final approach crs, 354°.
MSA: 000°–090°—2200′; 090°–180°—1900′; 180°–270°—2000′; 270°–360°—2200′.
NOTES: (1) Night and circling minimums not authorized. (2) Use Nashville FSS altimeter setting. (3) Approach clearance from MEM ARTCC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-2	1480	1	712	1480	1	712	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Centerville; State, Tenn.; Airport name, Municipal; Elev., 768′; Facility, GHM; Procedure No. VOR Runway 2, Amdt. Orig.; Eff. date, 24 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: GRI VORTAC.
OBH VORTAC	GRI VORTAC	Direct	3700	Climbing left turn to 3200' on GRI R 35
R 231°, GRI VORTAC CW	R 293°, GRI VORTAC	10-mile DME Arc	3500	within 10 miles, return to GRI
R 074°, GRI VORTAC CCW	R 293°, GRI VORTAC	10-mile DME Arc	3500	R VORTAC.
10-mile DME Arc	3-mile DME Fix/Evers Int (NOPT)	R 293°	2700	Supplementary charting information: Final approach crs intercepts runway centerline extended 5000' from threshold. Runway 13 TDZ elevation, 1840'.

Procedure turn S side of crs, 293° Outbnd, 113° Inbnd, 3200' within 10 miles of GRI VORTAC.
Final approach crs, 113°.
Minimum altitude over 3-mile DME Fix/Evers Int, *2460' (*2700' from 10-mile DME Arc).
MSA: 000°–090°—3100'; 090°–180°—4100'; 180°–270°—3800'; 270°–360°—3300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	2460	1	620	2460	1	620	2460	1	620	2460	1	620
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2460	1	614	2460	1	614	2460	1½	614	2460	2	614
	Dual VOR or VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	2200	1	360	2200	1	360	2200	1	360	2200	1	360
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2260	1	414	2300	1	454	2300	1½	454	2400	2	554
A	Standard.			T 2-eng. or less—Standard.					T over 2-eng.—Standard.			

City, Grand Island; State, Nebr.; Airport name, Municipal; Elev., 1846'; Facility, GRI; Procedure No. VOR Runway 13, Amdt. 7; Eff. date, 24 July 69; Sup. Amdt. No. 6; Dated, 13 Feb. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: GRI VORTAC.
OBH VORTAC	GRI VORTAC	Direct	3700	Climbing left turn to 3200' on GRI R 350
OBH VORTAC	10-mile DME Fix, R 350° GRI VORTAC.	OBH, R 160° and GRI, R 350°	3500	within 10 miles, return to GRI VOR TAC.
R 263°, GRI VORTAC CW	R 350°, GRI VORTAC	10-mile DME Arc	3500	Supplementary charting information:
R 074°, GRI VORTAC CCW	R 350°, GRI VORTAC	10-mile DME Arc	3500	Runway 17 TDZ elevation, 1843'.
10-mile DME Fix	3-mile DME Fix (NOPT)	R 350°	2500	

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 3200' within 10 miles of GRI VORTAC.
Final approach crs, 170°.
Minimum altitude over 3-mile DME Fix, *2260' (*2500' from 10-mile DME Fix).
MSA: 045°–135°—4100'; 135°–225°—4100'; 225°–315°—3300'; 315°–045°—3300'.
NOTES: (1) Inoperative table does not apply to HRL Runway 17. (2) Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-17	2260	1	417	2260	1	417	2260	1	417	2260	1	417
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2260	1	414	2300	1	454	2300	1½	454	2400	2	554
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S 17	2200	1	357	2200	1	357	2200	1	357	2200	1	357
A	Standard.			T 2-eng. or less—Standard.					T over 2-eng.—Standard.			

City, Grand Island; State, Nebr.; Airport name, Municipal; Elev., 1846'; Facility, GRI; Procedure No. VOR Runway 17, Amdt. 11; Eff. date, 24 July 69; Sup. Amdt. No. 10; Dated, 13 Feb. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: LAL VORTAC.
R 153°, LAL VORTAC CW	R 232°	8-mile Arc	1700	Turn right, climb to 2500′ direct to LAL VORTAC and hold.
R 350°, LAL VORTAC CCW	R 232°	8-mile Arc	1700	Supplementary charting information: Final approach crs intercepts runway centerline 3550′ from threshold.
8-mile Arc	LAL VORTAC (NOPT)	R 232°	720	Hold SW, 1 minute, right turns, 052° Inbnd. LARCO 122.1 R.
				Chart two 1549′ towers in procedure turn area and water tank 288′, 27°58′25″/82°00′40″.
				Runway 4, TDZ elevation, 136′.

Procedure turn S side of crs, 232° Outbnd, 052° Inbnd, 2500′ within 10 miles of LAL VORTAC.
Final approach crs, 052°.
MSA: 000°–180°—1700′; 180°–270°—2600′; 270°–360°—1600′.
NOTES: (1) Radar vectoring. (2) Use Tampa, Fla., altimeter setting.
*Night operations Runways 13–31 not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4*	720	1	584	720	1	584	720	1	584	720	1¼	584
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	720	1	576	720	1	576	720	1½	576	720	2	576
A	Not authorized.			T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Lakeland; State, Fla.; Airport name, Lakeland Municipal; Elev., 144′; Facility LAL; Procedure No. VOR Runway 4, Amdt. 1; Eff. date, 24 July 69; Sup. Amdt. No. Orig.; Dated, 28 Jan. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing Donaldson Int.
OXI VOR	Donaldson Int (NOPT)	Direct	2400	Climb straight ahead to 2400′ within 10 miles, return to Donaldson Int.
				Supplementary charting information: Tower 1050′, 2.6 miles S of airport.

Procedure turn S side of crs, 259° Outbnd, 079° Inbnd, 2400′ within 10 miles of Donaldson Int.
FAF, Donaldson Int. Final approach crs, 079°. Distance FAF to MAP, 5 miles.
Minimum altitude over Donaldson Int, 2400′.
MSA: 000°–090°—3000′; 090°–180°—2300′; 180°–360°—2200′.
NOTES: (1) Use South Bend altimeter setting. (2) Dual VOR receivers required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-10	1240	1	444	1240	1	444	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1280	1	484	1280	1	484	NA	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.	

City, Plymouth; State, Ind.; Airport name, Plymouth Municipal; Elev., 796′; Facility, OXI; Procedure No. VOR Runway 10, Amdt. Orig.; Eff. date, 24 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3 miles after passing Shannon Int.
RMG NDB	RMG VOR	Direct	3300	Climbing right turn to 3000′ proceed to RMG VOR via R 349° and hold.
Dalton Int	RMG VOR	Direct	3500	Supplementary charting information:
Kennesaw Int	RMG VOR	Direct	3000	Hold S, 1 minute, right turns, 349° Inbnd.
				Final approach crs to runway threshold.
				LRCO 122.2, 123.6.
				Runway 36, TDZ elevation, 635′.

Procedure turn W side of crs, 169° Outbnd, 349° Inbnd, 3000′ within 10 miles of RMG VOR.
FAF, Shannon Int. Final approach crs, 349°. Distance FAF to MAP, 3 miles.
Minimum altitude over RMG VOR, 3000′; over Shannon Int, 1700′.
MSA: 000°–090°—3900′; 090°–180°—3300′; 180°–270°—3700′; 270°–360°—3500′.
NOTE: VOR and ADF receiver required for this approach.
#Alternate minimums authorized only for operators with approved weather reporting service.
*Night minimums not authorized for Runways 7-25, 13-31.
CAUTION: Unlighted trees and terrain 1182′, 1½ mile WNW of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-36*	1060	1	425	1060	1	425	1060	1	425	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	1360	1	716	1360	1	716	1500	1½	856	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Rome; State, Ga.; Airport name, Russell Field; Elev., 644′; Facility, RMG; Procedure No. VOR Runway 36, Amdt. 4; Eff. date, 24 July 69; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 2 Apr. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.6 miles after passing VRB VORTAC.
R 143°, VRB VORTAC CW	R 291°	7-mile Arc	1500	Turn left, climb to 2000′ direct to VRB VORTAC and hold.
R 341°, VRB VORTAC CCW	R 291°	7-mile Arc	1500	Supplementary charting information:
7-mile Arc	VRB VORTAC (NOPT)	R 291°	1000	Hold W, 1 minute, right turns, 111° inbnd.
				Chart W-497, 7.6 miles E of airport.
				Runway 11, TDZ elevation, 23′.

Procedure turn S side of crs, 291° Outbnd, 111° Inbnd, 1500′ within 10 miles of VRB VORTAC.
FAF, VRB VORTAC. Final approach crs, 111°. Distance FAF to MAP, 3.6 miles.
Minimum altitude over VRB VORTAC, 1000′.
MSA: 000°–090°—1300′; 090°–180°—1600′; 180°–270°—1400′; 270°–360°—1500′.
*Night operations Runways 18–36 not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11*	420	1	397	420	1	397	420	1	397	420	1	397
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	480	1	456	480	1	456	520	1½	496	580	2	556
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Vero Beach; State, Fla.; Airport name, Vero Beach Municipal; Elev., 24′; Facility, VRB; Procedure No. VOR Runway 11, Amdt. 7; Eff. date, 24 July 69; Sup. Amdt. No. VOR 1, Amdt. 6; Dated, 3 Apr. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

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: 19.4-mile DME Fix, R 156°.
BMG VORTAC	14-mile DME Fix (NOPT)	BMG, R 156°	2500	Climb to 2500', left turn, and return to 14-mile DME Fix, R 156° and hold.*
R 260°, BMG VORTAC CCW	R 156°, BMG VORTAC	14-mile DME Arc	2500	
R 100°, BMG VORTAC CW	R 156°, BMG VORTAC	14-mile DME Arc	2500	Supplementary charting information: *Hold N 2 miles, left turn, 156° Inbnd. Runway 13, TDZ elevation, 728'.

Procedure turn E side of crs, 336° Outbnd, 156° Inbnd, 2500' within 10 miles of 14-mile DME Fix BMG, R 156°.
Final approach crs, 156°.
Minimum altitude over 14-mile DME Fix BMG, R 156°, 2500'.
MSA: 000°–090°—3100'; 090°–180°—2500'; 180°–360°—2300'.
NOTE: Use Bloomington altimeter setting; if unable, use Indianapolis altimeter setting and increase MDA 180'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-13	1260	1	532	1260	1	532	1260	1	532	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1300	1	572	1300	1	572	1300	1½	572	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Bedford; State, Ind.; Airport name, Virgil I. Grissom Municipal Elev., 728'; Facility, BMG; Procedure No. VOR/DME Runway 13, Amdt. Orig.; Eff. date, 24 July 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 19-mile DME Fix.
DBN VOR	VNA VORTAC (NOPT)	Direct	3000	Climb to 2000', right turn, proceed to VNA VORTAC via R 225° and hold.
Oconee Int	VNA VORTAC (NOPT)	Direct	3000	
Dodge Int	VNA VORTAC (NOPT)	Direct	3000	Supplementary charting information: Hold NE, 1 minute, right turns, 225° Inbnd.
Fort Valley Int	VNA VORTAC (NOPT)	Direct	2000	
Bonaire Int	VNA VORTAC (NOPT)	Direct	2000	
Cary Int	VNA VORTAC (NOPT)	Direct	3000	Final approach crs to runway threshold.

Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 2000' within 10 miles of VNA VORTAC.
Final approach crs, 225°.
Minimum altitude over VNA VORTAC, 2000'; over 14-mile DME Fix, 2000'.
MSA: 000°–090°—2600'; 090°–180°—1900'; 180°–270°—1700'; 270°–360°—1800'.
NOTES: (1) Radar vectoring. (2) Use Albany, Ga., NAS altimeter setting. (3) No weather reporting. (4) Night operation not authorized on Runways 4–22/13–31.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-22	880	1	572	880	1	572	880	1¼	572	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1080	1	772	1080	1	772	1080	1½	772	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Cordele; State, Ga.; Airport name, Cordele; Elev., 308'; Facility, VNA; Procedure No. VOR/DME Runway 22, Amdt. 1; Eff. date, 24 July 69; Sup. Amdt. No. VOR/DME No. 1, Orig.; Dated, 28 Apr. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 18.8-mile DME Fix.
VNA VORTAC	7-mile DME Fix	VNA, R 089°	2000	Climb to 2000', left turn, proceed to VNA VORTAC via R 089° and hold.
VNA VORTAC, R 360° CW	VNA VORTAC, R 089°	7-mile DME Arc	2000	Supplementary charting information:
VNA VORTAC, R 180° CCW	VNA VORTAC, R 089°	7-mile DME Arc	2000	Hold W, 1 minute, right turns, 089° Inbnd.
7-mile DME Fix	15-mile DME Fix	VNA, R 089°	2000	Final approach crs to center of landing area.

Procedure turn not authorized. Approach crs (profile) starts at the 7-mile DME Fix.
Final approach crs, 089°.
Minimum altitude over VNA VORTAC, 2000'; over 7-mile DME Fix, 2000'; over 15-mile DME Fix, 2000'.
MSA: 000°-090°—2600'; 090°-180°—1900'; 180°-270°—1700'; 270°-360°—1800'.
NOTES: (1) Use Macon, Ga., APC altimeter setting. (2) No weather reporting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	860	1	554	860	1	554	860	1½	554	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Eastman; State, Ga.; Airport name, Eastman-Dodge County; Elev., 306'; Facility, VNA; Procedure No. VOR/DME-1, Amdt. 1; Eff. date, 24 July 69; Sup. Amdt. No. Orig.; Dated, 26 Aug. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.6-mile DME Fix.
OBH VORTAC	GRI VORTAC	Direct	3700	Climb to 3700' on GRI R 350° within 10 miles, return to GRI VORTAC.
GRI VORTAC	7-mile DME Fix, R 170° GRI VORTAC.	Direct	3700	Supplementary charting information:
		12-mile DME Arc	3700	Runway 35, TDZ elevation, 1846'.
R 074°, GRI VORTAC CW	R 170°, GRI VORTAC	12-mile DME Arc	3700	
R 263°, GRI VORTAC CCW	R 170°, GRI VORTAC	Direct	3700	
HSI VOR	12-mile DME Fix, R 170° GRI VORTAC.	R 170°	3500	
12-mile DME Arc	7-mile DME Fix (NOPT)			

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 3700' within 10 miles of 7-mile DME Fix, R 170° GRI VORTAC.
Final approach crs, 350°.
Minimum altitude over 7-mile DME Fix, 3500'.
MSA: 045°-135°—4100'; 135°-225°—4100'; 225°-315°—3300'; 315°-045°—3300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35	2340	½	494	2340	½	494	2340	½	494	2340	1	494
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2340	1	494	2340	1	494	2340	1½	494	2400	2	554
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Grand Island; State, Nebr.; Airport name, Municipal; Elev., 1846'; Facility, GRI; Procedure No. VOR/DME Runway 35, Amdt. 4; Eff. date, 24 July 69; Sup. Amdt. No. 3; Dated, 13 Feb. 69

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

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: 6.8 miles after passing JAX VORTAC.
JAX NDB	JAX VORTAC	Direct	2000	Turn left, climb to 2000′ direct to JAX VORTAC and hold.
JAX, R 274°, CW	JAX, R 334° (NOPT)	8-mile DME Arc	2000	Supplementary charting information: Final approach crs intercepts runway threshold.
JAX, R 028°, CCW	JAX, R 334° (NOPT)	8-mile DME Arc	2000	Hold E, 1 minute, right turns, 270° Inbnd
8-mile DME Arc	JAX VORTAC	R 334°	2000	

Procedure turn E side of crs, 334° Outbnd, 154° Inbnd, 2000′ within 10 miles of JAX VORTAC.
FAF, JAX VORTAC. Final approach crs, 160°. Distance FAF to MAP, 6.8 miles.
Minimum altitude over Atlantic Int, 640′ (5.5-miles DME).
MSA: 000°–090°—1400′; 090°–270°—2100′; 270°–360°—1400′.
NOTES: (1) Radar vectoring. (2) Use Jacksonville FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	599	640	1	599	640	1½	599	640	2	599
Dual VOR and VOR/DME Minimums:												
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	419	500	1	459	500	1½	459	600	2	559
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Jacksonville; State, Fla.; Airport name, Craig Municipal; Elev., 41′; Facility, JAX; Procedure No. VOR Runway 13, Amdt. 4; Eff. date, 24 July 69; Sup. Amdt. No. VOR–1, Amdt. 3; Dated, 28 Nov. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.3 miles after passing ISO VORTAC.
R 302°, ISO VORTAC (CW)	R 052°, ISO VORTAC	10-mile DME Arc	2200	Climbing right turn to 2000′ direct to ISO VORTAC and hold.
R 130°, ISO VORTAC (CCW)	R 052°, ISO VORTAC	10-mile DME Arc	2500	Supplementary charting information: Hold NE, 1 minute, right turns, 205° Inbnd. TDZ elevation, 94′.
10-mile DME Arc	ISO VORTAC (NOPT)	ISO, R 052°	1100	

Procedure turn N side of crs, 052° Outbnd, 232° Inbnd, 2000′ within 10 miles of ISO VORTAC.
FAF, ISO VORTAC. Final approach crs, 232°. Distance FAF to MAP, 3.3 miles.
Minimum altitude over ISO VORTAC, 1100′.
MSA: 000°–180°—2500′; 180°–270°—1500′; 270°–360°—2200′.
NOTE: Use GSB AFB altimeter setting when control zone not effective.
#Alternate minimum not authorized and circling and straight-in MDA increased 60′ when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–22#	480	1	386	480	1	386	480	1	386	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C#	520	1	426	560	1	466	560	1½	466	NA
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Kinston; State, N.C.; Airport name, Stallings Field; Elev., 94′; Facility, ISO; Procedure No. VOR Runway 22, Amdt. 5; Eff. date, 24 July 69; Sup. Amdt. No. 4; Dated 16 Jan. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.6 miles after passing APE VORTAC.
				Make climbing left turn to 3000′ direct to APE VORTAC and hold. Supplementary charting information: Hold NW, 1 minute, right turn, 142° Inbnd.

Procedure turn E side of crs, 322° Outbnd, 142° Inbnd, 3000′ within 10 miles of APE VORTAC.
FAF, APE VORTAC. Final approach crs, 142°. Distance FAF to MAP, 9.6 miles.
Minimum altitude over APE VORTAC, 2100′; over 6-mile DME Fix, 1820′.
MSA: 000°–360°—2600′.
NOTES: (1) Radar vectoring. (2) Use CMH altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B	C	D
	MDA	VIS	HAA	VIS	VIS	VIS
C	1820	1	940	NA	NA	NA
	DME minimums:					
	MDA	VIS	HAA			
C	1520	1	640	NA	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.		T over 2-eng.—Standard.	

City, Newark; State, Ohio; Airport name, Licking County; Elev., 880′; Facility, APE; Procedure No. VOR-1, Amdt. 2; Eff. date, 24 July 69; Sup. Amdt. No. 1; Dated, 16 Jan. 6

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

Bedford, Ind.—Virgil I. Grissom Municipal, VOR Runway 13, Orig., 20 June 1968, canceled, effective 24 July 1969.

12. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) 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: FTY NDB.
Radar vectors to final approach crs.				Climbing left turn to 3000′, proceed to Wade Int via bearing 275° from FTY NDB and hold, or as directed by ATC. Supplementary charting information: Hold W, 1 minute, left turns, 095° Inbnd. Final approach crs to runway threshold REIL Runway 8.

Procedure turn not authorized. Approach crs (profile) starts at Wade Int.
Final approach crs, 095°.
Minimum altitude over Wade Int, 3000′; over Margaret Int, 2600′; over Terry FM, 1580′.
MSA: 000°–180°—3100′; 180°–270°—2700′; 270°–360°—2000′.
NOTES: (1) Radar required. (2) ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1580	1	740	1580	1	740	1580	1½	740	NA
	ADF/FM:									
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1380	1	540	1380	1	540	1480	1½	640	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Atlanta; State, Ga.; Airport name, Fulton County; Elev., 840′; Facility, FTY; Procedure No. NDB (ADF)-1, Amdt. 4; Eff. date, 24 July 69; Sup. Amdt. No. 3; Dated, 3 June 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BLF NDB.
BLF Temp. VHF Int	BLF NDB	Direct	5200	Climb straight ahead to 5200', turn right, and return to BLF NDB and hold.
BRW VOR	BLF NDB	Direct	6000	
PSK VORTAC	BLF NDB	Direct	6000	Supplementary charting information: Hold NE, 1 minute, right turns, 230° Inbnd.

Procedure turn N side of crs, 050° Outbnd, 230° Inbnd, 5200' within 10 miles of BLF NDB.
Final approach crs, 230°.
MSA: 000°–090°—5100'; 090°–180°—5100'; 180°–270°—5800'; 270°–360°—4900'.
*Circling not authorized S of airport defined by runway centerline extended.
#Night minimum visibility 2 miles.
% IFR departure procedures: Climb NW on 270° from BLP NDB to 4800' before proceeding as cleared.
CAUTION: Precipitous terrain underlying this procedure. Turbulence of varying intensities may be encountered.
CAUTION: 3200' mountain ridge ½ mile S of airport boundary and 3837' tower and mountains 2½ miles SSE.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*#	3800	1¼	943	3800	1½	943	NA	NA
A	1000–2.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%	

City, Bluefield; State, W. Va.; Airport name, Mercer County; Elev., 2857'; Facility, BLF; Procedure No. NDB (ADF) Runway 22, Amdt. Orig.; Eff. date, 24 July 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing BAK NDB.
Hope Int	BAK NDB	Direct	2300	Climbing right turn to 2300' direct to BAK NDB.
				Supplementary charting information: Secondary area of procedure turn penetrates R-3401. Depict penetrated area on chart. Depict BXR NDB 201 KC 0.5 mile from runway at 39° 16'30"/85°52'45".

Procedure turn N side of crs, 043° Outbnd, 223° Inbnd, 2300' within 10 miles of BAK NDB.
FAF, BAK NDB. Final approach crs, 223°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over BAK NDB, 1500'.
MSA: 000°–270°—2300' 270°–360°—3100'.
NOTES: (1) Radar vectoring. (2) Use Indianapolis (Weir Cook) altimeter setting when control zone not effective; circling and straight-in MDA becomes 1260'.
#Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-22	1120	1	464	1120	1	464	1120	1	464	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1120	1	464	1120	1	464	1120	1½	464	NA
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Columbus; State, Ind.; Airport name, Bakalar AFB/Bakalar Municipal; Elev., 565'; Facility, BAK; Procedure No. NDB (ADF) Runway 22, Amdt. Orig.; Eff. date, 24 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3 Miles after passing RMG NDB.
Dalton Int	RMG NDB	Direct	3500	Climbing right turn to 3000' direct to RMG NDB and hold.
Kennesaw Int	RMG NDB	Direct	3500	Supplementary charting information:
RMG VOR	RMG NDB (NOPT)	Direct	1700	Hold S, 1 Minute, right turns, 344° Inbnd. Final approach crs to center of landing area. LRCO 122.2, 123.6.

Procedure turn W side of crs, 164° Outbnd, 344° Inbnd, 3000' within 10 miles of RMG NDB.
FAF, RMG NDB. Final approach crs, 004°. Distance FAF to MAP, 3 miles.
Minimum altitude over RMG NDB, 1700'.
MSA: 000°-180°—3900'; 180°-270°—3600'; 270°-360°—4000'.
#Alternate minimums authorized only for operators with approved weather reporting service.
*Night minimums not authorized on Runways 7-25, 13-31.
CAUTION: Unlighted trees and terrain 1182', 1½ miles WNW of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS	
C*	1360	1	716	1360	1	716	1500	1½	856	NA	
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Rome; State, Ga.; Airport name, Russell Field; Elev., 644'; Facility, RMG; Procedure No. NDB (ADF)-1, Amdt. 3; Eff. date, 24 July 69; Sup. Amdt. No. ADF 1, Amdt. 2; Dated, 2 Apr. 66

13. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) 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: 4.4 miles after passing DA LOM.
DAB VORTAC	DA LOM	Direct	1500	Climbing right turn to 1500', direct to DA LOM and hold.
Barberville Int	DA LOM	Direct	1600	Supplementary charting information:
Lake Helen Int	DA LOM	Direct	1600	Hold SW, 1 minute, left turns, 065° Inbnd.
Smyrna Int	DA LOM	Direct	1600	HIRL Runways 6L/24R.
Woodruff Int	DA LOM	Direct	2100	TDZ elevation, 30'.

Procedure turn N side of crs, 245° Outbnd, 065° Inbnd, 1400' within 10 miles of DA LOM.
FAF, DA LOM. Final approach crs, 065°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over DA LOM, 1400'.
MSA: 000°-090°—1400'; 090°-180°—1500'; 180°-270°—2000'; 270°-360°—1300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-6L	480	1	450	480	1	450	480	1	450	480	1	450
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	446	500	1	466	500	1½	466	600	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Daytona Beach; State, Fla.; Airport name, Daytona Beach Municipal; Elev., 34'; Facility, DA; Procedure No. NDB (ADF) Runway 6L, Amdt. 10; Eff. date, 24 July 69; Sup. Amdt. No. 9; Dated, 5 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BA LMM.
GVO VOR	Canyon Int	Direct	5000	Climbing right turn to 4000′ via heading
Canyon Int	Halibut Int	Direct LMM 264° lead bearing	3500	240° to intercept and proceed via the BA
Goleta Int	Lobster Int	Via heading 250° and FIM R 250°, 10.5 nautical miles.	3500	LMM 184° bearing or SBA R 195° to Goleta Int. If not at 4000′ at Goleta Int.,
Lobster Int	Halibut Int	Direct LMM 242° lead bearing	3500	climb to 4000′ in the holding pattern SE
SBA VOR	Goleta Int	Direct	5000	on the GVO, R 127°, right turns, 1
Channel Int	Goleta Int	Direct	3500	minute.
Channel Int	BA LMM	Direct	4200	Supplementary charting information:
SBA VOR	BA LMM	Direct	5000	Chart holding pattern at Goleta Int.
BA LMM	Halibut Int	Direct	4200	Chart holding pattern at Halibut Int.
Halibut Int	Naples FM/Int (NOPT)	Direct	2100	Chart nonstandard ALS Runway 7.

Procedure turn not authorized.* Approach crs (profile) starts at Halibut Int.
Final approach crs, 073°.
Minimum altitude over Halibut Int, 3500′; over Naples FM/Int, 2100′.
MSA: 000°–090°—8000′; 090°–180°—3700′; 180°–270°—5300′; 270°–360°—7600′.
NOTE: VOR and ADF receivers required for execution of this procedure.
%IFR departure procedures: Northbound (260° through 080°) must comply with published Santa Barbara SID's.
#Air carrier will not reduce takeoff visibility due to local conditions Runway 15.
*Approach from the holding pattern at Halibut Int authorized.
CAUTION: High terrain N of crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
	NDB/VOR Minimums:											
C	760	1	750	760	1	750	760	1½	750	900	2	890
A	1000–2.		T 2-eng. or less—Runway 33, 1000–3; Runway 7, RVR 24; Runway 25, Standard; Runway 15, 200–1.%#				T over 2-eng.—Runway 33, 1000–3; Runway 7, RVR 24; Runway 25, Standard; Runway 15, 200–1.%#					

City, Santa Barbara; State, Calif.; Airport name, Municipal; Elev., 10′; Facility, BA; Procedure No. NDB (ADF) Runway 7, Amdt. 4; Eff. date, 24 July 69; Sup. Amdt. No. 3; Dated, 12 Sept. 68

14. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

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: ILS DH 280′; LOC 4.4 miles after passing DA LOM.
DAB VORTAC	DA LOM	Direct	1500	Climb to 1500′ on NE LOC crs, left turn,
Lake Helen Int	DA LOM	Direct	1600	direct to DAB VORTAC via R 140° or,
Smyrna Int	DA LOM	Direct	1600	when directed by ATC, climbing right
Barberville Int	DA LOM	Direct	1600	turn to 2000′ to Smyrna Int via DAB
Barberville Int CCW	LOC crs (NOPT)	16-mile Arc DAB, R 224° lead radial.	1600	R 161°.
				Supplementary charting information:
16-mile Arc	DA LOM (NOPT)	LOC crs	1400	TDZ elevation, 30′.
Woodruff Int	DA LOM	Direct	2100	HIRL 6L–24R.

Procedure turn N side of crs, 245° Outbnd, 065° Inbnd, 1400′ within 10 miles of DA LOM.
FAF, DA LOM. Final approach crs, 065°. Distance FAF to MAP, 4.4 miles.
Minimum glide slope interception altitude, 1400′. Glide slope altitude at OM, 1378′.
Distance to runway threshold at OM, 4.4 miles.
MSA: 000°–090°—1400′; 090°–180°—1500′; 180°–270°—2000′; 270°–360°—1300′.
NOTE: Inoperative table does not apply to HIRL Runway 6L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–6L	280	1	250	280	1	250	280	1	250	280	1	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–6L	380	1	350	380	1	350	380	1	350	380	1	350
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	446	500	1	466	500	1½	466	600	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Daytona Beach; State, Fla.; Airport name, Daytona Beach Municipal; Elev., 34′; Facility, I-DAB; Procedure No. ILS Runway 6L, Amdt. 11; Eff. date, 24 July 69; Sup. Amdt. No. 10; Dated, 5 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 260'. LOC 5.3 miles after passing Naples FM/(OM).
GVO VOR	Canyon Int	Direct	5000	Climb to 650' on runway heading, climbing right turn to 4000' via heading 240° to intercept and proceed via the SBA R 195° to Goleta Int. If not at 4000' at Goleta Int climb to 4000' in the holding pattern SE on the GVO R 127° right turns, 1 minute.
Canyon Int	Halibut Int	Direct	3500	
SBA VOR	Goleta Int	Direct	5000	
Goleta Int	Lobster Int	Via bearing 205° and FIM, R 250°, 10.5 nautical miles.	3500	
Lobster Int	Halibut Int	Direct	3500	
Halibut Int	Naples FM/(OM) (NOPT)	Direct	1800	
Channel Int	Goleta Int	Direct	3500	Supplementary charting information:
Channel Int	BA LMM	Direct	4200	Chart holding pattern at Halibut Int.
SBA VOR	BA LMM	Direct	5000	Chart holding pattern at Goleta Int.
BA LMM	Halibut Int	Direct	4200	Chart nonstandard ALS Runway 7. Runway 7, TDZ elevation, 10'.

Procedure turn not authorized.* Approach crs (profile) starts at Halibut Int.
Minimum altitude over Halibut Int, 3500'; over Naples FM/(OM), 1780'.
FAF, Naples FM/(OM). Final approach crs, 073°. Distance FAF to MAP, 5.3 miles.
Minimum glide slope interception altitude, 1800'. Glide slope altitude at OM, 1763'; at MM, 182'.
Distance to runway threshold at OM, 5.3 miles; at MM, 0.4 mile.
MSA: 000°–090°—8000'; 090°–180°—3700'; 180°–270°—5300'; 270°–360°—7600'.
NOTE: Inoperative components table does not apply to MM.
%IFR departure procedures: Northbound (260° through 080°) must comply with published Santa Barbara SID's.
#Air carrier will not reduce takeoff visibility due to local conditions runway 15.
*Approach from the holding pattern at Halibut Int authorized.
CAUTION: High terrain N of localizer crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-7	260	RVR 24	250	260	RVR 24	250	260	RVR 24	250	260	RVR 40	250
	LOC Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7	420	RVR 24	410	420	RVR 24	410	420	RVR 24	410	420	RVR 50	410
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	720	1	710	720	1	710	720	1¼	710	900	2	890
A	900–2.		T 2-eng. or less—Runway 33, 1000–3; Runway 7, RVR 24; Runway 15, 200–1; Runway 25 Standard.%#				T over 2-eng—Runway 33, 1000–3; Runway 7, RVR 24; Runway 15, 200–1; Runway 25 Standard.%#					

City, Santa Barbara; State, Calif.; Airport name, Municipal; Elev., 10'; Facility, I-SBA; Procedure No. ILS Runway 7, Amdt. 14; Eff. date, 24 July 69; Sup. Amdt. No. 13; Dated, 12 Sept. 68

15. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

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 a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Atlanta, Ga., ASR minimum altitude vectoring charts.										Descent aircraft after passing FAF. FAF 6 miles from center of airport. REIL Runway 8.

All bearings and distances are from radar site on Atlanta Municipal Airport with sector azimuths progressing clockwise.
Missed approach: Climb to 3000' direct to Wade Int via FTY VOR, R 275° or 275° bearing from FTY NDB and hold. Hold W, 1 minute, left turns, 095° Inbnd.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1680	1	840	1680	1¼	840	1680	1½	840	NA
A	900–2.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Atlanta; State, Ga.; Airport name, Fulton County; Elev., 840'; Facility, ATL Radar; Procedure No. Radar 1, Amdt. 5; Eff. date, 24 July 69; Sup. Amdt. No. 4; Dated, 18 Feb. 67

16. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

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 a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude

Notes

As established by Ontario ASR minimum altitude vectoring chart.

ASR Runway 25, FAF 6 miles from runway.
ASR Runway 7, FAF 6 miles from runway.
$Minimum altitude over 3-mile Radar Fix on final approach, 1700'.
¢Minimum altitude over 2-mile Radar Fix on final approach, 1700'.
§Maneuvering not authorized NW of airport between extended centerlines of Runways 3/21 and 7/25.
%IFR departure procedures: North- and east-bound (278° through 105° CW) published SID's must be used.
*Increase visibility ¼ mile for Categories A, B, and C for inoperative ALS Runway 25.
Inoperative table does not apply to IIIRL Runway 7.
Night minimums Runways 3/21 not authorized.

Missed approach:
Runway 25—Climbing left turn to 4200' direct to ONT VORTAC and hold.
Runway 07—Climbing right turn to 4200' direct to ONT VORTAC and hold.
Runway 25—TDZ elevation, 929': Runway 7—TDZ elevation, 942'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25*$	1420	RVR 40	491	1420	RVR 40	491	1420	RVR 40	491	1420	RVR 50	491
S-7¢	1420	1	478	1420	1	478	1420	1	478	1420	1	478
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	1420	1	468	1480	1	528	1480	1½	528	1520	2	568
A	Standard.		T 2-eng. or less—Runway 25, RVR 24'; Standard all other runways.%#				T over 2-eng.—Runway 25, RVR 24'; Standard all other runways.%#					

City, Ontario; State, Calif.; Airport name, Ontario International; Elev., 952'; Facility, ONT ASR; Procedure No. Radar-1, Amdt. 2; Eff. date, 24 July 69; Sup. Amdt. No. 1; Dated, 5 June 69

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 June 17, 1969.

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

[F.R. Doc. 69-7396; Filed, July 2, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-585, Amdt. 6]

PART 225—TARIFFS OF CERTAIN CERTIFICATED CARRIERS; TRADE AGREEMENTS

Increased Authorization for Larger Intra-Alaskan Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of June 1969.

By circulation of EDR-158 (Docket 20725), dated April 10, 1969, and publication at 34 F.R. 6489, the Board gave notice that it had under consideration amendment to Part 225 to increase the trade agreement authorization to $50,000 for the two larger subsidized certificated carriers with intra-Alaskan routes. Comments were submitted by Wien Consolidated Airlines, an Alaskan air carrier, and Roy H. Smith, an Alaskan air taxi operator.

Although Wien Consolidated had sought at least $60,000 as a minimum authorization, it supports the $50,000 maximum and urges that the rule be made effective as soon as possible because trade agreements must become effective on or before January 1, 1970. The air taxi operator opposes any increase on the grounds that trade agreements will result in unfair competition with air taxi operators and will not benefit the taxpayer. These objections apparently arise from a misconception of the nature and purpose of the Board's permitting subsidized certificated carriers to exchange transportation for advertising. Part 225 exempts certain certificated carriers from the provisions of section 403(b) of the Act against bartering transportation within monetary limits, and is primarily designed to help subsidized carriers in a poor cash position to increase traffic through advertising and thereby reduce subsidy needs. Part 298, on the other hand, exempts air taxi operators from section 403 (except for tariffs for through rates filed jointly with certificated air carriers), and therefore air taxi operators are free to exchange air transportation for advertising in any amount.

After consideration of the comments received, we have determined to adopt the rule as proposed. The tentative findings set forth in EDR-158 are incorporated herein by reference and made final.

Accordingly, the Board hereby amends § 225.6 of Part 225 of the Economic Regulations (14 CFR 225.6), effective August 4, 1969, by revising paragraph (b) to read as follows:

§ 225.6 Limitation on total value of trade agreements.

* * * * *

(b) $20,000 in the aggregate each year for airlines having gross transport operating revenues less than $2 million in the prior year and $50,000 in the aggregate each year for airlines having gross transport operating revenues of $2 million or more in the prior year, for the airlines identified under § 225.1(a)(4).

* * * * *

(Secs. 204(a), 403, 404, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 760, 771; 49 U.S.C. 1324, 1373, 1374, 1386)

By the Civil Aeronautics Board.[1]

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-7881; Filed, July 2, 1969; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Use of Symbols and Names Having Fur-Bearing Animal Connotations in Labeling Textile Fiber Products

§ 15.351 Use of symbols and names having fur-bearing animal connotations in labeling textile fiber products.

(a) The Commission was requested to render an opinion with respect to the labeling of textile fiber products manufactured so as to simulate a fur or fur product.

(b) The requesting party proposed to use a word closely resembling the name of a fur-bearing animal, the fur from which is commonly used in the manufacture of garments, in association with a fabric simulating that fur.

(c) In the Commission's view, the use of the proposed term to describe such a fabric would probably violate the Textile Fiber Products Identification Act and/or that part of section 5 of the Federal Trade Commission Act which makes deceptive acts or practices in commerce unlawful.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 72 Stat. 1717; 15 U.S.C. 70)

Issued: July 2, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-7809; Filed, July 2, 1969; 8:45 a.m.]

[1] Vice Chairman Murphy dissented.

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Stereo Tape Cartridge Club; Consumer Credit Regulations Will Apply

§ 15.352 Stereo tape cartridge club; consumer credit regulations will apply.

(a) The Commission issued an advisory opinion in response to an application from a businessman who proposed to organize a stereo tape cartridge club.

(b) The Commission wrote the applicant:

(1) "You state that the idea of the club is to allow club members to exchange ten tape cartridges per month. A membership will cost $480, to be paid in 30 monthly installments of $16 each. That meets the definition of consumer credit which is credit offered or extended to a person primarily for personal, family, household, or agricultural purposes and for which a finance charge is imposed or which is repayable in more than four installments.

(2) "Enclosed for your guidance is a copy of the Federal Reserve press release of February 7, 1969, containing Regulation Z issued under the Truth In Lending Act. With some exceptions, the Federal Trade Commission has the principal enforcement duties. The Commission points out that all relevant provisions must be complied with by anyone extending or arranging for consumer credit. A potential club member in your program is entitled to full disclosure of all financial arrangements, including the fact that a third party may hold the promissory note for collection.

(3) "In addition to your straight retail memberships, you contemplate a 'cooperative' membership to be offered in return for certain promotional cooperation. The Commission invites your attention to the enclosed copy of the Commission's Guides Against Deceptive Pricing, effective since January 8, 1964. You will note that it might be an actionable deceptive practice prohibited by law to identify a commodity as having a certain retail value unless that is a price at which identical commodities have in fact been sold in substantial quantities. No conclusion of legality or illegality is possible in the instant matter on the basis of the brief information you have submitted.

(4) "Further, you are advised that it might also be an actionable deceptive practice prohibited by law to fail to fully inform a potential club member not only about all financial arrangements and the accurate retail value of the cartridge player but also about the nature and function of the player; e.g., is the player a self-contained playing machine or does it need an amplifier and speakers to render performance?

(5) "For postal regulations, you should consult your local postmaster."

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: July 2, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-7808; Filed, July 2, 1969; 8:45 a.m.]

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION, AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 503—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Manufacturer of Consumer Commodities

The Federal Trade Commission promulgated an interpretation relevant to § 500.5 of the Fair Packaging and Labeling Act regulations on March 7, 1969. This interpretation appeared as § 503.3 of the regulations, in the FEDERAL REGISTER, Volume 34, No. 45. Subsequent to publication, a new question was submitted on behalf of an industrial firm, which requires further interpretation of § 500.5.

Basically, the question is whether, in the case of a parent corporation which wholly owns a subsidiary corporation, each of which has separate corporate identity, the requirement of § 500.5 of the regulations is met when the consumer commodities manufactured by the subsidiary are labeled to reflect the parent corporation as the manufacturer.

Since this question may have significance to industry in general, the Commission feels it appropriate to promulgate its interpretation of § 500.5 as it relates to the status of a parent corporation which wholly owns a manufacturing subsidiary retaining its own corporate identity.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 4, 6, 10, 80 Stat. 1297, 1299, 1300, 1301; 15 U.S.C. 1453, 1455, 1456) Subchapter E, Part 503 is amended by adding to § 503.3 a new paragraph (d) as follows:

§ 503.3 Name and place of business of manufacturer, packer, or distributor.

* * * * *

(d) A corporation which wholly owns a manufacturing subsidiary which retains its separate corporate identity, is not the manufacturer of the consumer commodities manufactured by the wholly owned subsidiary, but must qualify its name if it elects to use its name on the label. Such qualification may be "Manufactured for ----------", "Distributed by ----------", or "Manufactured by ---------- (XYZ, Inc., City, State, Zip Code, a subsidiary of ABC, Inc.)".

Issued: June 30, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-7896; Filed, July 2, 1969; 8:51 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-362]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Reliability and Adequacy of Electric Service

JUNE 25, 1969.

The Federal Power Commission is charged under section 202(a) of the Federal Power Act with the promotion and encouragement of the voluntary interconnection and coordination of the power systems of this nation in the interests of "assuring an abundant supply of electric energy throughout the United States with the greatest possible economy and with regard to the proper utilization and conservation of natural resources". Achievement of these goals requires coordinated efforts on an industrywide basis, at both the regional and national levels, to enhance reliability and adequacy of service.

Utilities in five regions of the country [1] have joined together to establish regional coordinating groups or councils, and these regional bodies have, in turn, recently joined with seven other individual utility systems, pools and planning groups to form a National Electric Reliability Council. These developments are encouraging.

This Statement of Policy defines two areas in which these voluntary efforts can be improved. First, we believe that actual participation on a nonvoting basis by the staff of the Commission and the State regulatory agencies in the regional council deliberations, and the deliberations of committees or working groups is needed to promote the cooperative efforts of the electric utility industry to coordinate its activities regionally in the interests of reliability and adequacy of electric service. Second, a major impediment to regional and and national planning for and evaluation of industry planning efforts to assure reliability and short- and long-range adequacy of electric power service lies in the unavailability of much of the basic data upon which such efforts necessarily depend. We are therefore establishing a system for reporting to the Commission and the State regulatory agencies, long and intermediate range system data on an annual basis by all segments of the electric power industry coordinated by and reported through the regional reliability organizations (where they exist) and the National Electric Reliability Council.

[1] Northeast Power Coordinating Council, East Central Area Reliability Coordination Agreement, Texas Interconnected System, Western Systems Coordinating Council, and Mid-Atlantic Area Coordination Agreement. The makeup, structure, staffing and authority of these groups differ.

The Commission finds:

(1) The notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply with respect to the amendment here adopted.

(2) It is appropriate and in the public interest in administering Part II of the Federal Power Act to promulgate Commission policy on participation of regulatory personnel in the deliberations of voluntary regional councils, and for the collection of data relating to reliability and adequacy of electric service.

The Commission orders:

A. Part 2, General Policy and Interpretations, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations is amended by adding a new § 2.11, entitled "Reliability and Adequacy of Electric Service," as follows:

§ 2.11 Reliability and adequacy of electric service.

(a) *Participation of Federal personnel in regional reliability councils.* The Federal Power Commission's responsibilities under section 202(a) of the Federal Power Act, to promote and encourage voluntary efforts by the various segments of the electric utility industry to coordinate their activities, can best be carried out if the regional reliability councils or organizations of the utilities in various parts of the country permit participation by staff personnel of the Federal Power Commission. Participation on a nonvoting basis will not inhibit appropriate discussion, planning or review by the members of the regional councils. Accordingly, the regional reliability or coordination councils and any other systems or groups engaging in similar activities are requested promptly to permit nonvoting participation by FPC staff personnel.

(b) *Participation of State personnel in regional reliability councils.* It is the policy of the Commission that staff personnel of the State regulatory agencies of the particular region be permitted to participate in the regional reliability or coordination councils on the same basis as Commission personnel.

(c) *Informational reporting.* (1) Comprehensive data from all segments of the industry, including those operated by the Federal or State governments or political subdivisions, agencies or instrumentalities thereof, and cooperatively owned associations, will assist in accurate forecasting of the demand for power, and in planning generation and transmission facilities necessary to meet such demands.

(2) To this end we establish a system for the reporting on an annual basis of long- and intermediate-range system data by all components of the electric power industry reported through and coordinated by the regional reliability organizations and the National Electric Reliability Council. We ask that the data requested be furnished to the FPC and to the appropriate State regulatory agencies.

(3) In view of the need for flexibility in the development and operation of any such program, we believe it inadvisable to incorporate the specific information to be reported into a policy statement which, as part of the Commission's rules and regulations, can only be modified by formal procedures. Instead, we delegate authority to the Commission's Chief, Bureau of Power, subject to the general supervision of the Commission, to prepare, after appropriate consultation with interested parties, including the existing national and regional reliability organizations, the individual State commissions and their national association, the National Association of Regulatory Utility Commissioners, a list of requested data, together with the reporting specifications. The list and specifications will be maintained on a current basis as an appendix to the rules in this section, and will be supplied to each electric company, pool, or regional organization, the State regulatory commissions, and other interested parties.

(4) Upon receipt and evaluation of the requested data, the Chief of the Commission's Bureau of Power may, as conditions warrant, convene technical meetings of utilities or groups of utilities to explore in greater depth any problems raised by the reports, or call upon regional councils, or the National Electric Reliability Council, to conduct further studies on particular matters.

B. The specific information, which is proposed for inclusion in the initial information request, is set forth in Appendix A to this order. Interested parties having comments or proposals for modification thereof should make them in writing (if possible in triplicate) to the Commission's Chief, Bureau of Power, within 30 days from the issuance of this notice, since it is contemplated that the initial list of requested information and reporting specifications will be made final and released by September 1, 1969. It is also contemplated that initial reporting will be for the period 1970–79, inclusive, and that reporting will be made to the Commission and the State regulatory agencies not later than April 1 of the base year of the data reporting period.

C. The amendments prescribed herein will be effective upon the issuance of this order.

By the Commission.

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

APPENDIX A

INFORMATION TO BE REPORTED ON COORDINATED REGIONAL BULK POWER SUPPLY PROGRAMS

Information to be reported annually should include:

1. Estimates of monthly peak loads and energy requirements for the first 5 years of the projection; and estimates of summer and winter peak loads for the remaining 5 years of the projection.

2. Estimates of reserve requirements, including a statement of criteria and techniques used to determine reserve.

3. For the first 7 years of the projection: itemization of all resources to meet the projected energy and capacity requirements of (1) and (2), including generating units, plants, and plant locations, types of generation, facility ownership, scheduled in-service

dates of new units, and scheduled or estimated purchases from or deliveries to others. For the remaining 3 years: itemization of power supply resources planned, including the general location, type, and scheduled in-service date for each new facility and an estimate of purchases and deliveries of power coincident with summer and winter peak load demands.

4. For each steam generating unit having a capacity of 300 mw. or more, and for which construction is scheduled to begin within 2 years from the date of reporting, furnish information on the type of cooling system, basis of assurances that thermal discharge will fall within the limits of State and Federal standards or a description and status of studies designed to provide this assurance, the type of fuel to be used, and if fossil in nature, assurances that stack discharges will fall within limits acceptable under local or regional air pollution criteria, or description and status of studies designed to demonstrate compatibility with such criteria.

5. A plan of the transmission network of the region depicting all facilities of 110 kv. or higher which are in service at the time of reporting those projected for service within 7 years and those projected for service within 10 years. For facilities to be installed within 7 years, include a tabular summary of segments of the transmission network, including substations and interconnections between systems to be operated at a voltage of 110 kv. or higher, the tabulation to include ownership, voltage, number of circuits, number and size of conductors and dates of starting and completing construction.

6. Results of load flow studies on the network as it exists substantially at the time of reporting and as projected between 4 and 6 years in the future which would demonstrate the capability of the network to transmit peak loads and withstand the contingency considerations evaluated in accordance with an accompanying statement of system security criteria. These criteria should discuss consideration given to loss of, or delay in availability of, generation and transmission elements of the system and their internal effect upon the subject system, together with their external effect upon surrounding systems.

7. The results of regional and interregional network stability studies, including a description of the general criteria being followed and the particular contingencies assumed in each study; include also a description, preliminary results and schedules for completion of stability studies in progress. Where unusual stability problems are encountered, outline possible solutions being considered and actions being taken for resolution.

8. A functional plan and description of regional communication and control facilities, including satellite facilities for monitoring, display, and warning of important network operating conditions and characteristics; facilities for economic loading; and facilities for rapid analysis of the effect of losing selected system elements on network loading.

9. For each transmission facility designed to operate at a voltage of 200 kv. or higher and for which construction is scheduled to begin within 2 years from date of filing, include information on line routing, alternatives considered, consultations with local and State planning authorities and commissions, configuration of structures, location and type of principal substations and information depicting the relation of principal structures to their environments.

10. In format to be furnished by the Commission, provide information on the following:

a. Coordinated regional load shedding programs, including estimated steps of load reduction at various steps in frequency decline.

b. Emergency power and shutdown facilities to prevent damage to equipment if station loses system power.

c. Power facilities available for unit start-up in the event of total loss of system power.

d. Availability of continuous power independent of system sources for communication and control facilities.

e. Provisions for sustaining the operation of generating units on local loads.

f. Programs for training operating personnel concerned with system security.

g. Summary statement of step-by-step emergency procedures in force for restoration of system power and interconnected system power.

h. Maintenance practices relating to bulk power equipment and controls.

[F.R. Doc. 69-7822; Filed, July 2, 1969; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965——)

Subpart A—Hospital Insurance Benefits

On November 15, 1968, there was published in the FEDERAL REGISTER (33 F.R. 16657) a notice of proposed rule making with proposed amendments to the Hospital Insurance Benefits regulations designed to implement the pertinent sections of the Social Security Amendments of 1967 (Public Law 90-248), to provide guidelines for determining the accessibility requirement in emergency hospital cases, and to make editorial and technical modifications of a clarifying or conforming nature. Interested persons were given the opportunity to submit data, views, or arguments with regard to the proposed regulations. After consideration of all such relevant matter as was presented by interested persons, the amendments as so proposed are hereby adopted without substantive change and are set forth below.

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER.

Dated: May 27, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: June 18, 1969.

JOHN G. VENEMAN,
Acting Secretary of Health, Education, and Welfare.

Subpart A of Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended as indicated in paragraphs 1 through 24 below.

(Secs. 1102, 1801-1817, 1871, 49 Stat. 647, as amended, 79 Stat. 291-301, 81 Stat. 846-848, 81 Stat. 852-854, 81 Stat. 857-859; 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.)

1. The table of sections for Subpart A, appearing at page 31 F.R. 10116, July 27, 1966, is modified as follows:

Sec.
405.111 Inpatient hospital services; benefit limitation during first spell of illness—inpatient of participating tuberculosis or psychiatric hospital.
405.112 Inpatient hospital services; services considered for purposes of benefit limitations.
405.152 Payment for services furnished; nonparticipating hospital furnishing emergency services.
405.156 Payment to entitled individual for services furnished by a nonparticipating hospital; inpatient admission before January 1, 1968.
405.157 Payment to entitled individual for emergency services furnished after 1967.
405.158 Payment to entitled individual; determination of amount payable for services furnished by a nonparticipating hospital.
405.160 Payment to participating hospital for inpatient hospital services; conditions for payment.
405.161 Payment for inpatient hospital services; furnished after 90- or 150-day limit or after 190-day limit.
405.175 Payment to participating hospital for outpatient hospital diagnostic services; conditions.
405.191 Emergency services; finding that an emergency existed and/or has ceased.
405.192 Emergency services; finding of accessibility.

2. Sections 405.101—405.102 are revised to read as follows:

§ 405.101 Hospital insurance benefits; general.

(a) An individual who meets the conditions for entitlement to hospital insurance benefits provided under Part A of title XVIII of the Act is eligible to have payment made on his behalf, or to him (for certain hospital services) subject to the conditions and limitations set out in this Part 405 and in the Act, for:

(1) Inpatient hospital services, posthospital extended care services, and posthospital home health services furnished to him during any month for which he meets such conditions for entitlement to hospital insurance benefits; and

(2) Outpatient hospital diagnostic services furnished to him during any month before April 1968, for which he meets such conditions for entitlement to hospital insurance benefits. Effective with services furnished on or after April 1, 1968, coverage of outpatient hospital diagnostic services is transferred from this Subpart A to the supplementary medical insurance benefits plan described in Subpart B of this Part 405.

(b) Except where payment may be made to the individual for certain hospital services (see §§ 405.156 and 405.157), payment for the services covered under the hospital insurance benefits program is made to the institution or agency eligible to receive payment rather than to the individual to whom the services are furnished.

§ 405.102 Conditions for entitlement to hospital insurance benefits.

An individual is entitled to hospital insurance benefits under the provisions described in this Subpart A if such individual has attained age 65 and:

(a) Is entitled to monthly insurance benefits under section 202 of the Act as described in Subpart D of Part 404 of this chapter, or

(b) Is a qualified railroad retirement beneficiary as defined in § 404.368 of Part 404 of this chapter, or

(c) Is deemed entitled to monthly insurance benefits under section 202 of the Act, solely for purposes of entitlement to hospital insurance benefits, as described in § 404.370 of Part 404 of this chapter.

3. In § 405.103, paragraph (a) is revised to read as follows:

§ 405.103 Duration of entitlement to hospital insurance benefits.

(a) An individual is entitled to hospital insurance benefits beginning with the first day of the first month after June 1966, for which he meets the conditions described in § 405.102; except that no payment may be made under this Subpart A for:

(1) Posthospital extended care services furnished before January 1, 1967;

(2) Posthospital extended care services or posthospital home health services unless the discharge from the hospital required to qualify such services for payment under this Subpart A occurred after June 30, 1966, or, on or after the first day of the month in which he attains age 65, whichever is later; and

(3) Outpatient hospital diagnostic services furnished on or after April 1, 1968. (With respect to outpatient hospital diagnostic services furnished on or after such date—see Subpart B of this part.)

* * * * *

4. Sections 405.110–405.113 are revised to read as follows:

§ 405.110 Inpatient hospital services; scope of benefits.

(a) *Benefits.* An individual who meets the requirements set forth in § 405.102 is eligible to have payment made on his behalf to a participating hospital (see Subpart J of this Part 405 and § 405.150), subject to the conditions and limitations contained in this Part 405 and title XVIII of the Act, for:

(1) Inpatient hospital services (see § 405.115) furnished to him for up to 90 days during a spell of illness; plus (with respect to inpatient hospital services furnished after December 31, 1967, during such spell of illness):

(2) An additional 60 days—less one day for each day of inpatient hospital services in excess of 90 days received during any preceding spell of illness. The individual has the option of electing by a signed statement not to have payment made for such additional days of inpatient hospital services furnished him after he has received benefits for 90 days of such services in a spell of illness. Payment may be made for such additional days unless the provider furnishing such services has on record the individual's signed election not to have payment made for such services.

(b) *Deductible and coinsurance amounts.* Payments for inpatient hospital services furnished during any spell of illness is reduced by the amount of the applicable deductibles (see §§ 405.113 and 405.114) and, in addition, by any applicable coinsurance amount (see § 405.115).

(c) *Benefit limitation for spell of illness.* (1) No payment under this section for inpatient hospital services furnished an individual during a spell of illness which ends on or before December 31, 1967, may be made for any such services furnished to him after the 90th day such services have been furnished to him during such spell of illness (see § 405.161 for exception); and

(2) No payment under this section for inpatient hospital services furnished an individual during a spell of illness which begins, or is continuing after December 31, 1967, may be made for any such services furnished to him after the 150th day (less 1 day for each day of inpatient hospital services in excess of 90 days received during any preceding spell of illness) that such services have been furnished to him during such spell of illness (see § 405.161 for exception).

(d) *Lifetime maximum on inpatient psychiatric hospital services.* Notwithstanding the preceding provisions of this section, no payment for inpatient psychiatric hospital services (see Subpart J of this part) may be made for any such services furnished an individual after the 190th day such services have been furnished to him during his lifetime (see § 405.161 for exception).

§ 405.111 Inpatient hospital services; benefit limitation during first spell of illness—inpatient of participating tuberculosis or psychiatric hospital.

Subject to the provision that the benefit limitation described in this section shall not apply with respect to inpatient tuberculosis hospital services furnished to an individual after December 31, 1967:

(a) *Date of entitlement on or after January 1, 1968; inpatient of psychiatric hospital on first day of entitlement.* If an individual is an inpatient of a participating psychiatric hospital on the first day for which he is entitled to hospital insurance benefits (see § 405.103) and becomes entitled to such benefits on or after January 1, 1968, the days (not necessarily consecutive) on which he was an inpatient of a psychiatric hospital in the 150-day period immediately before such first day are deducted from the 150 days of inpatient hospital services for which he is otherwise entitled to have payment made during his first spell of illness, where such services are furnished to him in a psychiatric hospital or in a hospital (other than a tuberculosis hospital) in which the individual was an inpatient primarily for the diagnosis or treatment of mental illness. Thus, the benefit limitation described in this paragraph will not apply to inpatient hospital services furnished in a tuberculosis hospital or to such services furnished in a hospital (other than a psychiatric hospital) that are not primarily for the diagnosis or treatment of mental illness.

(b)(1) *Date of entitlement prior to 1968; inpatient of psychiatric or tuberculosis hospital on first day of entitlement.* Subject to the provisions of the succeeding subparagraphs of this paragraph, if an individual was an inpatient of a participating tuberculosis or psychiatric hospital on the first day for which he is entitled to hospital insurance benefits and was entitled to such benefits before January 1, 1968, the days (not necessarily consecutive) on which he was an inpatient of a psychiatric or tuberculosis hospital in the 90-day period immediately before such first day are deducted from the 90 days of inpatient hospital services for which he is otherwise entitled to have payment made during his first spell of illness.

(2) *First spell of illness is continuing after December 31, 1967; inpatient of participating tuberculosis hospital upon entitlement.* An individual who after December 31, 1967, is still in his first spell of illness and was subject to a reduction in benefit days prior to 1968 under subparagraph (1) of this paragraph because he was in a participating tuberculosis hospital at the time of entitlement to hospital insurance benefits will have those days restored for any inpatient hospital services furnished to him after December 31, 1967. The benefit limitation will not apply to services furnished after 1967, to an individual who at the time of entitlement was an inpatient of a participating tuberculosis hospital. Thus, such an individual is eligible on January 1, 1968, for up to 150 days of any inpatient hospital services in his first spell of illness.

(3) *First spell of illness is continuing after December 31, 1967; inpatient of a psychiatric hospital upon entitlement.* An individual who after December 31, 1967, is still in his first spell of illness and was subject to a reduction in benefit days prior to 1968 under subparagraph (1) of this paragraph because he was in a participating psychiatric hospital at the time of entitlement to hospital insurance benefits may be entitled to additional benefit days for inpatient hospital services furnished on or after January 1, 1968:

(i) On January 1, 1968, such individual becomes eligible for 60 additional days of inpatient hospital services (see § 405.110). Before these days can be used to pay for inpatient hospital services furnished to such individual by a psychiatric hospital, or for such services furnished by a hospital (other than a psychiatric or tuberculosis hospital) which are primarily for the diagnosis or treatment of mental illness, those days on which he was an inpatient of a psychiatric hospital from the 91st to the 150th day of the 150-day period preceding the first day for which he became entitled to hospital insurance benefits will be subtracted from the 60 additional

days available for use in such first spell of illness. For inpatient hospital services furnished prior to 1968, the number of benefit days available to such individual during his first spell of illness was determined on the basis of the 90-day period immediately preceding the first day of entitlement to hospital insurance benefits in accordance with subparagraph (1) of this paragraph. Payment for inpatient hospital services furnished to the individual on or after January 1, 1968, by a hospital (other than a tuberculosis hospital) for such services which are primarily for the treatment or diagnosis of mental illness, or for such services furnished by a psychiatric hospital, will be made for any days still payable under such prior determination and then for any of the 60 additional days available as determined in accordance with the provisions of this paragraph. (However, a new determination for the 90-day preentitlement period will be required if tuberculosis hospital days were included in the prior determination. See subdivision (iii) of this subparagraph);

(ii) Payment for inpatient hospital services furnished on or after January 1, 1968, to such individual by a hospital (other than a psychiatric hospital) for such services which are primarily for the diagnosis or treatment of a condition other than mental illness, or for such services furnished by a tuberculosis hospital in his first spell of illness, may be made for any unused benefit days: Plus, the number of days for which the beneficiary's eligibility was previously reduced; plus, the 60 additional days available under § 405.110; and

(iii) Days spent by such individual in a tuberculosis hospital in the preentitlement period do not count as reduction days for inpatient hospital services received after 1967, and such days are restored. This applies not only for an individual who was in a tuberculosis hospital when he became entitled but also for an individual who was in a psychiatric hospital at the time of entitlement after having spent some of his preentitlement days in a tuberculosis hospital.

(c) *Charging deduction days.* In reducing the number of days for which an individual is entitled to have payment made for inpatient hospital services, days subject to deduction (as determined in accordance with the provisions of paragraphs (a) and (b) of this section) are charged in the following order:

(1) Those days after the 90th and before the 150th days for which such individual is entitled to have payment made during such spell of illness;

(2) Those days after the 60th day and before the 91st day for which such individual is entitled to have payment made for such services during such spell of illness; and

(3) Those days before the 61st day for which such individual is entitled to have payment made for such services during such spell of illness.

(d) *Limitation on application of deduction.* Notwithstanding the preceding provisions of this section, days preceding the first day for which an individual is entitled to hospital insurance benefits (see § 405.103), are not counted in determining the 190-day lifetime limit on inpatient psychiatric hospital services (see § 405.110(d)), and are not counted in determining the first day for which the coinsurance amount is deducted from payment for inpatient hospital services (see § 405.115).

EXAMPLE 1: B is an inpatient of a participating psychiatric hospital on July 1, 1966, the first day for which he is entitled to hospital insurance benefits, and has been an inpatient of such hospital for the 2 years immediately preceding July 1, 1966. If B's first spell of illness ends on or before December 31, 1967, no payment will be made for inpatient hospital services furnished to B during that spell of illness. However, if B's first spell of illness is continuing after December 31, 1967, he will be eligible, with respect to services furnished after such date, to have payment made for up to 150 days of inpatient hospital services during such spell of illness if the services are furnished to him by a tuberculosis hospital (see § 405.111(b)) or, if furnished to him by a hospital other than a psychiatric or tuberculosis hospital, are not primarily for the diagnosis or treatment of a mental illness.

EXAMPLE 2: C entered a participating tuberculosis hospital on August 12, 1966, and is still an inpatient of such hospital 50 days later on October 1, 1966, the first day for which he is entitled to hospital insurance benefits. Payment may be made for up to 40 days of inpatient hospital services since C had been an inpatient of the tuberculosis hospital for 50 days preceding the first day for which he was entitled to hospital insurance benefits. However, the 50 days preceding October 1, 1966, is not counted in determining the 60 days of coverage and, therefore, the coinsurance amount (see § 405.115) is not applicable with respect to any payment for the 40 days of services for which C is entitled to have payment made on his behalf with respect to services furnished before 1968. If C's first spell of illness is continuing after December 31, 1967, the 50 days subject to deduction will be restored to him and he will be eligible, with respect to services furnished after such date, to have payment made for up to 110 additional days of inpatient hospital services during such spell of illness (i.e., the restored 50 days plus the 60 additional days of entitlement—see § 405.110(a)). The coinsurance amounts discussed in § 405.115 would, of course, be applicable with respect to such services furnished after the 60th day in this spell of illness (see § 405.111(b).

EXAMPLE 3: D is a patient of an institution that is not a qualified psychiatric hospital on August 1, 1966, the first day for which he is entitled to hospital insurance benefits, and has been a patient of the nonqualifying hospital for the 1 year preceding August 1, 1966. Several days later D is transferred to a participating psychiatric hospital. Payment may be made (with respect to services furnished before 1968) for up to 90 days of inpatient hospital services after such transfer since inpatient hospital services received in a nonqualifying hospital in the period preceding entitlement are not considered for the purposes of determining the spell of illness limitation. If D's first spell of illness is continuing after December 31, 1967, he will be eligible, with respect to services furnished after such date, to have payment made for an additional 60 days of inpatient hospital services (including inpatient psychiatric hospital services) during such spell of illness (see § 405.110).

§ 405.112 Inpatient hospital services; services considered for purposes of benefit limitations.

(a) For purposes of determining the 90-day or 150-day benefit limitation described in § 405.110(c), or § 405.111, or the 190-day benefit limitation described in § 405.110(d), inpatient hospital services are taken into account only if one or more of the following conditions apply to such services:

(1) Payment is made with respect to such services;

(2) Payment would be made for such services except for failure to comply with the request and certification requirements described in § 405.152 or § 405.160; or

(3) Payment cannot be made for such services because of the deductible or coinsurance requirements described in §§ 405.113 and 405.115.

(b) Notwithstanding the provisions of paragraph (a) of this section, days after the 90th day on which an individual is furnished inpatient hospital services during a spell of illness are not taken into account in determining the benefit limitation discussed in this section, if the individual has elected not to have payment made for such days (see § 405.110(a)(2)) or the daily charge for such days is equal to or less than the applicable coinsurance amount (see § 405.115(a)(2)).

§ 405.113 Inpatient hospital services; deductible.

(a) *Spell of illness beginning prior to 1969.* The amount payable for inpatient hospital services (see §§ 405.150, 405.151, and 405.158) furnished to an individual during any spell of illness beginning prior to 1969 is reduced (but not below zero) by an amount equal to the lesser of:

(1) $40; or

(2) The charges imposed with respect to such services or the customary charges for such services, whichever is greater.

(b) *Spell of illness beginning after 1968.* Between July 1 and October 1 of 1968, and of each year thereafter, the Secretary shall determine the amount of the inpatient hospital deductible which shall be applicable in the case of any spell of illness beginning during the succeeding calendar year.

5. Section 405.115 is revised to read as follows:

§ 405.115 Inpatient hospital services; coinsurance amount.

(a) In any case in which an individual is furnished inpatient hospital services for more than 60 days during a spell of illness beginning before 1969, the amount payable (see §§ 405.150, 405.151, and 405.158), for the inpatient hospital services furnished after such 60th day during such spell of illness, is reduced by a coinsurance amount equal to:

(1) $10 for each day (or the actual charge when charges are less than $10 a day), after the 60th day and before the 91st day, on which he is furnished such services; plus (with respect to such services furnished after December 1967, during such spell of illness):

(2) $20 for each day after the 90th day and before the 151st day on which he is furnished such services.

(b) Since the inpatient hospital services coinsurance amount is set by law at one-fourth (for days after the 60th day and before the 91st day) and one-half (for entitlement days after the 90th day) of the inpatient hospital services deductible, the coinsurance amount applicable for spells of illness beginning after 1968 will reflect any adjustment made in the deductible (see § 405.113(b)).

6. In § 405.116, paragraphs (b), (d), and (e) are revised to read as follows:

§ 405.116 Inpatient hospital services; defined.

* * * * *

(b) *Bed and board.* The reasonable costs are payable in full for hospital room and board furnished an individual in accommodations containing from two to four beds, or in hospitals in which all accommodations are on a ward basis and charges are not related to the number of beds in a room. The reasonable cost of private accommodations is covered in full only where their use is medically indicated, ordinarily only when a patient's condition requires him to be isolated or when an individual (in need of immediate inpatient hospital care but not requiring isolation) is admitted to a hospital which has no semiprivate or ward accommodations, or at a time when such accommodations are occupied. The reasonable cost of private accommodations will be paid in such cases until the individual's condition does not require him to be isolated or, in the case of the individual not requiring isolation, semiprivate accommodations are available. Where private accommodations are furnished for a patient's comfort, the amount payable under this Subpart A may not exceed the reasonable cost of accommodations containing from two to four beds. Where accommodations less expensive than available accommodations containing from two to four beds are furnished a patient and the use of these accommodations was neither at the request of the patient nor for a reason consistent with the purposes of the Act, the amount payable for bed and board is whichever is less, the reasonable cost of such accommodations, or the reasonable cost of two to four bed accommodations minus the difference between the customary charges for such accommodations and the customary charges for the accommodations furnished.

* * * * *

(d)(1) *Drugs and biologicals.* Drugs and biologicals are included as inpatient hospital services only if they:

(i) Represent a cost to the hospital in rendering such services;

(ii) Are furnished to an inpatient for use in the hospital or, with respect to a limited supply required until the patient can obtain a continuing supply, are deemed medically necessary to permit or facilitate the patient's departure from the hospital; and

(iii) Are ordinarily furnished by such hospital for the care and treatment of inpatients.

(2) *Supplies, appliances, and equipment.* Supplies, appliances, and equipment are included as inpatient hospital services only:

(i) If ordinarily furnished by such hospital for the care and treatment of inpatients, and;

(ii) If furnished to an inpatient for use in the hospital, except in the case of a temporary or disposable item provided to an inpatient for use beyond his hospital stay which is medically necessary to permit or facilitate the patient's departure from the hospital and which is required until such time as the patient can obtain a continuing supply, or in cases where it would be unreasonable or impossible from a medical standpoint to discontinue the patient's use of the item at the time of termination of his stay as an inpatient. (For example, tracheostomy or draining tubes, or cardiac valves and cardiac pacemakers.)

(e) *Diagnostic or therapeutic items or services.* Diagnostic or therapeutic items or services other than those provided for in paragraphs (c), (d), and (f) of this section, are considered as inpatient hospital services if furnished by the hospital, or by others under arrangements made by the hospital under which the billing for such services is made through such hospital and if such services are of a kind ordinarily furnished to inpatients either by such hospital or by others under such arrangements.

* * * * *

7. In § 405.120, paragraphs (a), (b)(2), and (d) are revised to read as follows:

§ 405.120 Posthospital extended care services; scope of benefits.

(a) *Benefits and conditions for entitlement.* (1) An individual who meets the requirements described in § 405.102, is eligible to have payment made on his behalf to a participating extended care facility (see § 405.150) for up to 100 days of extended care services (§ 405.124) furnished to him in a spell of illness if he is admitted to such extended care facility within 14 days (as defined in paragraph (d) of this section) after his discharge from a hospital in which he was an inpatient for not less than 3 consecutive calendar days (as defined in paragraph (c) of this section) and such discharge occurred on or after the first day of the month in which the individual attained age 65, or after June 30, 1966, whichever is later.

(2) For purposes of this section the term "hospital," with respect to hospital discharges occurring on or before December 31, 1967, means a hospital (including a psychiatric or tuberculosis hospital) which meets the requirements of paragraphs (1), (2), (3), (4), (5), and (7) of section 1861(e) of the Act, whether or not it meets the requirements of paragraphs (6) and (8) thereof (see § 405.1001). A nonparticipating psychiatric or tuberculosis hospital need not meet the special requirements which apply to psychiatric and tuberculosis hospitals (see §§ 405.1036–405.1040). With respect to hospital discharges occurring on or after January 1, 1968, such term shall mean a hospital (including a psychiatric or tuberculosis hospital) which meets the requirements described in § 405.152(a)(1).

(b) *Services for which payment is not made.* * * *

(2) Where an individual who has been furnished posthospital extended care services is discharged from the extended care facility, no payment may be made for any subsequent extended care services furnished during such spell of illness unless he is again hospitalized for at least 3 consecutive days and the other conditions in paragraph (a) of this section are met; however, for purposes of this subparagraph, an individual is not deemed to have been discharged from an extended care facility in which he has been receiving posthospital extended care services, if, within 14 days (as defined in paragraph (d) of this section) after discharge therefrom, he is readmitted to the same, or any other, participating extended care facility.

* * * * *

(d) *Fourteen-day period; defined.* For the purposes of paragraphs (a) and (b) of this section, "within 14 days" means the period of 14 consecutive calendar days (including Saturdays, Sundays, legal holidays, and days, all or part of which are declared to be a nonworkday for Federal employees by statute or Executive order) beginning with the calendar day following the day of discharge from the hospital or extended care facility, as appropriate.

* * * * *

8. Section 405.122 is revised to read as follows:

§ 405.122 Posthospital extended care services; services considered for purposes of limitation on days of coverage.

For purposes of the limitation on days of coverage (see §§ 405.120(b) and 405.121), extended care services furnished an individual are taken into account only if one or more of the following conditions apply to such services:

(a) Payment is made with respect to such services;

(b) Payment would be made except for failure to comply with the request for payment and certification requirements described in § 405.165; or

(c) Payment cannot be made for such services because of coinsurance requirements described in § 405.124.

9. In § 405.124, paragraph (a) is revised to read as follows:

§ 405.124 Posthospital extended care services; coinsurance amount.

(a) *Spell of illness beginning before 1969.* In any case in which an individual is furnished posthospital extended care services for more than 20 days during a spell of illness beginning before 1969, the amount payable for posthospital extended care services furnished after such 20th day is reduced by a coinsurance

amount equal to $5 for each day (or the actual charge when charges are less than $5 a day) such services are furnished after the 20th day and before the 101st day on which he is furnished such services during such spell of illness.

* * * * *

10. In § 405.125, paragraphs (a)(6), (a)(7), (c), (d), (e), and (f) are revised to read as follows:

§ 405.125 Extended care services; defined.

(a) *Items and services included.* * * *

(6) Medical services provided by an intern or resident-in-training;

(7) Diagnostic or therapeutic services; and

* * * * *

(c) *Bed and board.* Posthospital extended care facility bed and board is covered in full in accommodations containing two to four beds and in extended care facilities in which all accommodations are on a ward basis and charges are not related to the number of beds in a room. Private accommodations are covered in full only where their use is medically indicated, ordinarily when the patient's condition requires him to be isolated. Where private accommodations are furnished for the patient's comfort and their use is not medically indicated, only the reasonable cost of accommodations containing two to four beds is payable under this Subpart A. Where accommodations less expensive than accommodations containing two to four beds are furnished a patient and the use of these accommodations was neither at the request of the patient nor for a reason consistent with the purposes of the Act, the amount payable for bed and board (not to exceed the reasonable cost of such accommodations) is the reasonable cost of two to four bed accommodations minus the difference between the customary charges for such accommodations and the customary charges for the accommodations furnished.

(d) *Physical, occupational or speech therapy.* Physical, occupational or speech therapy services are considered as extended care services if furnished by the extended care facility or if furnished by others under arrangements with them made by the facility under which the billing for such services is through such extended care facility.

(e)(1) *Drugs and biologicals.* Drugs and biologicals are included as extended care services only if they:

(i) Represent a cost to the extended care facility in rendering such services;

(ii) Are furnished to an inpatient for use in the extended care facility or, with respect to a limited supply required until the patient can obtain a continuing supply, are deemed medically necessary to permit or facilitate the patient's departure from the extended care facility; and

(iii) Are ordinarily furnished by such extended care facility for the care and treatment of inpatients.

(2) *Supplies, appliances, and equipment.* Supplies, appliances, and equipment are included as extended care services only;

(i) If ordinarily furnished by such extended care facility for the care and treatment of inpatients, and;

(ii) If furnished to an inpatient for use in the extended care facility except in the case of a temporary or disposable item provided to an inpatient for use beyond his stay which is medically necessary to permit or facilitate the patient's departure from the extended care facility and which is required until such time as the patient can obtain a continuing supply, or in cases where it would be unreasonable or impossible from a medical standpoint to discontinue the patient's use of the item at the time of termination of his stay as an inpatient. (For example, a brace temporarily attached to the patient's body while he is receiving treatment as an inpatient and which is needed to facilitate departure from the extended care facility.)

(f) *Medical services provided by an intern or resident-in-training.* Medical services provided by an intern or resident-in-training are included as extended care services if provided by an intern or resident-in-training of a hospital with which the extended care facility has in effect an agreement for the transfer of patients and exchange of medical records (see § 405.1133), and under a teaching program of such hospital approved in accordance with the provisions described in § 405.116(f).

* * * * *

11. In § 405.131, paragraphs (a), (c), and (d) are revised to read as follows:

§ 405.131 Posthospital home health services; benefits provided.

* * * * *

(a) To an individual who is under the care of a physician (other than a doctor of podiatry or surgical chiropody);

* * * * *

(c) Within the 1-year period after the individual's most recent discharge from a hospital (as defined in § 405.120(a)(2)) in which he was an inpatient for at least 3 consecutive days (see § 405.120(c)), or, if later, after his most recent discharge from an extended care facility in which he was an inpatient and entitled to have payment made for services furnished therein;

(d) Under a plan of treatment, established and periodically reviewed by a physician (other than a doctor of podiatry or surgical chiropody), which was established within 14 days after the date of the individual's discharge specified in paragraph (c) of this section; and

* * * * *

12. Sections 405.141—405.142 are revised to read as follows:

§ 405.141 Outpatient hospital diagnostic services; conditions.

(a) An individual who meets the requirements set forth in § 405.102, is eligible to have payment made on his behalf to a participating hospital (or under the conditions described in §§ 405.152, 405.153, or 405.157) for outpatient hospital diagnostic services (described in § 405.145) furnished to him on or before March 31, 1968, if such items and services:

(1) Are furnished during a diagnostic study (see § 405.144);

(2) Are furnished to him on an outpatient basis;

(3) Are furnished by the hospital or if furnished by others under arrangements made by the hospital, are furnished in the hospital or in other facilities operated by or under the supervision of the hospital or its organized medical staff; and

(4) Are of the type ordinarily furnished by the hospital (or by others under such arrangement described in subparagraph (3) of this paragraph) to the hospital's outpatients for the purposes of diagnostic study.

(b) Diagnostic tests and services furnished on or before March 31, 1968, may also be covered as "medical and other health services" under the supplementary medical insurance benefits plan (see Subpart B of this part if they could not be covered under this Subpart A.

§ 405.142 Outpatient hospital diagnostic services; deductibles.

Any payment under this Subpart A for outpatient hospital diagnostic services furnished during a diagnostic study (see § 405.144) beginning before April 1, 1968, is reduced by:

(a) $20; plus

(b) 20 percent of the reasonable cost for such services in excess of $20.

13. Sections 405.144–405.145 are revised to read as follows:

§ 405.144 Outpatient hospital diagnostic services; diagnostic study defined.

(a) Subject to the provisions of paragraph (b) of this section, a "diagnostic study" for purposes of §§ 405.141 and 405.142 consists of the outpatient hospital diagnostic services provided by (or under arrangements made by) the same hospital during the 20-day period beginning on the first day (not included in a previous diagnostic study) on which the individual meets the requirements described in § 405.102 and on which he is furnished outpatient hospital diagnostic services. The tests and procedures furnished for the purpose of a diagnostic study need not be related to a single illness or condition.

(b) All diagnostic study periods beginning on or after March 12, 1968, and before April 1, 1968, will end as of March 31, 1968, subject to the applicable deductible described in § 405.142.

§ 405.145 Outpatient hospital diagnostic services; defined.

(a) The term "outpatient hospital diagnostic services" includes diagnostic services if furnished under the conditions described in § 405.141. Services of a physician (except services of interns and residents under approved teaching programs—see § 405.522) are excluded. Also excluded are any items or services which would not be included as an "inpatient hospital service" as enumerated in § 405.116 if furnished to an inpatient of a hospital.

(b) Effective with services furnished on or after April 1, 1968, coverage of outpatient hospital diagnostic services is transferred from this Subpart A to the supplementary medical insurance benefits plan described in Subpart B of this part.

14. Sections 405.150–405.152 are revised to read as follows:

§ 405.150 Payment for services furnished; general.

Amounts payable under the provisions described in this Subpart A for inpatient hospital services, posthospital extended care services, posthospital home health services or outpatient hospital diagnostic services furnished to an individual are payable, except as provided in §§ 405.152, 405.153, 405.156, and 405.157, only to a participating provider of services, that is, a provider which has entered into an agreement with the Secretary under the conditions described in Subpart F of this Part 405.

§ 405.151 Payment for services furnished; determination of amount payable based on reasonable cost.

The amount payable to any provider (and under the provisions described in §§ 405.152 and 405.153) with respect to services for which payment may be made under this Subpart A is, subject to the provisions for reducing such payment (see §§ 405.113, 405.114, 405.115, 405.123, 405.124, and 405.142), based on the reasonable cost of such services. The method of determining "reasonable cost" is discussed in Subpart D of this Part 405.

§ 405.152 Payment for services furnished; nonparticipating hospital furnishing emergency services.

(a) Payment (in amounts as determined in accordance with § 405.151) may be made to a hospital even though the hospital is not a participating provider (i.e., it has not entered into an agreement with the Secretary, pursuant to section 1866 of the Act—see § 405.606) if:

(1) The hospital meets the requirements of section 1861(e) (5) and (7) of the Act (see § 405.1001(a)), and:

(i) Is primarily engaged in providing under the supervision of a doctor of medicine or osteopathy the services described in section 1861(e)(1); and

(ii) Is not primarily engaged in providing the services described in section 1861(j)(1)(A) (see § 405.1101(a));

(2) The services furnished are emergency services (see paragraph (b) of this section) furnished an individual who meets the requirements of § 405.102;

(3) The services are furnished by the hospital or by others under an arrangement made by the hospital;

(4) The hospital agrees to comply, with respect to the services furnished, with the provisions of Subpart F of this Part 405 regarding the charges for such services which may be imposed on the individual or any other person, and the return of any money incorrectly collected;

(5) The hospital has filed and the Administration has accepted (with respect to services furnished after December 31, 1967), the hospital's election to claim payment from the health insurance program for all emergency services furnished in a calendar year under title XVIII of the Act (see § 405.658);

(6) Written request for payment is filed by, or on behalf of the individual to whom such services were furnished;

(7) Payment for the services would have been made if an agreement under § 405.606 had been in effect with the hospital and the hospital otherwise met the conditions for payment;

(8) The hospital's claim for payment is filed with the Administration and is accompanied (attached thereto or as part thereof) by a physician's statement describing the nature of the emergency and stating that the emergency services rendered were necessary to prevent the death of the individual or the serious impairment of his health. The statement must be sufficiently comprehensive to support a finding (see § 405.191) that an emergency existed. Where the hospital files a second or subsequent claim with respect to such emergency situation, such second or subsequent claim must be accompanied by a physician's statement containing sufficient information to indicate clearly that the emergency situation still existed. When inpatient hospital services are involved, an initial or subsequent physician's statement (as appropriate) must include the date when, in the physician's judgment, the emergency ceased.

(b) For purposes of the hospital insurance benefits program, "emergency services" are those inpatient hospital services (see § 405.116) and outpatient hospital diagnostic services (furnished before April 1968—see § 405.145) which are necessary to prevent the death or serious impairment of the health of the individual, and which, because of the threat to the life or health of the individual, necessitate the use of the most accessible hospital (see § 405.192) available and equipped to furnish such services. (With respect to outpatient hospital services furnished on or after April 1, 1968—see § 405.249.)

15. In § 405.153, paragraph (c) is revised to read as follows:

§ 405.153 Payment for services; hospital outside the United States furnishing emergency services.

* * * * *

(c) The conditions set forth in § 405.152(a) (4) and (7) are met.

16. Sections 405.156–405.158 are added to read as follows:

§ 405.156 Payment to entitled individual for services furnished by a nonparticipating hospital; inpatient admission before January 1, 1968.

(a) Subject to the conditions and limitations in the succeeding paragraphs of this section an individual may, with respect to an inpatient hospital admission before January 1, 1968, receive payment (see § 405.158) on the basis of an itemized hospital bill for inpatient hospital services furnished by (or under arrangements made by) a hospital after June 1966, if at the time such services were furnished:

(1) The individual met the conditions for entitlement to hospital insurance benefits under the provisions described in this Subpart A (see § 405.102);

(2) The hospital did not have an agreement in effect pursuant to the provisions of § 405.606 (relating to provider agreements for participation in the health insurance program) but would have been eligible, subject to the conditions and limitations set out in this Part 405 and title XVIII of the Act, to receive payment with respect to such services if at the time such services were furnished the hospital had such an agreement in effect;

(3) The hospital met the requirements of section 1861(e) (5) and (7) of the Act (see § 405.1001(a)) and (i) was primarily engaged in providing under the supervision of a doctor of medicine or osteopathy the services described in section 1861(e)(1) and (ii) was not primarily engaged in providing the services described in section 1861(j)(1)(A) of the Act (see § 405.1101(a));

(4) The hospital did not meet the requirements that must be met to permit payment to be made to the hospital under the provisions of this Subpart A; and

(5) Written application for payment is filed with the Administration before January 1, 1969, by or on behalf of the individual to whom the services were furnished.

(b) Benefits may be paid to an individual pursuant to paragraph (a) of this section for:

(1) 20 days of inpatient hospital services furnished during a spell of illness, less 1 day for each day in excess of 70 days for which the individual is otherwise entitled to have payment made under this Subpart A during such spell of illness; or

(2) 90 days of inpatient hospital services furnished during a spell of illness, less 1 day for each day for which the individual is otherwise entitled to have payment made under this Subpart A during such spell of illness, but only if the hospital furnishing such services enters into an agreement pursuant to § 405.606 before January 1, 1969, and furnishes to the Administration (with respect to the individual's application for payment) a determination pursuant to the hospital's utilization review plan (see § 405.1035) regarding the need for more than 20 days of inpatient hospital services during such spell of illness.

(c) Benefits may not be paid to an individual pursuant to paragraph (a) of this section for expenses incurred for items or services that are paid for directly, or indirectly, by any governmental entity (e.g., services which have been paid for by a public welfare plan or program, or services furnished by a Federal hospital).

§ 405.157 Payment to entitled individual for emergency services furnished after 1967.

An individual entitled to hospital insurance benefits (see § 405.102) may receive payment on the basis of an itemized hospital bill (see § 405.158) for inpatient

hospital services furnished with respect to an admission to the hospital on or after January 1, 1968, and for outpatient hospital diagnostic services furnished on or after January 1, 1968, and before April 1, 1968, if:

(a) The services are furnished by a nonparticipating hospital and would otherwise constitute emergency services for which payment may be made under the provisions of § 405.152, if such hospital had filed, and the Administration had accepted, the hospital's election to claim payment for all such emergency services; and

(b) Written application for payment is filed with the Administration by, or on behalf of, the individual to whom the services were furnished.

§ 405.158 Payment to entitled individual; determination of amount payable for services furnished by a nonparticipating hospital.

(a) *Inpatient hospital services.* (1) The amount payable to any individual with respect to payment under this Subpart A for inpatient hospital services (including emergency inpatient services) furnished by a nonparticipating hospital (see §§ 405.156 and 405.157) is, subject to the provisions of §§ 405.113 through 405.115 for reducing such payment, equal to 60 percent of the hospital's reasonable charges for routine services furnished in accommodations occupied by the individual, or in accommodations containing from two to four beds, whichever is less; plus

(2) 80 percent of the reasonable charges for ancillary services. If the hospital does not make separate charges for such routine and ancillary services, payment (subject to the applicable deductions) will be equal to two-thirds of the hospital's reasonable charges for the inpatient services received, not to exceed charges based on accommodations containing from two to four beds.

(b) *Emergency outpatient hospital diagnostic services.* The amount payable to any individual with respect to payment under this Subpart A for emergency outpatient hospital diagnostic services furnished by a nonparticipating hospital on or after January 1, 1968, and before April 1, 1968 (see § 405.157) is, subject to the provisions of § 405.142 for reducing such payment, equal to 80 percent of the hospital's reasonable charge for such services.

(c) *Routine and ancillary services; defined.* For purposes of this section the term "routine services" means the regular room, dietary and nursing services, minor medical and surgical supplies, and the use of equipment and facilities for which a separate charge is not customarily made. Charges for two to four bed accommodations or the accommodations occupied, whichever is less, will be the basis for the routine charges allowed. The term "ancillary services" means those covered special services for which charges are customarily made over and above those for routine services.

17. In § 405.160, paragraphs (a), (1), (2), (b), (1), (2), (c), (1), and (2) are revised to read as follows:

§ 405.160 Payment to participating hospital for inpatient hospital services; conditions for payment.

(a) *Inpatient hospital services.* Payment may be made to a participating hospital for inpatient hospital services (other than inpatient psychiatric or tuberculosis hospital services) furnished an individual if:

(1) Written request for payment is filed by, or on behalf of the individual to whom the services were furnished;

(2) When required, a physician (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part) that such inpatient hospital services were required to be given on an inpatient basis for the individual's medical treatment, or that inpatient diagnostic study was medically required and the services were necessary for such purpose; and

* * * * *

(b) *Inpatient psychiatric hospital services.* Payment may be made to a participating hospital for inpatient psychiatric hospital services furnished an individual if:

(1) Written request for payment is filed by or on behalf of the individual to whom the services were furnished;

(2) When required, a physician (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part) that such inpatient psychiatric hospital services were required to be given on an inpatient basis, by or under the supervision of a physician, for the psychiatric treatment of the individual, and

* * * * *

(c) *Inpatient tuberculosis hospital services.* Payment may be made to a participating hospital for inpatient tuberculosis hospital services furnished an individual if:

(1) Written request for such payment is filed by or on behalf of the individual to whom the services were furnished;

(2) When required, a physician (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part), that such services were required to be given on an inpatient basis, by or under the supervision of a physician, for the treatment of tuberculosis and such treatment could reasonably be expected to improve the condition or render the condition noncommunicable;

* * * * *

18. In § 405.161, paragraphs (a) and (a)(2) are revised to read as follows:

§ 405.161 Payment for inpatient hospital services; furnished after 90- or 150-day limit or after 190-day limit.

(a) Even though an individual is not entitled to have payment made under this Subpart A for inpatient hospital services because of the 90-day or up to 150-day (as appropriate) benefit limitation for a spell of illness as described in § 405.110(c), or the 190-day lifetime benefit limitation on inpatient psychiatric hospital services see § 405.110(d), payment may be made for the inpatient hospital services furnished after such 90th or 150th day or after such 190th day in the case of inpatient psychiatric hospital services if:

* * * * *

(2) The individual has exhausted the additional 60 days of inpatient hospital services for which he is entitled to have payment made (see § 405.110(a)(2)) and payment is precluded only because of the limitations on days of services discussed in §§ 405.110–405.112 inclusive;

* * * * *

19. Sections 405.162–405.163 are revised to read as follows:

§ 405.162 Prohibition against payment for inpatient hospital services furnished after utilization review finding that further services are not medically necessary.

Where pursuant to a system of utilization review (see § 405.1035), a finding has been made that further inpatient hospital services are not medically necessary, payment may be made only for those inpatient hospital services furnished before the fourth day following the day on which the hospital received notice of such finding.

§ 405.163 Prohibition against payment for inpatient hospital services furnished after 20th consecutive day by a hospital which has failed to make timely utilization review.

Where the Secretary has determined that a hospital has substantially failed to make timely utilization review (see § 405.617) in long stay cases and has imposed the limitation on days of services provided in section 1866(d), no payment may be made under this Subpart A for inpatient hospital insurance services furnished by such hospital to any individual after the 20th consecutive day on which such services have been furnished to him if the individual is admitted after the effective date of such determination.

20. In § 405.165, paragraphs (a), (b), and (b)(1) are revised to read as follows:

§ 405.165 Payment for posthospital extended care services; conditions.

* * * * *

(a) Written request for such payment is filed by or on behalf of the individual to whom such services were furnished;

(b) When required, a physician (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part) that such services were required to be given on an inpatient basis because the individual needed skilled nursing care on a continuing basis:

(1) For any of the conditions with respect to which he was receiving inpatient hospital services (or services which would constitute inpatient hospital services if the institution had met the necessary requirements relating respectively to a utilization review plan (see § 405.1035) and such other requirements as the Secretary finds necessary in the interest of health and safety (see

§ 405.1001 et seq) for qualification as a "hospital") prior to transfer to the extended care facility; or

* * * * *

21. Sections 405.166–405.167 are revised to read as follows:

§ 405.166 Prohibition against payment for posthospital extended care services furnished after a utilization review finding that services are not medically necessary.

Where pursuant to a system of utilization review (see § 405.1137), a finding has been made that further posthospital extended care services are not medically necessary, payment may be made only for those posthospital extended care services furnished before the fourth day following the day on which the extended care facility received notice of such finding.

§ 405.167 Prohibition against payment for services furnished by a facility which fails to make timely utilization review.

Payment may not be made for posthospital extended care services furnished an individual on any day after the 20th consecutive day on which such services have been furnished the individual, if such individual is admitted to the extended care facility after the effective date of the Secretary's determination (which can be effective only after notice to the facility and the hospital or hospitals with which it has a transfer agreement, and to the public) that such facility has substantially failed to make timely utilization review (see § 405.617) of long stay cases, and that payment for posthospital extended care services is to be so limited. For prohibition against payment for inpatient hospital services furnished after failure to make timely utilization review, see § 405.163.

22. In § 405.170, paragraphs (a), (b), (b)(3), and (b)(4) are revised to read as follows:

§ 405.170 Payment for posthospital home health services; conditions.

* * * * *

(a) Written request for such payment is filed by or on behalf of the individual to whom such services are furnished;

(b) When required, a physician (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part) that:

* * * * *

(3) A plan for furnishing such services to such individual has been established and is periodically reviewed by a physician (other than a doctor of podiatry or surgical chiropody); and

(4) The services were furnished while the individual was under the care of a physician (other than a doctor of podiatry or surgical chiropody).

23. Section 405.175 is revised to read as follows:

§ 405.175 Payment to participating hospital for outpatient hospital diagnostic services; conditions.

Payment may be made to a participating hospital for outpatient hospital diagnostic services furnished before April 1968 (see §§ 405.141–405.145), only if:

(a) Written request for such payment is filed by or on behalf of the individual to whom such services were furnished: and (in the case of such services furnished before January 3, 1968);

(b) A physician (other than a doctor of podiatry or surgical chiropody) certifies (see Subpart P of this part) that such services were required for diagnostic study.

24. Sections 405.191 and 405.192 are added to read as follows:

§ 405.191 Emergency services; finding that an emergency existed and/or has ceased.

(a) *General.* Payment to a nonparticipating hospital for emergency services (as defined in § 405.152(b)) can be made only for the period during which the emergency exists.

(b) *Objective.* The objective of paragraph (a) of this section is to limit reimbursement for emergency inpatient hospital services only to periods during which the patient's state of injury or disease is such that a health or life-endangering emergency existed and continued to exist, requiring immediate care which could only be provided in a hospital.

(1) The finding that an emergency existed and/or has ceased will ordinarily be supported by medical evidence including the attending physician's supporting statement (see § 405.152(a)(8)) and, when appropriate, information furnished by the hospital. However, a statement by the physician or hospital that an emergency existed, in the absence of sufficient medical information to establish the actual emergency, will not constitute sufficient evidence of the existence of an emergency.

(2) An emergency no longer exists when it becomes safe from a medical standpoint to move the individual to a participating hospital or other institution, or to discharge him.

(3) Existence of medical necessity for emergency services is based on the physician's assessment of the patient prior to admission to the hospital. Therefore, conditions developing after a nonemergent admission are not considered emergency services for purposes of this subparagraph.

(4) Death of the patient during hospitalization will not necessarily establish the existence of an emergency, as some chronically ill patients, while requiring long terminal hospitalization, are not in need of immediate hospitalization, so that care in a participating hospital can be planned. Similarly, lack of adequate care at home does not necessarily establish need for emergency services.

(5) Lack of transportation to a participating hospital does not constitute a reason for emergency hospital admission, unless there is also an immediate threat to the life and health of the patient.

§ 405.192 Emergency services; finding of accessibility.

(a) *General.* Services, to be emergency services (as defined in § 405.152(b)), must be furnished by the most accessible hospital available and equipped to furnish such services.

(b) *Objectives.* The objective of the requirement in paragraph (a) of this section is to limit reimbursement for emergency inpatient hospital services provided by nonparticipating hospitals to situations where transport of the patient to a participating hospital would have been medically inadvisable, e.g., the participating hospital would have taken longer to reach and the patient's condition necessitated immediate admission for hospital services; and for so long as that condition precluded the patient's discharge or removal to a participating hospital.

(1) In emergency situations, time is a crucial factor and the patient must ordinarily receive hospital care as soon as possible. Under such circumstances, all factors must be considered which bear on whether or not the required care could be provided sooner in the nonparticipating hospital than in a participating hospital in the general area. The determination must take account of such matters as relative distances of the participating and nonparticipating hospitals, the transportation facilities available to these hospitals, the quality of the roads to each hospital, the availability of beds at each hospital, and any other relevant factors. All of these factors are pertinent to a determination of whether a hospital is "the nearest," or "further away," or "closer to" the place where the emergency occurred.

(2) The considerations referred to in subparagraph (1) of this paragraph are generally applicable to rural areas, where hospitals are likely to be spaced far apart. In urban and suburban areas, where both participating and nonparticipating hospitals are similarly available, it will be presumed that the services could have been provided in a participating hospital. This presumption can be overcome only by clear and convincing evidence showing the medical or practical necessity in each individual case for taking the patient to a nonparticipating hospital instead of a similarly available participating hospital.

(3) There are some situations requiring prompt removal of a patient to a hospital but in which there was no immediate need, of the kind described in subparagraph (1) of this paragraph, to rush the patient to a hospital, i.e., his condition, while requiring prompt attention in a hospital, indicated there was some time available to get him to one. In such cases the services provided in a nonparticipating hospital are not covered as emergency inpatient hospital services if there was a participating hospital in the same general area but further away from the place where the emergency occurred, provided that professional judgment confirms that the additional time required to take the patient to the participating hospital would not have been hazardous to the patient.

(4) The determination whether the nonparticipating hospital which claims reimbursement is the most "accessible"

hospital will be made on the basis of the considerations set forth in paragraphs (c) and (d) of this section; interpreted in accordance with the statement of objectives in this paragraph (b). The personal preference of a patient, or of his physician, or of members of his family, or others, in the selection of a hospital, will not be considered a factor in determining whether services were furnished by the most accessible hospital. Nor will the nonavailability of staff privileges to the attending physician in a participating hospital which is available and most accessible to the patient, or the location of previous medical records, be considered a factor in the determination of accessibility.

(c) *Conditions under which the accessibility requirement will be met.* Where an individual must be taken to a hospital immediately for required diagnosis or medical treatment, the accessibility requirement will be met, except as provided in paragraph (d) of this section, if it is established to the satisfaction of the Administration that:

(1) The nonparticipating hospital which furnished the emergency services is the nearest hospital to the point at which the emergency occurred (subject to the presumption contained in paragraph (b)(2) of this section); and, if there is a similarly available participating hospital, the evidence shows the medical or practical necessity for taking the patient to a nonparticipating hospital; or

(2) One or both of the following reasons apply:

(i) No closer participating hospital has a bed available or will accept the individual; or

(ii) The nonparticipating hospital is the nearest one equipped medically to deal with the type of emergency involved; or it is the nearest hospital which is equipped to handle the emergency which had a bed available when the emergency occurred.

(d) *Conditions under which the accessibility requirement will not be met.* The accessibility requirement will not be met if:

(1)(i) The diagnosis in the emergency claim or other evidence indicates there was some time for getting the individual to a hospital, and no immediate need to rush him to one; and

(ii) There is a participating hospital in the area which is further away from the point at which the emergency occurred than the nonparticipating hospital, but is equipped to handle such an emergency; and

(iii) The additional time it would have required to take the individual to the participating hospital would not have been hazardous to the patient; or

(2) There is a participating hospital, equipped to handle the emergency with a bed available, closer to where the emergency occurred than the nonparticipating hospital in which the beneficiary received emergency services; and neither of the reasons described in paragraph (c)(2) of this section apply.

[F.R. Doc. 69-7812; Filed, July 2, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Notification to Public Agencies of Surplus Property for Zoning and Acquisition Purposes

NOTE: Due to inadvertent errors, this document which formerly appeared in the issue for Thursday, June 26, 1969, at page 9858, is being republished.

The Intergovernmental Cooperation Act of 1968, 82 Stat. 1098, among other things, amended the Federal Property and Administrative Services Act of 1949, as amended, to add a new title VIII thereto entitled "Urban Land Utilization." Section 803 thereof, requires that the unit of general local government having jurisdiction over zoning and land use regulations be notified prior to offering for sale real property situated in an urban area to afford that local governmental unit the opportunity of such zoning for the use of the land in accordance with local comprehensive planning. It also provides that prospective purchasers be furnished with such zoning information and advice as availability of streets, sidewalks, water, street lights, and other service facilities. This amendment to Part 101-47 implements section 803 of the Federal Property Act, and makes other incidental revisions in the regulations. The requirement to give the local governmental unit the opportunity to zone in accordance with local comprehensive planning prior to offering for sale supersedes the previous practice of soliciting comprehensive and coordinated plans from the local public agencies for the use and procurement of surplus real property.

The table of contents for Part 101-47 is amended by adding three entries, as follows:

Sec.

101-47.303-2a	Notice for zoning purposes.
101-47.4906a	Attachment to notice sent to zoning authority.
101-47.4906b	Paragraph to be added to letter sent to zoning authority.

Subpart 101-47.3—Surplus Real Property Disposal

1. Section 101-47.303-2 is amended as follows:

§ 101-47.303-2 Disposals to public agencies.

Citations of the statutes authorizing the disposal of property to public agencies, the type of property the public agencies may procure under each statute, and the public agencies eligible to procure such property are given in § 101-47.4905.

* * * * *

(f) If the disposal agency is not informed within the 20-calendar-day period provided in the notice of the desire of a public agency to acquire the property under the provisions of the statutes listed in § 101-47.4905, or is not notified by the Department of Health, Education, and Welfare of a potential educational or public health requirement, it shall be assumed that no public agency or nonprofit institution desires to procure the property.

(g) The disposal agency shall promptly review each response of a public agency to the notice given pursuant to § 101-47.303-2(b). The disposal agency shall determine what constitutes a reasonable period of time to allow the public agency to develop and submit a formal application for the property. When making such determination, the disposal agency shall give consideration to the potential suitability of the property for the use proposed, the length of time the public agency has stated it will require to develop and submit a formal application, the protection and maintenance costs to the Government during such length of time, and any other relevant facts and circumstances. The disposal agency shall coordinate such review and determination with the proper regional office of any interested Federal agencies listed below:

(1) Bureau of Outdoor Recreation, Department of the Interior;

(2) Department of Health, Education, and Welfare;

(3) Federal Aviation Administration, Department of Transportation;

(4) Fish and Wildlife Service, Department of the Interior; and

(5) Federal Highway Administration, Department of Transportation.

(h) When the disposal agency has made a determination as to what constitutes a reasonable period of time to develop and submit a formal application, the public agency shall be so notified. The public agency shall be advised of the information required in connection with an application to procure the property.

(i) Upon receipt of the formal application for the property, the disposal agency shall consider and act upon it in accordance with the provisions of the statute and applicable regulations.

2. New § 101-47.303-2a is added as follows:

§ 101-47.303-2a Notice for zoning purposes.

(a) Where the surplus land is located in an urban area as defined in section 806 of the Act, that copy of the notice to public agencies required under § 101-47.303-2(b) which is sent to the head of the local governmental unit having jurisdiction over zoning and land use regulation in the area shall be accompanied by a copy of section 803 of the Act (see § 101-47.4906a) and the transmittal letter in such instances shall include an additional paragraph requesting information concerning zoning as set forth in § 101.47.4906b.

(b) Information which is furnished by the unit of general local government pursuant to the action taken in paragraph (a) of this section shall be included in Invitations for Bid in advertised sales. In negotiated sales, this information

shall be presented to prospective purchasers during the course of the negotiations and shall be included in the sales agreements. In either instance, this information shall be followed by a written statement, substantially as follows:

The above information was obtained from _____ and is furnished pursuant to section 803 of the Federal Property and Administrative Services Act of 1949, as amended. The Government does not guarantee that the information is necessarily accurate or will remain unchanged. Any inaccuracies or changes in the above information shall not be cause for adjustment or rescission of any contract resulting from this Invitation for Bid or Sales Agreement.

(c) If no response to a request for such zoning information is received, the property may be offered for sale without furnishing such information to prospective purchasers. If the unit of general local government notifies the disposal agency of its desire to zone the property, it shall be afforded a 30-calendar-day period (in addition to the 20-calendar days afforded in the notice of surplus determination) to issue such zoning regulations. If the zoning cannot be accomplished within this time frame, the sale may proceed but the prospective purchasers shall be advised of the pending zoning of the property.

Subpart 101–47.49—Illustrations

1. Section 101–47.4906 is revised as follows:

§ 101–47.4906 Sample notice to public agencies of surplus determination.

NOTICE OF SURPLUS DETERMINATION—GOVERNMENT PROPERTY

_____
(Date)

_____
(Name of property)

_____
(Location)

Notice is hereby given that the _____, (Name of property) _____, has been determined (Location) to be surplus Government property. The property consists of 1,333.65 acres of fee land and a 5.968-acre drainage ditch easement, together with installed landing strips, taxiways, walks, roads, parking area, electrical system, and fencing.

This property is surplus property available for disposal pursuant to the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and applicable regulations. The applicable regulations provide that public agencies (non-Federal) shall be allowed a reasonable period of time to submit a formal application for surplus real property in which they may be interested. Disposal of this property, or portions thereof, may be made to public agencies for the public uses stated below whenever the Government has determined that the property is available for such uses and that disposal thereof is authorized by the statutes cited and applicable regulations: [1]

Statutes	*Type of disposal*
50 U.S.C. App. 1622(h)	Public park, recreational area, or historic monument.
40 U.S.C. 484(k)(1)(A)	School, classroom, or other educational purposes.
40 U.S.C. 484(k)(1)(B)	Protection of public health, including research.
50 U.S.C. App. 1622(g)	Public airport.
23 U.S.C. 107 and 317	Federal aid and certain other highways.
40 U.S.C. 484(e)(3)(H)	Negotiated sales to public bodies for use for public purposes generally.[2]

If any public agency desires to acquire the property under cited statutes, notice thereof in writing must be filed with _____ (Name of disposal agency), _____ (Address), before _____ Standard (Hour and zone) Time, _____ (Day), _____ (Date).[3] Such notice shall:

1. Disclose the contemplated use of the property;

2. Contain a citation of the applicable statute or statutes under which the public agency desires to procure the property;

3. Disclose the nature of the interest if an interest less than fee title to the property is contemplated;

4. State the length of time required to develop and submit a formal application for the property (where a payment to the Government is required under the statute, include a statement as to whether funds are available and, if not, the period required to obtain funds); and

5. Give the reason for the time required to develop and submit a formal application.

Any planning for an educational or a public health use of property sought to be acquired subject to a public benefit allowance must be coordinated with the Department of Health, Education, and Welfare _____ (Address of proper regional office). An application form to acquire property for an educational or public health requirement, and instructions for the preparation and submission of an application, may be obtained from that office. Application forms or instructions to acquire property for all other public use requirements may be obtained from _____ (Name of disposal agency), _____ (Address).[4]

Upon receipt of such written notice, the public agency shall be promptly informed concerning the period of time that will be allowed for submission of a formal application.

In the absence of such written notice, or in the event a public use proposal is not approved, the regulations issued pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, provide for offering the property for sale for its highest and best use.

2. New §§ 101–47.4906a and 101–47.4906b are added as follows:

§ 101–47.4906a Attachment to notice sent to zoning authority.

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, AS AMENDED

TITLE VIII—URBAN LAND UTILIZATION

DISPOSAL OF URBAN LANDS

SEC. 803

(a) Whenever the Administrator contemplates the disposal for or on behalf of any Federal agency of any real property situated within an urban area, he shall, prior to offering such land for sale, give reasonable notice to the head of the governing body of the unit of general local government having jurisdiction over zoning and land-use regulation in the geographical area within which the land or lands are located in order to afford the government the opportunity of zoning for the use of such land in accordance with local comprehensive planning.

(b) The Administrator, to the greatest practicable extent, shall furnish to all prospective purchasers of such real property, full and complete information concerning:

(1) Current zoning regulations and prospective zoning requirements and objectives for such property when it is unzoned; and

(2) Current availability to such property of streets, sidewalks, sewers, water, street lights, and other service facilities and prospective availability of such services if such property is included in comprehensive planning.

§ 101–47.4906b Paragraph to be added to letter sent to zoning authority.

As the head of the governing body of the unit of general local government having jurisdiction over zoning and land-use regulations in the geographical area within which this surplus property is located, you also may be interested in section 803 of the Federal Property and Administrative Services Act of 1949, as amended, 82 Stat. 1105, a copy of which is attached for ready reference. It is requested that the information contemplated by section 803(b) be forwarded this office within the same 20-calendar-day period prescribed in the attached notice of surplus determination for the advising of a desire to acquire the property. If the property is unzoned and you desire the opportunity to accomplish such zoning in accordance with local comprehensive planning pursuant to section 803(a), please so advise us in writing within the same time frame and let us know the time you will require for the promulgation of such zoning regulations. We will not delay sale of the property pending such zoning for more than 50 days from the date of this notice. However, if you will not be able to accomplish the desired zoning before the property is placed on sale, we will advise prospective purchasers of the pending zoning in process.

3. Section 101–47.4906–1 is revised as follows:

[1] List only the statutes (showing type of disposal) applicable to disposal to public bodies of the property determined to be surplus.

[2] List only for properties having an estimated fair market value of $10,000 or more.

[3] This date shall be 20 calendar days after the date of the notice.

[4] Delete this paragraph whenever property is not available for transfer for an educational or public health use.

§ 101–47.4906–1 Sample letter for transmission of notice of surplus determination.

(Date)

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

(Addressee)

Dear ---:

The former ---
(Name of property)
--- has been determined to be surplus Government property and available for disposal.
(Location)

Included in the attached notice are a description of the property and procedural instructions to be followed if any public agency desires to submit an application for the property. Please note particularly the name and address given for filing written notice if any public agency desires to submit such an application, the time limitation within which written notice must be filed, and the required content of such notice.

In order to ensure that all interested parties are informed of the availability of this property, please post the additional copies of the attached notice in appropriate conspicuous places.[1]

A notice of surplus determination also is being mailed to ---
(Other addressees)

Sincerely,

Attachment

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

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

Dated: June 20, 1969.

JOHN W. CHAPMAN, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 69–7539; Filed, June 25, 1969; 8:48 a.m.]

[1] Attach as many copies of the notice as may be anticipated will be required for adequate posting.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 95—CITIZENS RADIO SERVICE

Miscellaneous Amendments

Order. 1. The Commission has before it the desirability of making certain editorial changes in its Citizens Radio Service Rules to clarify the meaning of § 95.37 and to delete from § 95.41 a frequency availability footnote which is no longer pertinent.

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

3. *It is ordered,* That Part 95 of the rules and regulations is amended as set forth below effective July 3, 1969.

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

Adopted: June 30, 1969.

Released: June 30, 1969.

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

Part 95 of the Commission's rules is amended as follows:

1. In § 95.37, paragraph (a)(2) is amended to read as follows:

§ 95.37 Limitations on antenna structures.

(a) * * *

(2) The antenna structures proposed to be erected will exceed an overall height of 1 foot above the established airport (landing area) elevation for each 200 feet of distance or fraction thereof from the nearest boundary of such landing area except where the antenna does not exceed 20 feet above the ground or where the antenna is mounted on top of an existing manmade structure, other than an antenna structure, or natural formation and does not increase the overall height of such manmade structure or natural formation by more than 20 feet. Application for Commission approval, if required, shall be submitted on FCC Form 400.

* * * * *

§ 95.41 [Amended]

2. Section 95.41(a)(1) is amended by the deletion of footnote 1.

[F.R. Doc. 69–7870; Filed, July 2, 1969; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1029]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Co. Authorized To Operate Over Tracks of Penn Central Co.

Revised Service Order No. 1029, supersedes Service Order No. 1029.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of June 1969.

It appearing, that because abandonment of the Albany Union Passenger Station and removal of the passenger train interchange tracks between the Delaware and Hudson Railway Co. and the Penn Central Co. at Albany, N.Y., these railroads are unable to interchange passenger trains at Albany, N.Y.; that the Delaware and Hudson Railway Co., in Finance Docket No. 25677, has requested that the Commission authorize operation by the Delaware and Hudson Railway Co. over tracks of the Penn Central Co. between Penn Central Co. milepost 142.4 in the vicinity of Rensselaer, N.Y., and milepost 160.0 in the vicinity of Schenectady, N.Y., pending final disposition by the Commission of the application of the Delaware and Hudson Railway Co. in Finance Docket No. 25677:

It is ordered, That:

§ 1033.1029 Service Order No. 1029.

(a) *Delaware and Hudson Railway Co. authorized to operate over tracks of Penn Central Co.* The Delaware and Hudson Railway Co. be, and it is hereby, authorized to operate over tracks of the Penn Central Co. between Penn Central Co. milepost 142.4 in the vicinity of Rensselaer, N.Y., and milepost 160.0 in the vicinity of Schenectady, N.Y.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as to interstate traffic.

(c) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Effective date.* This order shall become effective at 12:01 a.m., June 29, 1969.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–7878; Filed, July 2, 1969; 8:49 a.m.]

[S.O. 1030]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Tracks of Atchison, Topeka and Santa Fe Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of June 1969.

It appearing, that because of track damage from flooding, the Atchison,

Topeka and Santa Fe Railway Co. is unable to serve shippers located on its line in Alma, Kans.; that the Chicago, Rock Island and Pacific Railroad Co. has agreed to serve industries located on the Atchison, Topeka and Santa Fe Railway Co. at Alma, Kans.; that the Commission is of the opinion that operation by the Chicago, Rock Island and Pacific Railroad Co. over tracks of The Atchison, Topeka and Santa Fe Railway Co. is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice:

It is ordered, That:

§ 1033.1030 Service Order No. 1030.

(a) *Chicago, Rock Island and Pacific Railroad Co. authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Co.* The Chicago, Rock Island and Pacific Railroad Co. be, and it is hereby authorized, to operate over tracks of the Atchison, Topeka and Santa Fe Railway Co. at Alma, Kans.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Chicago, Rock Island and Pacific Railroad Co. over tracks of the Atchison, Topeka and Santa Fe Railway Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Chicago, Rock Island and Pacific Railroad Co. over these tracks of the Atchison, Topeka and Santa Fe Railway Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., June 28, 1969.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–7877; Filed, July 2, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 967]

CELERY GROWN IN FLORIDA

Marketable Quantity for 1969–70 Season; Uniform Percentage; and Limitation on Handling

Notice is hereby given that the Secretary of Agriculture is considering the approval of a limitation of shipments regulation, hereinafter set forth, which was recommended by the Florida Celery Committee, established pursuant to Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR Part 967; 33 F.R. 17845), regulating the handling of celery grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

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

The annual production from the acreage planted recently in Florida and California has readily exceeded the demand capacity of the United States, Canada, and the export market without some type of weather difficulty.

The amount of Florida celery marketed during the last three seasons has been 7,702,000 crates, 7,248,000 crates, and 7,600,000 crates respectively. During these same 3 years approximately the following acres have been abandoned for economic reasons alone—1,400, 745, and 200.

It is estimated Florida celery producers will plant 13,000 acres in 1969–70, 9 percent above last season's acreage. With an average yield of 670 crates per acre there would be a potential supply of 8,710,000 crates. Under normal conditions Florida cannot reasonably expect to market such an amount economically.

For these and other reasons contained in the Committee's Marketing Policy Statement it is believed that these regulations are necessary to maintain orderly marketing.

The proposal is as follows:

§ 967.305 Marketable quantity for 1969–70 season; uniform percentage; and limitation on handling.

(a) The Marketable Quantity for the 1969–70 season is established, pursuant to § 967.36(a), as 7,887,375 crates.

(b) As provided in § 967.38(a), the Uniform Percentage for the 1969–70 season is determined as 84.312 percent.

(c) During the season August 1, 1969, through July 31, 1970, no handler may handle, as provided in § 967.36(b)(1), any harvested celery unless it is within the Marketable Allotment for the producer of such celery.

(d) No reserve for Base Quantities for the 1969–70 season is established.

(e) Terms used herein shall have the same meaning as when used in the said amended marketing agreement and order.

Dated: June 27, 1969.

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

[F.R. Doc. 69–7861; Filed, July 2, 1969; 8:48 a.m.]

[7 CFR Part 1013]

[Docket No. AO–286–A14]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Decision and Order To Terminate Proceeding on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fort Lauderdale, Fla., on January 9–11, 1968, pursuant to notice thereof issued on December 29, 1967 (33 F.R. 78).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on April 25, 1969 (34 F.R. 7173; F.R. Doc. 69–5190) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue, findings and conclusions and rulings of the recommended decision (34 F.R. 7173; F.R. Doc. 69–5190) are hereby approved and adopted and are set forth in full herein.

The material issue on the record of the hearing relates to the adoption of a Class I base plan.

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

The Southeastern Florida order should not be amended to provide for a Class I base plan.

The order now provides for the distribution of total returns from producer milk through the payment of a uniform price, which is the same for each producer for all his milk. Independent Dairy Farmers' Association (IDFA) proposes that such returns be distributed through a Class I base plan under which producers would receive approximately the Class I price for their "base" deliveries and approximately the Class III price for deliveries in excess of their base. Under their plan, a producer's base would reflect his proportionate share of the Class I sales in the market based on his deliveries relative to the total producer milk pooled during a representative period.

IDFA represents 74 of the 88 producers under the order and markets 75 to 80 percent of the total producer milk. As the marketing agent for its members, IDFA assumes the role of balancing milk supplies, both on a seasonal and day-to-day basis, with the fluid milk requirements of handlers. This entails importing milk into the market when local supplies are short and disposing of supplies that are in excess of handlers' needs.

Since 1961, IDFA has operated a type of Class I base plan outside the order to encourage members to adjust their production to the needs of the market. The institution of their plan followed the removal from the order of a seasonal base-excess plan, which was considered to have stimulated excessive production because of a "race for base" by producers. IDFA claims that its plan places members at an economic disadvantage compared to other producers on the market, since the plan applies only to its members.

It points out that the other producers, being outside the plan, receive for all their milk the order uniform price, which in 1968 averaged $6.96.[1] When these producers increase their production, they receive the uniform price on the additional milk also. Its members, IDFA indicates, do not. Although IDFA receives for its members the order uniform price for all their milk, these returns are redistributed to the members through their Class I base plan. Members receive approximately the Class I price for base milk and approximately the Class III price for milk exceeding their base, IDFA stated. Under the order, Class I and Class III prices averaged $7.31 and $4.32, respectively, in 1968. IDFA stresses that any additional production by a member already producing his base returns to him only the lower price. It is this difference—approximately $2.64 in 1968—in returns to members and to other producers for additional milk production,

[1] Official notice is taken of the Southeastern Florida order monthly statistical releases issued after the close of the hearing which provide market data for 1967 and 1968 that were not available at the time of the hearing.

IDFA argues, that results in the economic disadvantage to members.

IDFA states that if a Class I base plan is not incorporated in the order it may be forced to abandon its present base plan. It considers the use of a Class I base plan essential, however, to the orderly balancing of milk supplies with demand in this market and urges the adoption of such a plan under the order.

The 14 producers in the market who are not IDFA members oppose a Class I base plan. Of these 14 producers, 10 are members of Home Milk Producers Association (HMPA), a cooperative which bottles milk and manufactures cottage cheese and ice cream at its own plant. The four remaining Southeastern Florida producers are corporate farms owned and operated by the same person. He and an HMPA member testified concerning their operations.

Production in December 1964 through March 1965 of the HMPA member who testified was 4.4 million pounds. In 1967, he expanded his production facilities by an investment of $160,000 in additional land and cows. He estimated that due primarily to the expansion, his December 1967–March 1968 production would be about 5.7 million pounds, an increase of 30 percent over the comparable 1964–65 period. The increase in production by all Southeastern Florida producers during this period was 11 percent.

The owner of the four corporate farms relocated one farm operation in June 1967, involving an investment of more than $900,000 in land, new buildings and equipment, and 450 additional cows. With the new facility in operation, total production on the four farms in October 1967 was 5 million pounds, 35 percent more than their October 1965 production of 3.7 million pounds. Total production of all other Southeastern Florida producers increased 8 percent in the same 2-year period.

Production increases such as these have been of particular concern to IDFA which points out that although it represents 74 of the 88 producers on the market it has, nevertheless, no control over the production of the other 14 Southeastern Florida producers. It argues that the efforts of its members, in operating under a base plan to tailor production to the market's Class I requirements, can be substantially nullified by the increased production of the other producers.

Handlers oppose a Class I base plan for the order. They argue that the basic purpose of such plans is to reduce surpluses and that the Southeastern Florida market has no surplus. The handlers note that the market's Class I utilization of producer milk, which averaged 87 percent for the past 6 years, is among the highest in the country; and that another 5 to 8 percent of the producer milk is used in Class II products. Moreover, handlers argue, a reserve supply of milk—IDFA recommended an amount equal to 12 percent of the Class I sales in the market—is necessary to assure an adequate milk supply for handlers at all times.

Producer receipts under the order in 1968 were 571 million pounds, 13 percent more than the 507 million pounds in 1963. Producer milk used in Class I, which increased 12 percent during this 6-year period, totaled 496 million pounds in 1968, compared with 442 million pounds in 1963. The Class I utilization of producer milk during the past 6 years has approximated 87 percent annually, as shown in the following table.

Year	Producer receipts	Producer milk in Class I	Percentage of producer milk in Class I
	(*Million pounds*)	(*Million pounds*)	(*Percent*)
1963	507	442	87.3
1964	511	445	87.2
1965	530	462	87.2
1966	535	468	87.5
1967	568	491	86.4
1968	571	496	86.9

Although milk production for the Southeastern Florida market has increased, Class I sales have likewise increased. Despite relatively large production increases by some producers, there has been no significant change in the relationship between production for the market and Class I sales. In the past 6 years, the market reserve averaged only 13 percent of producer deliveries. Such a reserve, as the proponent cooperative indicates, is, in fact, needed to assure handlers of an adequate supply of milk for Class I use.

Historically, deliveries of Southeastern Florida producers have not always been adequate to meet the market's Class I needs and milk must be obtained from outside sources. In September through December 1968, handlers imported 6 million pounds of milk. Total imports in 1968 were 8.9 million pounds. In 1967, 1.6 million pounds were imported.

The Food and Agriculture Act of 1965 provided the authority to include Class I base plans in Federal orders. The proposal for a Class I base plan must be considered in relation to the basic purposes of the authorizing statute. The statement of purposes in the statute and the legislative history of the Class I base plan provisions in the statute make it abundantly clear that a principal purpose of the 1965 Act is to reduce surplus milk production. We conclude that there is no milk surplus in the Southeastern Florida market beyond the normal requirement of any market for a minimum reserve to meet daily and weekly fluctuations in sales. Accordingly, the inclusion of a Class I base plan in the Southeastern Florida order is denied at this time.

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

In accordance with § 900.9(b) of the general regulations with respect to marketing agreements and orders (7 CFR Part 900), an interested party requested in his brief a reversal of the Presiding Officer's denial of a motion for a continuance of the hearing. The party contended that although the legal requirements for notice were met the notice of hearing provided insufficient time to prepare evidence for the hearing. A continuance of the hearing was asked so that certain statistical data could be prepared and presented for inclusion in the record.

The notice for this hearing, which convened on January 9, 1968, was published on January 4, 1968. This provided more than the minimum 3-day notice required by § 900.4(a) of the general regulations. Such notice is considered to be reasonable in the circumstances. The Presiding Officer's ruling on this motion is affirmed.

Rulings on exceptions. In arriving at the findings and conclusions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Termination order. It is hereby found and determined, on the basis of the findings and conclusions and rulings with respect to the material issue of this proceeding, that the proceeding with respect to proposed amendments to the tentative marketing agreement and to the order is hereby terminated.

Signed at Washington, D.C., on June 30, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-7895; Filed, July 2, 1969; 8:51 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Parts 204, 213]

[Regs. D, M]

RESERVES OF MEMBER BANKS; FOREIGN ACTIVITIES OF NATIONAL BANKS [1]

Reserves Against Certain Foreign Transactions

The Board of Governors is considering amending Parts 204 and 213 to impose reserve requirements against certain transactions usually involving so-called "Euro-dollars"—deposits of U.S. dollars with banks located outside the United States, including overseas branches of U.S. banks.

[1] Despite the title of Part 213, the conditions, limitations, and restrictions therein are applicable to foreign activities of State-chartered member banks as well as national banks (12 U.S.C. 321, 601).

The proposed amendments are designed to remove a special advantage to member banks of using Euro-dollars for adjustment to domestic credit restraint. The increasing magnitude of this practice has had a distorting influence on credit flows in the United States and abroad.

Specifically, the proposed amendments would:

(1) Establish a 10 percent reserve requirement against (a) borrowings by domestic offices of member banks from their foreign branches and (b) assets of foreign branches acquired from domestic offices of its parent member bank, to the extent that such borrowings and assets exceed the daily average amounts outstanding in the 4 weeks ending May 28, 1969.

(2) Establish a 10 percent reserve requirement against credit extended by a foreign branch of a member bank to U.S. residents, to the extent such credits exceed those in a base period defined as either (a) the amount outstanding on June 25, 1969, or (b) the daily average amount outstanding in the 4 weeks ending May 28, 1969.

(3) Establish a 10 percent reserve requirement on borrowings by member banks from banks abroad that are not denominated as deposits.

Each of the reserve requirements would be maintained by member bank head offices in a manner similar to that applicable to their deposit liabilities generally.

The first two of the proposed requirements would be accomplished by adding a new section to Part 213, as follows:

§ 213.7 Marginal reserve requirements.

(a) *Member bank transactions with foreign branches.* During each week of the 4-week period beginning [the seventh Thursday after the effective date of this paragraph] and each week of each successive 4-week ("maintenance") period, a member bank having one or more foreign branches shall, in addition to the requirements of Part 204 of this chapter (Regulation D), keep on deposit with the Reserve Bank of its district a daily average balance equal to 10 percent of the amount by which the daily average net total of (1) outstanding assets held by its foreign branches which were purchased from its domestic offices and (2) balances due from its domestic offices to its foreign branches, for the 4-week ("computation") period ending on the Wednesday 15 days before the beginning of each maintenance period, exceeds the greater of either (i) the corresponding daily average total for either the 4-week period ending May 28, 1969 or any computation period beginning on or after [the effective date of this paragraph], whichever is least, or (ii) 3 percent of the member bank's average total deposits subject to reserve requirements during the computation period.

(b) *Credit extended by foreign branches to U.S. residents.* During each week of the 4-week period beginning (the seventh Thursday after the effective date of this paragraph) and each week of each successive 4-week maintenance period, a member bank having one or more foreign branches shall, in addition to the requirements of Part 204 of this chapter (Regulation D) and of the preceding paragraph, keep on deposit with the Reserve Bank of its district a daily average balance equal to 10 percent of the amount by which daily average credit outstanding from its foreign branches to U.S. residents (other than assets purchased and balances due from its domestic offices) for the 4-week computation period ending on the Wednesday 15 days before the beginning of each maintenance period exceeds either the corresponding daily average total during the 4-week period ending May 28, 1969 or the total outstanding on June 25, 1969: *Provided,* That this paragraph does not apply with respect to any foreign branch which did not have credit outstanding to U.S. residents exceeding $5 million on any day during the relevant computation period.

The third of the proposed requirements would be accomplished:

§ 204.1 [Amended]

(1) By amending the exemption enumerated (1) in § 204.1(f) (relating to certain promissory notes as deposits) by changing "that is issued to another bank" to read "that is issued to a domestic office of another bank";

§ 204.5 [Amended]

(2) By amending § 204.5(a) by changing "subject to paragraph (b)" to read "subject to paragraphs (b) and (c)"; and

(3) By adding to § 204.5 the following new paragraph:

(c) *Reserve percentage against certain deposits of foreign banks.* Deposits represented by promissory notes, acknowledgments of advance, due bills, or similar obligations of the kind described in § 204.1(f) that are issued to, or undertaken with respect to, a foreign office of another bank shall not be subject to the requirements of paragraph (a) of this section, but a member bank shall maintain on deposit with the Reserve Bank of its district a balance equal to 10 percent of such deposits.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 28, 1969.

Dated at Washington, D.C., this 26th day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7840; Filed, July 2, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N–2151]

NEVADA

Notice of Public Sale

JUNE 24, 1969.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 1 p.m., local time, Tuesday, August 5, 1969, at the Nevada Land Office, Room 3104, Federal Building, 300 Booth Street, Reno, Nev. The land is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 35 N., R. 23 E.,
Sec. 23, NE¼NE¼.

The area described contains 40 acres. The appraised value of the tract is $800 and the estimated publication costs to be assessed are $12.

The land will be sold subject to all valid existing rights and rights-of-way of record, and to a reservation to the United States of a right-of-way, not exceeding 30 feet in width, for roadway and public utility purposes, to be located along the east boundary of the tract. Reservations will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) Any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or any State thereof, authorized to hold title to real property in Nevada.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Nevada Land Office, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502, prior to 1 p.m., Tuesday, August 5, 1969. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelope must show the sale number and date of sale in the lower left-hand corner: "Public Sale Bid, Sale N–2151, August 5, 1969".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the day of the sale.

If no bids are received for the sale tract on Tuesday, August 5, 1969, the tract will be reoffered on the first Wednesday of subsequent months at 1:30 p.m., beginning September 3, 1969.

Any adverse claimants to the above described land should file their claims, or objections, with the undersigned before the time designated for sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502, or to the District Manager, Bureau of Land Management, East Highway 40, Post Office Box 71, Winnemucca, Nev. 89445.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 69–7873; Filed, July 2, 1969; 8:49 a.m.]

[Oregon 017531, etc.]

OREGON

Order Providing for Opening of Public Lands

JUNE 20, 1969.

1. In exchanges of lands made under provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, the following described lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

Minerals in the following lands were reconveyed to the United States:

OREGON 017531

T. 40 S., R. 13 E.,
Sec. 8, SW¼NE¼, S½NW¼, N½SW¼, and NW¼SE¼.

OREGON 018288

T. 20 S., R. 42 E.,
Sec. 9, W½W½.

OREGON 230

T. 29 S., R. 45 E.,
Sec. 28, SE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 29, E½, E½NW¼, SW¼NW¼, and S½SW¼.
T. 30 S., R. 45 E.,
Sec. 3, lots 2, 3, and 4.

OREGON 340

T. 26 S., R. 46 E.,
Sec. 4, SE¼SW¼.

OREGON 699

T. 13 S., R. 42 E.,
Sec. 24, N½NE¼ and NE¼NW¼.
T. 13 S., R. 43 E.,
Sec. 18, lot 4, SE¼SW¼, and W½SE¼;
Sec. 19, lot 1.

OREGON 877

T. 20 S., R. 42 E.,
Sec. 17, E½W½W½.

OREGON 878

T. 19 S., R. 41 E.,
Sec. 3, NW¼SW¼ and E½SW¼;
Sec. 10, NE¼NW¼.

OREGON 2400

T. 8 S., R. 45 E.,
Sec. 35, SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼.

OREGON 2876

T. 8 S., R. 45 E.,
Sec. 27, W½SW¼;
Sec. 28, SW¼NE¼ and SE¼.

OREGON 018492

T. 18 S., R. 21 E.,
Sec 32, SE¼NE¼, NE¼SW¼, and N½SE¼;
Sec. 33, S½NW¼ and N½SW¼.
T. 19 S., R. 21 E.,
Sec. 5, SW¼SW¼;
Sec. 7, NE¼NE¼, SW¼NE¼, SE¼NW¼, and NE¼SW¼;
Sec. 8, NW¼NW¼.

OREGON 2716

T. 38 S., R. 23 E.,
Sec. 31, lot 4 and NE¼SW¼.
T. 40 S., R. 24 E.,
Sec 32, N½NE¼ and NE¼NW¼.
Minerals in the following lands were not reconveyed to the United States:

OREGON 018492

T. 19 S., R. 22 E.,
Sec. 17, SW¼NE¼ and NW¼SE¼.

OREGON 2716

T. 38 S., R. 22 E.,
Sec. 36, SE¼SE¼.

OREGON 2998

T. 35 S., R. 24 E.,
Sec. 2, lots 1 and 2 and S½NE¼;
Sec. 16;
Sec. 34, E½.

The areas described aggregate 4,280.33 acres.

2. The lands are in widely scattered parcels distributed throughout eastern Oregon. They are arid or semiarid in character and are not suitable for farming. The lands were acquired for Federal programs and will be managed for the

multiple resources. They are intermingled with lands previously classified for multiple-use management.

3. At 10 a.m. on July 26, 1969, the lands shall be open to the operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 26, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands in which minerals were conveyed to the United States will be open to location under the United States mining laws at 10 a.m. on July 26, 1969. They have been open to applications and offers under the mineral leasing laws.

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. 69-7844; Filed, July 2, 1969; 8:46 a.m.]

[Utah 8962]

UTAH

Order Providing for the Opening of Public Lands

JUNE 26, 1969.

1. Under the provisions of section 16 of the Federal Airport Act of May 13, 1946 (60 Stat. 179, 49 U.S.C. 1115), title to the following described lands reverted to the United States:

SALT LAKE MERIDIAN

T. 27 S., R. 22 E.,
Sec. 1, lots 2 and 3, SW¼NE¼, SE¼.
T. 27 S., R. 23 E.,
Sec. 6, lots 4 and 5.

The areas described aggregate 357.88 acres.

2. The lands are located in San Juan County, approximately 7½ miles southeast of Moab, Utah, and are part of an abandoned airport.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws, the lands will at 10 a.m. on August 1, 1969, be opened to application, petition, location and selection, including location under the U.S. mining laws. They have been open to application and offers under the mineral leasing laws. All valid applications received at or prior to 10 a.m. on August 1, 1969 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

All the lands have been classified for retention in public ownership for multiple-use management under the Act of September 19, 1964 (43 U.S.C. 1411), and are therefore not subject to petition-application for agricultural entries or public sales under section 2455 R.S.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

EDWARD J. HOFFMANN,
Acting State Director.

[F.R. Doc. 69-7843; Filed, July 2, 1969; 8:46 a.m.]

Office of the Secretary

ADMINISTRATOR, SOUTHWESTERN POWER ADMINISTRATION, ET AL.

Adjustment of Salaries

Pursuant to the provisions of Executive Order 11474, the salaries of the Administrator, Southwestern Power Administration, the Governor of Guam and the Governor of the Virgin Islands were adjusted to $33,495 per annum.

GEORGE E. ROBINSON,
Deputy Assistant Secretary of the Interior.

JUNE 27, 1969.

[F.R. Doc. 69-7845; Filed, July 2, 1969; 8:46 a.m.]

ELMER S. HALL

Statement of Changes in Financial Interests

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

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 29, 1969.

Dated: May 29, 1969.

ELMER S. HALL.

[F.R. Doc. 69-7846; Filed, July 2, 1969; 8:46 a.m.]

HUGH C. VAN HORN

Statement of Changes in Financial Interests

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

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 23, 1969.

Dated: June 23, 1969.

HUGH C. VAN HORN.

[F.R. Doc. 69-7847; Filed, July 2, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

July Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

1. The U.S. Department of Agriculture announced the price at which Commodity Credit Corporation (CCC) commodity holdings are available for sale, beginning at 3 p.m., e.d.t., on June 27, 1969, and, subject to amendment, continuing until superseded by the August Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, flaxseed, rye, rice, grain sorghum, peanuts, tung oil, cottonseed meal, butter, and nonfat dry milk.

With the 1969-crop marketing year beginning July 1 for wheat, barley, oats, rye, and flaxseed, the July list includes formula minimum pricing for these commodities based on 1969 price-support loan rates.

Export listings of grain sorghum, barley, oats, and rye at 115 percent of the loan rate have been deleted inasmuch as prices under the unrestricted use schedules apply.

Information on the availability of commodities stored in CCC bin sites may be obtained from Agricultural Stabilization and Conservation Service State offices shown at the end of the sales list; and for commodities stored at other locations, the information may be attained from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

2. In the following listing of Commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material

way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

3. Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM–4) for July 1969 are 6⅜ percent for U.S. bank obligations and 7⅜ percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include oats, wheat, wheat flour, barley, corn, cornmeal, grain sorghum, upland and extra long staple cotton, milled and brown rice, tobacco, cottonseed oil, raisins, soybean oil, dairy products, tallow, lard, breeding cattle, and rye. Commodities purchased from CCC may be financed for export as private stocks under Announcement GSM–4.

Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the Office of the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

4. The following commodities are currently available for new and existing barter contracts: Upland cotton and tobacco. In addition, private stocks of corn, grain sorghum, barley (other than malting barley), oats, wheat, and wheat flour, and milled and brown rice, under Announcement PS–1, as amended; tobacco under Announcement PS–3; cottonseed oil and soybean oil under Announcement PS–2; and upland and extra long staple cotton under Announcement PS–4; and inedible tallow and grease under Announcement PS–5; are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter 13 percent protein or higher, Hard Red Spring 14 percent protein or higher, Durum wheats, and flour produced from these wheats may not be exported under barter through west coast ports.) Further information on private-stock commodities may be obtained from the Office of the Assistant Sales Manager, Barter, Export Marketing Service, USDA, Washington, D.C. 20250.

5. The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities—for specified commodities—with the designated ASCS commodity office.

6. Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

7. On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions, will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Exports to certain countries are regulated under the Export Control Act of 1949. These restrictions also apply to any commodities purchased from the Commodity Credit Corporation whether sold for restricted or unrestricted use. Countries and commodities are specifically listed in the U.S. Department of Commerce Comprehensive Export Schedule. Additional information is available from the Bureau of International Commerce or from the field offices of the Department of Commerce.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 115 percent of the 1968 price-support loan rate for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markups and examples (dollars per bushel in-store).*[1]

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.04	$0.01½	Minneapolis—No. 1 DNS ($1.57) 115 percent +$0.01½; $1.82½. Portland—No. 1 SW ($1.45) 115 percent +$0.01½; $1.68½. Kansas City—No. 1 HRW ($1.45) 115 percent +$0.01½; $1.68½. Chicago—No. 1 RW ($1.46) 115 percent +$0.01½; $1.69½.

Export.

A. CCC will sell limited quantities of Hard Red Winter and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR–345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a Notice of Sale containing the same information (excluding the payment or certificate acceptance number) as required by exporters who wish to receive an export payment under GR–345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to ports on the west coast of Central and South America. Dollar sales shall mean sales for dollars and sales financed with CCC credit.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Market price as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate[2] for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate [2] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store [1] basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).*

Markup in-store	Examples
$0.17½	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.09+$0.02½) 115 percent +$0.17½; $1.46½. Agricultural Act of 1949; statutory minimums: McLean County, Ill. ($1.09+$0.02½ +$0.19); 105 percent +$0.17½; $1.54½.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS grain offices.

GRAIN SORGHUM, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate [2] for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate [2] (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.29¾	$0.25¼	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.63) 115 percent +$0.29¾; $2.17¾. Kansas City, Mo. ($1.81) 115 percent +$0.25¼; $2.34¼. Agricultural Act of 1949; statutory minimums: Hale County, Tex. ($1.63+$0.34); 105 percent +$0.29¾; $2.36¾. Kansas City, Mo. ($1.81+$0.34); 105 percent +$0.25½; $2.51¼.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1969 price-support loan rate [2] for the class, grade, and quality of the barley plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1969 price-support rate [2] (published loan rate plus 13 cents per bushel) for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.04	$0.01½	Feed grain program domestic PIK certificate minimums: Cass County, N. Dak. ($0.78) 115 percent +$0.04; $0.94. Minneapolis, Minn. ($1.04) 115 percent +$0.01½; $1.21½. Agricultural Act of 1949 statutory minimums: Cass County, N. Dak. ($0.78+$0.13); 105 percent +$0.04; $1.00. Minneapolis, Minn. ($1.04 + $0.13); 105 percent +$0.01½; $1.24½.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

OATS, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1969 price-support rates [2] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markup and example (dollars per bushel in-store [1] Basis No. 2 XHWO).*

Markup in-store	Example
$0.04	Redwood County, Minn. ($0.60+$0.03 quality differential); 115 percent +$0.04; $0.77.

C. *Nonstorable.* At not less than the market price as determined by CCC.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent [2] of the applicable 1969 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.04	$0.01½	Agriculture Act of 1949; statutory minimums: Rollete County, N. Dak. ($0.86); 115 percent +$0.04; $1.03. Minneapolis, Minn. ($1.22); 115 percent +$0.01½; $1.42½.

See footnotes at end of document.

C. *Nonstorable.* At not less than market price as determined by CCC.

Available. Chicago, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1968 loan rate plus 5 percent, plus 44 cents per hundredweight, basis in-store.

Available. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO–C–32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the 1968 loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Shortfall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, as determined by CCC, but not less than a minimum price determined by CCC, which will in no event be less than 120 points (1.2 cents) per pound above the 1968 loan rate for such cotton.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export Under the Barter Program) and NO–C–31, as amended, at the prices described in the preceding paragraph B.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–6 (Revision 2) and Announcement NO–C–10 (Revised). Under these announcements extra long staple cotton (domestically-grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current loan rate for such cotton plus reasonable carrying charges, or (b) the market price as determined by CCC.

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

COTTONSEED MEAL, BULK

Unrestricted use.

Small quantities may be sold on competitive offers if necessary to avoid deterioration or if storage cannot be obtained on a basis satisfactory to CCC.

Export:

Competitive offers, but not less than $45 per ton f.o.b. origin location under the terms and conditions of Announcement NO–CS–7. Sales will be made only for export to Far East

countries having ports on the Pacific Ocean or on a sea tributary thereto (including Australia and New Zealand).

Available. New Orleans ASCS Commodity Office.

PEANUTS, SHELLED OR FARMERS STOCK

Restricted use sales.

When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga.
Peanut Growers Cooperative Marketing Association, Franklin, Va.
Southwestern Peanut Growers' Association, Gorman, Tex.

Terms and conditions of sale are set forth in Announcement PR-1 of July 1, 1966, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. Farmers stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts which may be exported. The balance of the kernels including any graded peanuts not exported must be crushed domestically. Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

Sales are made on the basis of competitive bids each Wednesday by the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids must be sent.

TUNG OIL

Unrestricted use.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Association Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitations to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM-PR-4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Producer Associations Division, ASCS, Telephone Washington, D.C., area code 202, DU 8-3901.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 105 percent of the applicable 1968 price-support rate[2] for the grade and quality of the flaxseed plus the applicable markup.

B. *Markups and example (dollars per bushel in-store No. 1, 9.1-9.5 percent moisture).*

Markup per bushel received by—		Example of minimum prices—terminal and price
Truck	Rail or barge	
$0.06	$0.01¼	Minneapolis, Minn. ($3.16); 105 percent + $0.01¼; $3.17¾.

C. *Nonstorable.* At not less than domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Branch Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP-14: Spray process, U.S. Extra Grade, 25.40 cents per pound packed in 100-pound bags and 25.65 cents per pound packed in 50-pound bags.

Export.

Announced prices, under MP-23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price and the period of time such price will be in effect.

BUTTER

Unrestricted use.

Announced prices, under MP-14: 75.25 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 74.5 cents per pound—Washington, Oregon, and California. All other States 74.25 cents per pound.

FOOTNOTES

[1] The formula price delivery basis for bin-site sales will be f.o.b.

[2] Round product up to the nearest cent.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1-0860.
Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export). California (domestic only), Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (export only).

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353-6581.
Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 725-2051.
Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226-3361.
Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 725-3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527-7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264-8439, 8440, 8441.
Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: Area Code 415, 556-6185.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525-4180.
Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633-8521.
Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284-4213.
Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9-3531.
Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372-1910.
Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442-3111.
Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 725-7651.
Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587-4511, Ext. 3271.
Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475-3361.
North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237-5205.
Ohio, Room 116, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469-6814.
South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352-8651, Ext. 321 or 310.
Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254-4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614-617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on June 27, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-7856; Filed, July 2, 1969; 8:47 a.m.]

Office of the Secretary

MEAT IMPORT LIMITATIONS

Quarterly Estimates

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat

(TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act the following third quarterly estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act be imported during calendar year 1969 is 1,035 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1969 is 988 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, limitations for the calendar year 1969 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Public Law 88-482 at this time.

Done at Washington, D.C., this 27th day of June 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-7858; Filed, July 2, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

TRUSTEES OF UNIVERSITY OF PENNSYLVANIA

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. 69-00356-33-40500. Applicant: The Trustees of University of Pennsylvania, 3400 Walnut Street, Philadelphia, Pa. 19104. Article: Rapid scanning ultramicrointerferometer, Model IMI 600. Manufacturer: Incentive Research and Development AB, Sweden. Intended use of article: The article will be used for dry mass (weight) determinations of spermatozoa being analyzed in projects concerning quantitative cytochemical 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: For the purposes for which the foreign article is intended to be used the applicant requires an instrument that can measure the dry mass of a cell. The dry mass per unit surface of a biological object can be determined by measuring the optical path difference of the area with an interference microscope. However, the cell to be investigated by the applicant is not homogeneous enough to permit a simple and rapid determination of its dry mass with the interference microscope alone. The foreign article combines the capabilities of the interference microscope with a system that is capable of scanning an object and electronically integrating the data obtained to yield the dry mass of the entire object as a digital readout. We are advised by the Department of Health, Education, and Welfare in a memorandum dated April 8, 1969, it knows of no instrument or apparatus being manufactured in the United States, which provides these capabilities.

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

[F.R. Doc. 69-7821; Filed, July 2, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-73]

GENERAL ELECTRIC CO.

Notice of Proposed Issuance of Amendment to Facility License

The Atomic Energy Commission is considering the issuance of an amendment to Facility License No. R-33 which authorizes the General Electric Co. to operate the Nuclear Testing Reactor (NTR) located at its Vallecitos Nuclear Center in Alameda County, Calif. The proposed amendment, as set forth below, would revise the license in its entirety and authorize General Electric to operate the NTR at steady-state power levels up to a maximum of 100 kilowatts (thermal) in accordance with revised Technical Specifications, and extend the expiration date of the license in accordance with the application dated November 21, 1968, and supplement dated March 31, 1969.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed amendment, see (1) the application dated November 21, 1968, and supplement thereto dated March 31, 1969, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the proposed Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 30th day of June 1969.

For the Atomic Energy Commission.

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

PROPOSED AMENDMENT TO FACILITY LICENSE

[License R-33; Amdt. 9]

1. The Atomic Energy Commission has found that:

A. The application for license amendment dated November 21, 1968, as supplemented March 31, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations set forth in Title 10, Chapter I, CFR;

B. There is reasonable assurance that (a) the activities authorized by the license, as amended, can be conducted at the designated location without endangering the health and safety of the public, and (b) such activities will be conducted in compliance with the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission;

C. General Electric Co. is technically and financially qualified to engage in the activities authorized by this license, as amended, in accordance with the rules and regulations of the Commission;

D. The General Electric Co. has filed with the Commission proof of financial protection which satisfies the requirements of 10 CFR Part 140 and has executed an indemnity agreement pursuant to 10 CFR Part 140; and

E. The issuance of this license, as amended, will not be inimical to the common defense and security or to the health and safety of the public.

2. Facility License No. R-33, as amended, is further amended in its entirety to read as follows:

A. This license applies to the nuclear reactor designated by General Electric Co. as the "Nuclear Test Reactor" (hereinafter "the reactor") which is owned by the General Electric Co. and located at its Vallecitos Nuclear Center in Alameda County, Calif., and described in the application for license amendment dated November 21, 1968, and supplement thereto dated March 31, 1969 (hereinafter "the application").

B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the General Electric Co. (GE):

(1) Pursuant to section 104c of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess, use, and operate the reactor as a utilization facility at the designated location in Alameda County, Calif., in accordance with the procedures and limitations described in the application and in this license, as amended;

(2) Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess, and use in connection with the operation of the reactor:

a. 4 kilograms of contained uranium-235;

b. 200 grams of plutonium as encapsulated plutonium-beryllium neutron sources;

c. 5 milligrams of plutonium as alpha instrument check sources;

d. 10 grams of plutonium as encapsulated fission foils;

e. 10 grams of uranium-235 as ionization chambers;

f. 1 kilogram of uranium-235 in experimental devices or test objects;

g. 10 kilograms of uranium-235 in one or more fission plates;

h. 100 grams of plutonium in experimental devices;

i. 100 grams of uranium-233 in experimental devices; and

j. all the materials authorized by Special Nuclear Material License No. SNM-960, as amended, Docket No. 70-754, to be used in the reactor cell, south cell and control room but not in the experimental facilities of the NTR.

(3) Pursuant to the Act and Title 10, Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material," (1) to receive, possess and use 100 curies of activated solids as contained in items such as encapsulating materials, structural materials and components irradiated elsewhere; (2) 10 curies of tritium for pulsed neutron sources; and (3) to possess, but not to separate, such byproduct material as may be produced by the operation of the reactor.

(4) Pursuant to the Act and Title 10, CFR, Chapter I, Part 40, "Licensing of Source Material," to receive, possess, and use 20 pounds of uranium and thorium as source material for experimental devices.

C. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, § 40.41 of Part 40, §§ 50.54 and 50.59 of Part 50, § 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) *Maximum power level.* The licensee may operate the reactor at steady-state power levels up to a maximum of 100 kilowatts (thermal).

(2) *Technical specifications.* The Technical Specifications contained in Appendix A to this license (hereinafter "the Technical Specifications") [1] are hereby incorporated in this license. The licensee shall operate the reactor in accordance with these Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

D. This license, as amended, is effective as of the date of issuance and shall expire at midnight, July ___, 1979, unless terminated sooner.

Date of issuance: _____.

For the Atomic Energy Commission.

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

[F.R. Doc. 69-7937; Filed, June 2, 1969; 10:43 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

CIVIL AERONAUTICS BOARD

[Docket No. 20373 etc.; Order 69-6-164]

AIR WEST, INC., ET AL.

Joint Applications for Approval of Route Transfer and for Amendment of Certificates, and for Approval of Wet-Lease Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of June 1969.

Joint applications of Air West, Inc., and United Air Lines, Inc., for approval of route transfer and for amendment of certificates, and for approval of wet-lease agreement, docket Nos. 20373 and 20686; Reno-Portland/Seattle Nonstop Service Investigation, Docket No. 21136.

On October 16, 1968, in Docket 20373, Air West, Inc. (Air West), and United Air Lines, Inc. (United), filed a joint application seeking approval of an agreement by which United would transfer its authority to serve Elko and Ely, Nev., to Air West, and requesting amendments to the certificates of each carrier to accomplish the transfer and to make certain other changes in the certificates of each carrier upon which the proposed route transfer is to be contingent.[1]

On October 17, 1968, Air West filed a motion for expedited hearing of its joint application in Docket 20373, alleging, inter alia, that the proposed route transfer would permit it to achieve a substantial reduction in subsidy need and would afford it needed strengthening without serious diversion from other carriers. Air West noted that its agreement with United might be terminated by either party after March 31, 1969, unless Board approval were granted prior to that time.[2]

Numerous answers supporting or opposing, or supporting in part, the joint application and Air West's motion for expedition have been submitted.[3] In addition, the Air Line Pilots Association (ALPA) filed a request for an evidentiary hearing on the joint application and a petition for leave to intervene.[4] The city of Klamath Falls, Oreg., filed a motion to consolidate its own application for improved service to Portland and Reno in Docket 20497, and Air West has filed an answer in opposition to Klamath Falls' request.[5]

On January 29, 1969, in Docket 20686, Air West and United filed a separate joint application for approval of a wet-lease agreement and grant of exemption authority pursuant to which Air West would provide one daily round trip over United's route between Salt Lake City and San Francisco, via the intermediate points Ely, Elko, Reno, and Oakland, for which it would receive payment from United of $90,488 per month. The wet-lease agreement is designed to permit interim operation of the proposed service pending final Board action with respect to the route transfer application in Docket 20373.[6]

Upon consideration of the foregoing pleadings and other relevant facts, we have decided to deny Air West's motion for expeditious hearing of its joint application, with United, in Docket 20373. On the basis of our conclusions with respect to the joint route transfer application, we also find that approval of the proposed interim wet-lease agreement in Docket 20686 is not in the public interest, and, accordingly, should be denied. However, we have further decided to institute an investigation into the need for new nonstop service in two of the markets included in the joint application, Reno-Portland and Reno-Seattle.

The heart of the joint application by Air West and United in Docket 20373 is

[1] In addition to the deletion of these two points from United's certificate for route 1 and the addition of the two points to Air West's certificate for route 76 as intermediate points on a new segment between the terminal points Reno, Nev., and Salt Lake City, Utah, the applicants have requested the following certificate amendments: (1) Amendment of Air West's certificate to permit nonstop authority between Reno, on the one hand, and San Francisco/Oakland, Salt Lake City, Portland, and Seattle, on the other; (2) deletion of Air West's condition (7) which requires a stop at Portland on certain flights over segment 4 (now segment 1) and the substitution of a new restriction requiring only one intermediate stop on flights between Seattle and San Francisco, Oakland, or Sacramento; (3) modification of Air West's condition 4(a) to designate Reno as the only intermediate point to be served on flights between Salt Lake City and Portland or Seattle; and (4) amendment of United's certificate to make operations in the Salt Lake City-Reno market subject to a long-haul restriction.

[2] We have not been advised that either party has sought to terminate the subject agreement to date.

[3] Answers in support were filed by the Seattle Traffic Association (in part), the Greater Reno Chamber of Commerce, the Las Vegas parties, the Elko parties, and the city of Sparks, Nev. Answers in opposition have been filed by Western Air Lines (in part), the city of Ely, Nev., White Pine County, Nev., and the Utah Agencies.

[4] ALPA has subsequently submitted a series of filings related to its request, the net effect of which is to withdraw from further participation in this proceeding.

[5] In view of the action taken herein with respect to Air West's motion for expeditious consideration, we find it unnecessary to rule upon the Klamath Falls motion for consolidation at this time.

[6] ALPA also filed a request for hearing with respect to the wet-lease application, but has subsequently requested permission to withdraw from participation.

the portion by which United seeks relief from its certificate obligation to serve Ely and Elko through transfer of this authority to Air West. This east-west portion of the proposal includes nonstop authoirty for Air West in the Salt Lake City-Reno and Reno-San Francisco markets.[7]

With respect to the east-west portion of their application, the applicants have failed to demonstrate that an expedited hearing is warranted. United has not shown that its service to Ely and Elko [8] constitutes an economic burden upon it, nor has it alleged that such service creates insurmountable operational difficulties.[9] More importantly, neither applicant has convincingly demonstrated that transfer of the points in question will afford significant benefits to Elko and Ely, or to Air West itself. Indeed, our analysis indicates that Air West's proposed east-west service to Ely and Elko (including Reno-Salt Lake City-San Francisco) would produce an operating loss and a subsidy need. Moreover, both the Ely and White Pine County parties have objected to the proposed east-west route transfer.

In these circumstances we are unable to conclude that grant of Air West's motion for expedited hearing of the route transfer application is in the public interest.[10] In light of our conclusions with respect to the route transfer application, we see no basis for approval of the proposed interim wet-lease operation, inasmuch as the latter request is clearly aimed at permitting temporary operations pending an early resolution of the route transfer application.

Upon consideration of matters raised in connection with the joint application of Air West and United in Docket 20373, we believe that institution of an investigation into the need for competitive nonstop service in the Reno-Portland/Seattle markets is warranted at this time.[11] Air West has forecast that the Reno-Portland and Reno-Seattle markets will reach 62,835 and 81,135 passengers, respectively, in 1969, and we believe that traffic flows of this magnitude, even without allowance for incremental growth to the forecast year 1970 or 1971, are sufficiently high to warrant consideration of the need for additional nonstop service in the markets.

Accordingly, we have determined to institute an investigation into the need for additional unrestricted nonstop service between Reno, on the one hand, and Portland and Seattle, on the other hand, subject to a pretrial restriction prohibiting turn-around service between Portland and Seattle. Interested applicants are invited to file applications consistent with scope of this investigation, as well as motions pertaining to the scope of the investigation, within the time limits established hereinafter.

Accordingly, it is ordered:

1. That the motion of Air West, Inc., for expedited consideration of its joint application with United Air Lines, Inc., in Docket 20373, seeking the transfer of certain route authority and other relief, be and it hereby is denied;

2. That the joint application filed by Air West and United Air Lines for approval of a wet-lease agreement and exemption authority in Docket 20686 be and it hereby is denied;

3. That an investigation into the need for additional unrestricted nonstop authority in the Reno-Portland and Reno-Seattle markets be and it hereby is instituted in Docket 21136 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, and that such investigation be designated as the Reno-Portland/Seattle Nonstop Service Investigation;

4. That said investigation shall be subject to the following conditions:

(a) Any authority awarded in this proceeding to a carrier not now holding on-segment authority shall be in the form of a separate segment or segments, and shall be granted without eligibility for subsidy; and

(b) Any services operated pursuant to an award in this proceeding shall be subject to a restriction prohibiting turnaround flights between Seattle and Portland.

5. That motions to consolidate applications, and motions or petitions seeking modification or reconsideration, shall be filed not later than twenty (20) days after the date of service of this order and that answers to such pleadings shall be filed not later than ten (10) days thereafter;

6. That the investigation hereby instituted be set down for hearing before an Examiner of the Board at a time and place hereafter designated; and

7. That a copy of this order shall be served upon Air West, Inc., United Air Lines, Inc., Western Air Lines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Northwest Airlines, Inc., Eastern Air Lines, Inc., Air Line Pilots Association, International, Seattle Traffic Association, Attorney General, State of Utah; Greater Reno Chamber of Commerce; Chairman, Board of Commissioners, White Pine County (Nev.); the cities of Elko, Ely, Salt Lake City, Reno, Portland, Seattle, San Francisco, Las Vegas, Klamath Falls, Sparks, Governors of Nevada, Oregon, Washington, California, and Utah.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7882; Filed, July 2, 1969; 8:49 a.m.]

[7] The remainder of the proposal involves north-south authority between Portland/Seattle, on the one hand, and Reno/Las Vegas, on the other.

[8] As of May 1, 1969, United served both Elko and Ely with one DC-6 round trip daily to Reno and Salt Lake City, OAG, QRE, May 1, 1969.

[9] United has urged that deletion of these points will permit it to retire the propeller aircraft with which it now provides service, but has not shown that retention of the nonjet aircraft will constitute a hardship to it.

[10] The Board has previously considered United's desire to delete the identical Reno-Elko-Ely-Salt Lake City segment in the Pacific Northwest Local Service Case, 29 CAB 660, 680-84 (1959), and determined at that time that transfer of the route to a subsidized local service carrier would be contrary to the public interest on the basis, inter alia, of the increased subsidy cost which such transfer would involve. We believe that the evidence adduced by Air West and United herein demonstrates no substantial improvement in the economic prospects for service to Elko and Ely by a local service carrier during the 10-year interval since United's request was last denied.

[11] Only United now holds nonstop authority in these markets, and presently provides three daily nonstop round trips to Portland, and three daily one-stop round trips to Seattle. OAG, QRE, May 1, 1969.

[Docket No. 18650; Order 69-6-150]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Carriage of Live Animals

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of June 1969.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to the carriage of live animals.

By Order 69-5-60, dated May 14, 1969, action was deferred, with a view toward approval, on an agreement adopted by the International Air Transport Association (IATA) establishing a recommended practice relating to acceptance and handling of live animals. The recommended practice was set forth in a publication entitled "IATA Manual for the Carriage of Live Animals by Air." The order allowed 10 days for interested persons to file petitions in support of or in opposition to the proposed action.

The United Pet Dealers Association, Inc., and Allied-American Bird Co. filed timely petitions requesting that certain conditions be attached to the Board's approval of the agreement. Both petitions requested the Board to condition the agreement so that (1) procedures would be established and set forth in the manual whereby new packaging methods could be submitted to the IATA Study Group on Live Animals for evaluation; (2) upon evaluation and approval of new packaging standards, publication of such would be made to interested shippers and airlines, and (3) "* * * there be incorporated into the manual specific wordage outlining its specific legal value in areas such as shipment acceptance, claim liability and its legal status as to deviation from the packaging specification contained therein."

The first two contentions may have some merit, but we cannot find that conditioning the agreement and requiring revisions to the manual, as requested, is required in the public interest. The manual, which is comprised of recommended practices, is not a binding IATA agreement. We understand that the manual was developed through the joint efforts of the carriers, shippers, and interested persons, and there is no reason to believe that the carriers will not continue to solicit and welcome comments. In this regard, the carriers in due course might well want to consider procedures

for the evaluation of animal containers similar to the IATA procedures which have been established for the evaluation of unit load devices under Resolution 520 (Containers Board).

The third request of the petitioners that the manual include language as to its legal implications does not seem warranted. As indicated, material in the manual consists of recommended practices and procedures which the carriers need not adhere to. The Board will, however, condition the agreement so as to provide that approval of the agreement in no way constitutes a waiver of the economic regulations governing the filing and publication of tariffs. In this respect, some of the material contained in the manual, if followed by the carriers, would appear to constitute tariff material.

Finally, the petition of the United Pet Dealers Association, Inc., makes note that the manual does not mention that the contents are recommended practices and not binding upon the carriers or shippers. The manual does not purport to be mandatory in its application, and we do not find that the public interest requires revision to the published manual. However, it would be well if the manual specifically noted that its application is not required, and we will expect this fact to be mentioned in the manual's next publication.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 102, 204(a), and 412 thereof:

It is ordered, That:

1. Agreement CAB 20886 be and hereby is approved, provided that approval of the agreement shall not constitute a waiver of the Board's economic regulations governing the publication and filing of tariffs; and

2. The petitions of United Pet Dealers Association, Inc., and Allied-American Bird Co. be and hereby are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-7883; Filed, July 2, 1969; 8:49 a.m.]

[Dockets Nos. 20486, 20670; Order 69-6-152]

MOHAWK AIRLINES, INC., AND UNITED AIR LINES, INC.

Order Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of June 1969.

Application of Mohawk Airlines, Inc. for amendment of its certificate of public convenience and necessity, docket No. 20486; application of United Air Lines, Inc. for amendment of its certificate of public convenience and necessity, docket No. 20670.

By Order 68-12-132, dated December 24, 1968, the Board set for further proceedings, pursuant to Rules 1306-1310 of the Board's procedural regulations, the application of Mohawk Airlines, Inc. (Mohawk), for amendment of its certificate of public convenience and necessity for Route 94 so as to permit it to provide, without subsidy eligibility, nonstop service between Rochester, N.Y., and Pittsburgh, Pa.

United Air Lines, Inc. (United), filed an answer in opposition to the application. Allegheny Airlines, Inc. (Allegheny), filed an answer stating that it does not oppose Mohawk's application provided that a restriction is imposed preventing one-stop Pittsburgh-Toronto operations by Mohawk. The Rochester Chamber of Commerce filed an answer in support of the application. Mohawk filed a reply to the answers of Allegheny and United.

United filed a motion to consolidate its application in docket No. 20670 for Rochester-Pittsburgh nonstop authority on a separate segment of Route 51. Mohawk filed an answer to United's motion to consolidate and United filed a reply to that answer.

Upon consideration of the pleadings and all the relevant facts, the Board has determined that there is a sufficient basis for setting Mohawk's application, Docket 20486, for hearing. We shall also consolidate United's application, Docket 20670.[1]

Accordingly, it is ordered, That:

1. This application of Mohawk Airlines, Inc., Docket 20486, be and it hereby is set for hearing before an examiner of the Board at a time and place to be hereafter designated; and

2. The application of United Air Lines, Inc., Docket 20670, be and it is hereby consolidated for hearing with Docket 20486.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-7884; Filed, July 2, 1969; 8:50 a.m.]

[1] There is no need for the restriction proposed by Allegheny. By reason of condition (5) in its certificate of public convenience and necessity for route 94F, Mohawk is prohibited from offering single-plane service between Toronto and any point west of Buffalo on route 94, and Pittsburgh is west of Buffalo.

[Docket No. 21137; Order 69-6-172]

NATIONAL AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of June 1969.

Applicability of night coach fares to a Miami-New York flight departing at 8 p.m., proposed by National Airlines, Inc., docket 21137.

By tariff revisions marked to become effective July 3, 1969,[1] National Airlines, Inc. (National), proposes that its jet night coach fares apply on a northbound flight departing Miami at 8 p.m. during the period of July 31, through September 30, 1969. Presently night coach fares in the Miami-Northeast markets apply between the hours of 10 p.m. and 3:59 a.m. The proposal is marked to expire with September 30, 1969.

In support of its filing, the carrier states that the proposal stems from the special circumstances surrounding a particular flight (Flight 608), which presently departs Miami at 10 p.m. and arrives La Guardia at 12:20 a.m.; it departs La Guardia at 12:45 a.m. and terminates in Providence at 1:26 a.m. National has been advised that, effective August 1, 1969, La Guardia Airport will be closed for a minimum of 60 days, 6 days a week, between the hours of 12:01 a.m. and 7 a.m. for the purpose of repaving runways. Accordingly, the carrier believes it is necessary that this flight depart Miami 2 hours earlier in order to insure a La Guardia departure prior to 12:01 a.m., considering the possibility of airport delays.

Eastern Air Lines, Inc. (Eastern), and Northeast Airlines, Inc. (Northeast), have filed complaints requesting suspension of National's proposed 8 p.m. departure time. Eastern asserts that advancing this flight departure by 2 hours would result in an unfair competitive advantage for National in relation to the other two carriers operating in the market. Eastern believes the proposal would cause considerable diversion from other northbound departures during the prime evening hours. Northeast, on the other hand, contends that National's justification does not meet the criteria traditionally employed by the Board when testing the lawfulness of night coach and off-peak fares. Both carriers contend that it is not necessary for National to roll back the departure time of its Flight 608 to 8 p.m. at Miami in order to depart La Guardia prior to the 12 p.m. curfew.[2] Finally, Eastern and Northeast submit that, should National feel that a departure time at 9 p.m. or after entails a certain degree of risk, the carrier is always free to operate its night coach flights through Kennedy or Newark Airport.[3]

Upon consideration of all relevant matters, the Board finds that National's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Except for the indication that La Guardia Airport will be closed for repairs from midnight to 7 a.m. during the months of August and September, National has not demonstrated the need to advance the departure time of its Flight 608 by a full 2 hours. As pointed out by the complainants, there are presently a

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 101, filed June 3, 1969.

[2] Northeast points out that National could depart Miami as late as 9:15 p.m. and still transit La Guardia before 12 midnight.

[3] Eastern and Northeast are both transferring their night coach operations to Kennedy Airport during the period of construction activity at La Guardia.

number of late afternoon and early evening regular-fare flights departing Miami for New York, as well as several nonstop or one-stop night coach flights departing at 10 p.m. or shortly thereafter. It appears, therefore, that National's proposal would cause significant diversion of traffic from other night coach flights, and dilute the normal-fare revenues of all three carriers operating in the market. However, the Board would consider a departure time of 9 p.m. for National's Flight 608.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of paragraph (1)(b) of "Application:" on 10th Revised Page 223 of Airline Tariff Publishers, Inc., Agent's CAB No. 101, and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions of paragraph (1)(b) of "application:" on 10th Revised Page 223 of Airline Tariff Publishers, Inc., Agent's CAB No. 101 are suspended and their use deferred to and including September 30, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints of Eastern Air Lines, Inc., in Docket 21091, and Northeast Airlines, Inc., in Docket 21089, are hereby dismissed;

4. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. A copy of this order be filed with the aforesaid tariff and be served on Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7885; Filed, July 2, 1969; 8:50 a.m.]

NORTH CENTRAL AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

JUNE 26, 1969.

Notice is hereby given that the Civil Aeronautics Board on June 26, 1969, received an application, Docket 21132, from North Central Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 86 to authorize it to engage in nonstop service between Kansas City, Mo., and Minneapolis/St. Paul, Minn. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7886; Filed, July 2, 1969; 8:50 a.m.]

SOUTHERN AIRWAYS, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

JUNE 26, 1969.

Notice is hereby given that the Civil Aeronautics Board on June 25, 1969, received an application, Docket 21122, from Southern Airways, Inc., for amendment of its certificate of public convenience and necessity for route 98 to authorize it to engage in nonstop service between Gulfport-Biloxi, Miss., and Washington/New York/Newark. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7887; Filed, July 2, 1969; 8:50 a.m.]

[Docket No. 20066 etc.]

TEXAS INTERNATIONAL AIRLINES, INC.

Notice of Reassignment of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearing in the above-entitled matter now assigned to be held on July 8, 1969, will be held on July 21, 1969, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., June 26, 1969.

[SEAL] HYMAN GOLDBERG,
Hearing Examiner.

[F.R. Doc. 69-7888; Filed, July 2, 1969; 8:50 a.m.]

[Docket No. 20593; Order 69-6-153]

UNITED AIR LINES, INC.

Order To Show Cause for Amendment of Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of June 1969.

Application of United Airlines, Inc., for amendment of its certificate of public convenience and necessity, Docket No. 20593.

On December 24, 1968, United Airlines, Inc. (United), filed an application in Docket 20593 to add Rochester, N.Y., as a coterminal point with Buffalo on segment 4 of Route 51.[1]

On February 17, 1969, the city of Rochester, the county of Monroe, and the Rochester Chamber of Commerce (Rochester parties) filed a petition for immediate hearing on United's application. On May 15, 1969, United filed a motion for immediate hearing on its application. On June 2, 1969, Mohawk Airlines, Inc. (Mohawk), filed an answer to United's motion insofar as it seeks improved Rochester-Pittsburgh authority, together with a motion to file an otherwise unauthorized document.[2]

Upon consideration of the pleadings and other relevant facts, we have decided to issue an order to show cause proposing to award the authority requested by United. We tentatively find and conclude that the public convenience and necessity require the amendment of United's certificate for Route 51 so as to add Rochester as a coterminal point with Buffalo on segment 4, subject to conditions requiring an intermediate stop between Rochester and Pittsburgh and prohibiting single-plane service between Rochester and Cleveland.

In support of our ultimate finding, we tentatively find and conclude as follows: That the grant of United's application, subject to the conditions mentioned above, will give United nonstop authority between Rochester and 14 cities on segment 4;[3] that United is the only carrier certificated to provide service between Rochester and the Route 51 points in question, and is the dominant carrier in these 14 markets;[4] that the proposed award of nonstop authority will make possible improved service to the public and increased operational flexibility for United; and that grant of the requested

[1] Segment 4, which incorporates by reference part of segment 1, is as follows:

Between the terminal point Buffalo, N.Y., the intermediate points Cleveland, Akron-Canton, and Youngstown, Ohio, Pittsburgh, Pa., Charleston, W. Va., Bristol, Tenn.-Va. and (a) beyond Bristol, the intermediate points Asheville, N.C., Atlanta, Ga., and (1) beyond Atlanta, Ga., the intermediate points Birmingham and Mobile, Ala., and the terminal point New Orleans, La., and (11) beyond Atlanta, Ga., the intermediate points Jacksonville, Tampa-St. Petersburg-Clearwater, and West Palm Beach, Fla., and the coterminal points Fort Lauderdale and Miami, Fla., and (b) beyond Bristol, the intermediate points Knoxville and Chattanooga, Tenn., Birmingham and Mobile, Ala., and the terminal point New Orleans, La.

[2] We will grant Mohawk's motion.

[3] The largest of these markets, Rochester-Miami, had 31,680 O&D and connecting passengers in 1967. United proposes initially to provide one Rochester-Miami nonstop round trip.

[4] United's participation in these markets ranges from 54 percent in the Rochester-New Orleans market to over 90 percent in the Rochester-Akron-Canton/Atlanta/Birmingham / Charleston / Miami / Mobile / Tampa/West Palm Beach/Youngstown markets. 1967 O&D and connecting traffic.

authority will have no significant competitive impact on any other carrier.[5]

We tentatively find that United should be precluded from providing nonstop Rochester-Pittsburgh service and from providing single-plane service between Rochester and Cleveland. Rochester-Pittsburgh authority is at issue in Docket 20486, Mohawk's Subpart M application for nonstop Rochester-Pittsburgh authority, which was set for hearing in Order 69-6-152. United's application for Rochester-Pittsburgh nonstop authority in Docket 20670 was consolidated in that proceeding and United will therefore have the opportunity to litigate such authority in that case.

In the Rochester-Cleveland market American Airlines has nonstop authority. A restriction on United's authority in that market should avoid complication of this proceeding by introduction of issues of competitive authority. Moreover, United has not proposed service between Rochester and Cleveland or shown any need for competitive service.

Interested persons will be given twenty (20) days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, It is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order amending the certificate of public convenience and necessity of United Air Lines, Inc., for Route 51 so as to add Rochester, N.Y., as a coterminal point with Buffalo on segment 4, subject to conditions requiring an intermediate stop between Rochester and Pittsburgh and prohibiting single-plane service between Rochester and Cleveland;

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within twenty (20) days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections, together with a summary of testimony, statistical data, and other evidence expected to be relied on to support the stated objections;[6]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

5. The petition of the city of Rochester, the county of Monroe, and the Rochester Chamber of Commerce for an immediate hearing and the motion of United Air Lines, Inc., for an immediate hearing be and they are hereby dismissed;

6. The motion of Mohawk Airlines, Inc., for leave to file an otherwise unauthorized document be and it is hereby granted; and

7. A copy of this order shall be served upon Airlift International, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and the cities and Chambers of Commerce of Akron, Canton, Cleveland, and Youngstown, Ohio, Asheville, N.C., Atlanta, Ga., Birmingham and Mobile, Ala., Bristol, Chattanooga, and Knoxville, Tenn., Charleston, W. Va., Clearwater, Fort Lauderdale, Jacksonville, Miami, St. Petersburg, and West Palm Beach, Fla., New Orleans, La., Pittsburgh, Pa., and Rochester, N.Y.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7889; Filed, July 2, 1969; 8:50 a.m.]

[Docket No. 19074, etc.; Order 69-6-151]

VARIOUS POST OFFICE NOTICES

Order To Show Cause Regarding Use of Air Taxi Mail Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of June 1969.

In the matter of Various Post Office Notices giving notice pursuant to § 298.24 of the Board's regulations of intent to use air taxi mail service, dockets Nos. 19074, 19075, 19790, 19783, 19787, 19880, 19793, 20101, 20274, 20275, 20276, 20380, 20199, 20377, 20379, 20800.

On October 11, 1967, the Board adopted ER-514 (32 F.R. 14320, Oct. 17, 1967) which authorized individual exemptions for air taxi mail service in certain competitive markets and extended the term of the air taxis' authority to carry mail to June 30, 1969.

Since the rule authorizing air taxi mail service in competitive markets was issued, approximately 160 notices of intent under § 298.24 have been filed with the Board by the Post Office Department (POD).[1] Eighteen of these notices of intent have been protested. In the decided protested cases, the Board has found that the proposed air taxi services were required by postal needs in that, in typical situations, the certificated carriers were unable to meet the early morning and late night round trip scheduling essential to Post Office operations.

The protested notices of intent approved by the Board all carry an expiration date of June 30, 1969, due to the fact that at the time the notices were approved, June 30, 1969, was the termination date of all mail authorizations granted to air taxis pursuant to Part 298 of the Board's regulations. By notice of proposed rule making, dated April 25, 1969, EDR-160, Docket 20945, the Board proposed to amend Part 298 to extend the exemption granted air taxi operators to engage in the transportation of mail until June 30, 1974. On June 12, 1969, the Board adopted the proposed amended rule effective July 1, 1969 (Regulation ER-580).

Therefore, as matters presently stand, the basic mail authority of air taxi operators has been extended to June 30, 1974. However, there are currently outstanding various orders authorizing the provision of air taxi mail service between pairs of points in which an air carrier or carriers holds a certificate of public convenience and necessity. Unless extended these authorizations will expire by their terms on June 30, 1969. In this connection, the Post Office Department has submitted to the Board a request that the mail authority of those air taxi operators currently carrying mail and whose authority was granted by the Board pursuant to a protested notice of intent be extended for a period coextensive with the basic Part 298 mail authority.

In the light of the foregoing, the Board tentatively finds and concludes that the public interest requires the extension until June 30, 1974, of the mail

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[5] In view of the fact that United is the only incumbent carrier and carries the vast bulk of traffic in the markets involved, we do not intend to consolidate for hearing any other applications even if objections are forthcoming. See Order 68-11-29, dated Nov. 5, 1968.

[6] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[1] Section 298.21 of the Board's economic regulations prohibits an air taxi operator from carrying mail between any pair of points when an air carrier holds a certificate of public convenience and necessity between such pair of points: *Provided,* That an air taxi operator is not precluded from carrying mail between any pair of points regarding which there is in effect a notice of intent to use air taxi mail service as provided in § 298.24. Section 298.24 provides that an air taxi operator may carry mail between a pair of points named in a notice of intent to use air taxi mail service which is effective pursuant to this section. Only the Post Office Department may file such a notice. But where a protest to the notice has been filed by an interested certificated carrier, the notice shall not be effective unless and until the Board so orders.

authority in the designated markets of those air taxi operators listed in the appendix below. Pending our resolution of the show cause proceeding at hand, we will extend the authorizations set forth in the appendix below.

We note that in petitioning the Board to institute rule-making proceedings to extend the basic air taxi mail authority until June 30, 1974, the Postmaster General represented that he has a continuing need for air taxi mail service in both certificated and noncertificated markets and that the Post Office Department is compelled to continue to seek the services of air taxi operators in those markets in which certificated schedules fulfilling postal requirements cannot be obtained. Each of the authorizations which we tentatively propose to extend until June 30, 1974, represents a situation in which the Board has found that the needs of the postal service require grant of the authorizations in question. The fact that the protested notices of intent were approved for a temporary period was directly related to the fact that the underlying air taxi mail authority contained in Part 298 also expired on June 30, 1969. In the light of the fact that the basic Part 298 air taxi authority has now been extended to June 30, 1974, and that the Post Office Department has indicated a continuing need for the postal services described in the appendix below, we tentatively find and conclude that the authorizations contained in the appendix should be extended for the same period terminating on June 30, 1974.

In granting interested persons the opportunity to show why our tentative findings and conclusions should not be adopted, we expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objection should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. General, vague, and unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and extending the authorizations described in the attached appendix for a period to terminate on June 30, 1974;

2. The authorizations set forth in the appendix below be and they hereby are continued in effect until final decision on the matters set forth in ordering paragraph 1 herein;

3. Any interested persons having objections to the issuance of an order making final the proposed findings and conclusions set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board; [2] and

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[2] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

APPENDIX

Carrier	Docket	Present authorization	Markets involved
Sedalia, Marshall, Boonville Stage Line, Inc.	19074	E-26162	Chicago, Ill.-Louisville, Ky.
	19075	12/21/67	Cleveland, Ohio-Indianapolis, Ind.
Do	19790	E-26893 6/7/68	Texarkana-Dallas, Tex.
Do	19783	E-26891 6/7/68	Muskogee-Tulsa-Oklahoma City, Okla.
Hood Airlines	19787	E-26893 6/7/68	Temple-Waco-Dallas, Tex.
Upper Valley Aviation, Inc	19880	68-7-64 7/12/68	McAllen-Corpus Christi-San Antonio, Tex.
Ross Aviation, Inc	19793	E-26893 6/7/68	Midland-Abilene-Dallas, Tex.
Do	20101	68-11-132 11/27/68	Florence-Colombia, S.C.-Atlanta, Ga.
Do	20274	68-12-108	Reno-Lovelock-Winnemucca, Nev.
	20275	12/19/68	Reno-Las Vegas, Nev.
	20276		Ely-Elko-Reno, Nev.
Do	20380	68-12-61 12/12/68	Medford-Klamath Falls-Bend-Portland, Oreg.
Orion Airways, Inc	20199	68-10-182 10/31/68	St. Louis, Mo.-Memphis, Tenn.
Combs Airways, Inc	20377	68-12-64	Billings-Helena, Mont.
	20379	12/12/68	Kalispell-Helena-Billings, Mont.
Midwest Airways, Inc	20800	69-5-135 5/29/69	AMF Twin Cities-Minneapolis, Minn.-La Crosse, Madison, and Milwaukee, Wis.

[F.R. Doc. 69-7890; Filed, July 2, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

BOSTON DOCKS SERVICES ASSOCIATION

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, 1405 I Street NW., Room 1202, or may inspect agreements 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. Leo F. Glynn, Glynn & Dempsey, Attorneys at Law, 50 State Street, Boston, Mass. 02109.

Agreement No. T-2315 between Terminal Services, Inc., Nacirema Operating Co., Inc., and John T. Clark Terminal Services, Inc., provides for the formation of an association to be known as the Boston Docks Services Association. The purpose of the Association is to permit the parties to the agreement to consult with each other concerning services, facilities, rates, and charges incidental to truck loading and equipment rental related thereto in waterfront operations in and for the Port of Boston, Mass. The parties agree to make no changes in their tariffs without prior notice to members of the Association and to make no change effective until after 30 days notice to the public unless good cause exists for a change on shorter notice. Each member reserves to himself the right of independent action.

By order of the Federal Maritime Commission.

Dated: June 30, 1969.

[F.R. Doc. 69-7891; Filed, July 2, 1969; 8:50 a.m.]

EUROPA-CANADA LINIE G.m.b.H.

Order of Revocation

Europa-Canada Linie, G.m.b.H., Bremen 1 Breitenweg, Bremen, West Germany.

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-15 and Certificate of Financial Responsibility to meet liability incurred for death or injury to passengers or other persons on Voyages No. C-1,015.

Whereas, Europa-Canada Linie, G.m.b.H., Bremen, has ceased to operate passenger vessels subject to sections 2 and 3 of Public Law 89-777; and

Whereas, Europa-Canada Linie, G.m. b.H., Bremen, has returned Certificate (Performance) No. P–15 and Certificate (Casualty) No. C–1,015 to the Commission for revocation:

It is ordered, That Certificate (Performance) No. P–15 and Certificate (Casualty) No. C–1,015 be and are hereby revoked effective June 27, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on Europa-Canada Linie G.m.b.H., Bremen.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–7892; Filed, July 2, 1969; 8:50 a.m.]

TRANS-OCEAN STEAMSHIP CO.

Order of Revocation

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P–63 and Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C–1,058.

N.V. Scheepvaart Maatschappij "Trans-Ocean" (Trans-Ocean Steamship Co.) Hoenderlaan, 6, 'S-Gravenhage, The Netherlands.

Whereas, Trans-Ocean Steamship Co. has ceased to operate passenger vessels subject to sections 2 and 3 of Public Law 89–777; and

Whereas, Trans-Ocean Steamship Co. has returned Certificate (Performance) No. P–63 and Certificate (Casualty) No. C–1,058 to the Commission for revocation:

It is ordered, That Certificate (Performance) No. P–63 and Certificate (Casualty) No. C–1,058 be and are hereby revoked effective June 27, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on Trans-Ocean Steamship Co.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–7893; Filed, July 2, 1969; 8:50 a.m.]

[Independent Ocean Freight Forwarder License No. 1061]

GATEWAY EXPORT CO.

Order of Revocation

Mr. Jack Rubin has advised the Federal Maritime Commission that he wishes to relinquish voluntarily his Independent Ocean Freight Forwarder License No. 1061, and will return said license to the Commission for cancellation.

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

It is ordered, That the Independent Ocean Freight Forwarder License No. 1061 of Jack Rubin doing business as Gateway Export Co., Washington, D.C. 20005, be and is hereby revoked effective June 12, 1969.

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

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

[F.R. Doc. 69–7894; Filed, July 2, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 446]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JUNE 30, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING: JUNE 30, 1969

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

7729–C2–TC–69—Valley Mobile Communications Inc. (KMD690), Consent to transfer of control from Clarence Gary, Transferor, to: Bruce Gary, Transferee.

7730–C2–P–69—Mobile Radio System of Ventura, Inc. (KMA835), C.P. for an additional base channel to operate on frequency 152.12 MHz at station located at 7000 feet north of Foothill and Day Road, Willis Canyon Peak, Ventura, Calif.

7731–C2–P–(3)–69—Caprock Radio Dispatch (KKJ449), C.P. to delete base frequency 152.06 MHz at location No. 1: 200 West First Street, Roswell, N. Mex., and location No. 2: Capitan Mountain, 48 miles northwest of Roswell, N. Mex. Also delete 75.98 MHz (Repeater) at location No. 2. Add 152.12 MHz (Base) and 459.10 MHz (Repeater) at a new site identified as location No. 4: 3.5 miles southwest of Caprock, N. Mex. Also at existing location No. 3: 310 West Wildy, Roswell, N. Mex., replace 72.58 MHz control facilities with frequency 454.10 MHz.

7732–C2–P–69—Mobile Radio Systems Ltd. (KSJ824), C.P. for additional base channel to be located at a new site described as location No. 2: 1704 East Jackson Street, Springfield, Ill., to operate on frequency 152.18 MHz.

7733–C2–AL–69—Worcester Communications Co., Inc. (KCA721), Consent to assignment of license from: Worcester Communications Co., Inc. Assignor to: Communications Electronics Service, Inc. d.b.a. Worcester Communications Co., Assignee.

7734–C2–TC–69—Philadelphia Mobile Telephone Co. (KGI775), Consent to transfer of control from: Robert L. Starer, John B. Huffaker, and Physitech Corp., Transferors, to: The Mobile Telephone Co., Transferee.

7757–C2–P–(3)–69—Texas Mobile Telephone Co. (New), C.P. for a new 2-way station to be located at Preston Towers, Preston Road and Northwest Highway, Dallas, Tex., to operate on frequencies 454.025, 454.125, 454.225 MHz.

7759–C2–P–69—Otis L. Hale d.b.a. Mobilfone Communications (New), C.P. for a new 1-way station to be located at 30th and Maple Streets, Little Rock, Ark., to operate on frequency 152.24 MHz.

7760–C2–P–69—Pioneer Telephone Cooperative, Inc. (KLB669), C.P. to change antenna system and relocate facilities to: One mile east of Kingfisher, Okla., operating on base frequency 152.69 MHz. Also add base station to operate on frequency 454.525 MHz.

7758–C2–P–(3)–69—Michigan Mobile Telephone Co. (New), C.P. for a new 2-way station to be located at Pemobscott Building, Griswald and Fort Street, Detroit, Mich., to operate on frequencies 454.250, 454.300, 454.350 MHz.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

7877–C2–P–69—W. Donald Molitor and Donald N. Molitor, d.b.a. Canaveral Communications (New), C.P. for a new 1-way station to be located at 310 Palmetto Avenue, Melbourne, Fla., to operate on base frequency 158.70 MHz.

7878–C2–P–69—C. L. McHolland d.b.a. Dome Communications (KLF516), C.P. to replace transmitter operating on base frequency 152.15 MHz at location No. 1: Little Goose Peak, Wyo.

7879–C2–P–69—Ralph C. Parker d.b.a. Ratel Communications Co. (KKO341), C.P. for additional base channel to operate on frequency 152.21 MHz at station located at KFDX–TV Tower, State Route No. 30 and Old Seymour Road, Wichita Falls, Tex.

7880–C2–P–(2)–69—Kalama Telephone Co. (KOP330), C.P. for additional base channel to operate on frequency 152.72 MHz at station located at end of China Gardens Road, 4½ miles east of Kalama, Wash.

7894–C2–P–(4)–69—The Chesapeake & Potomac Telephone Co. (KGA586), C.P. to change antenna system for base frequencies 152.51, 152.63, 152.72, 152.81 MHz at Location No. 2: 1420 Columbia Road NW., Washington, D.C.

7895–C2–P–(2)–69—The Chesapeake & Potomac Telephone Co. (KGC405), C.P. (Developmental) to change antenna system for frequencies 454.95, 454.675, MHz at station located at 1420 Columbia Road NW., Washington, D.C.

731–C2–R–69—Day-Nite Radio Message Service Corp. (KGA593), Renewal filed for license expiring Apr. 1, 1969.

7923–C2–P–(2)–69—Arlington Telephone Co. (New), C.P. for new (Developmental—Air-Ground) station to be located at 615 West Dodge Street, Arlington, Nebr., to operate on frequencies 454.825, 454.675 MHz.

Informative

7768–C2–P/L–69—Atlas Van-Lines, Inc., Applicant has filed an application for 500 individual mobile units using facilities of Wireline Common Carriers throughout the continental United States.

Major Amendment

46–C2–P–69—Jack Loperena (New), Amend to read: C.P. for a new 1-way signaling station. Frequency: 158.70 MHz. All other particulars to remain the same as reported on public notice dated Aug. 28, 1968, Report No. 402–1.

Corrections

5075–C2–P–69—Central Mobile Radio Phone Service (KQK595), Correct to read: C.P. to replace base transmitter operating on frequency 152.12 MHz. All other particulars remain the same as reported under Major Amendments on public notice dated Apr. 21, 1969, Report No. 436.

7372–C2–MP–69—New York Telephone Co. (KEA763), Correct to read: Modification of C.P. to relocate and increase antenna height for base frequencies 454.375, 454.450, 454.525, 454.550, 454.625, 454.650 MHz at location No. 3: 237 East 37th Street, New York, N.Y., and to add auxiliary test facilities to operate on frequencies 459.375, 459.450, 459.525, 459.550, 459.625, 459.650 MHz located at 228 East 56th Street, New York, N.Y.

7482–C2–P–69—Communications Engineering Co. (KMA742), Correct to read: C.P. to change antenna systems for base frequencies 152.18 MHz and 152.21 MHz; replace transmitter for frequency 152.21 MHz.

RURAL RADIO SERVICE

7881–C1–P/L–69—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new fixed station to be located at 22 miles west of Missoula, Mont., to operate on frequency 157.89 MHz.

7882–C1–P–69—Western California Telephone Co. (New), C.P. for a new fixed station to be located at Los Huecos Ranch 6.21 miles northeast Morgan Hill, Calif., to operate on frequency 157.86 MHz.

7919–C1–P/L–69—South Georgia Telephone Co. (New), C.P. and license for a new fixed station at temporary locations within territory of grantee to operate on frequency 157.80 MHz. (Communicate with station KIY751 at Folkston, Ga.)

POINT-TO-POINT MICROWAVE RADIO SERVICE

7723–C1–P–69—Illinois Bell Telephone Co. (KSN61), C.P. to add 6241.7, 10,915 MHz directed toward Lorenzo, Ill., at its station 2.8 miles east-southeast of Norway, Ill.

7724–C1–P–69—Illinois Bell Telephone Co. (KYC83), C.P. to add 6019.3, 11,365 MHz directed toward Norway, Ill., at its station 3.5 miles northwest of Lorenzo, Ill.

7725–C1–P–69—Western Union Telegraph Co. (The) (KNG49), C.P. to change antenna location to adjacent to building No. 1, Sunnyvale, Calif., operating on 3770 and 4010 MHz.

7726–C1–P–69—Illinois Bell Telephone Co. (KSN55), C.P. to add 10,975, 11,135 MHz directed toward Winnebago, Ill., at its station 211 North Church Street, Rockford, Ill.

7727–C1–P–69—Illinois Bell Telephone Co. (KCG70), C.P. to add 11,385, 11,545 MHz directed toward Rockford, Ill., and add 6301.0, 11,345 MHz toward Freeport, Ill., at its station 2.5 miles east-southeast of Winnebago, Ill.

7728–C1–P–69—Illinois Bell Telephone Co. (New), C.P. for a new station. Frequencies: 6078.6, 10,935 MHz. Location: 2.1 miles north of Freeport, Ill.

7738–C1–P/ML–69—The Pacific Telephone & Telegraph Co. (KMJ95), C.P. and modification of of license to add 5945.2 MHz directed toward 2490 Garden Highway, Sacramento, Calif. (KVIE), at its station 1407 J Street, Sacramento, Calif.

7883–C1–P/L–69—South Central Bell Telephone Co. (New), C.P. and license for a new station. Frequency: 6093 MHz. Location: Corner North Roan and Commerce Streets, Johnson City, Tenn.

7884–C1–P–69—General Telephone Co. of Kentucky (KYC59), C.P. to add 5952.6, 6071.2 MHz toward Mount Vernon and add 10,875, 11,115 MHz toward Somerset, Ky., at its station Hale Knob, 0.9 mile southwest of West Somerset, Ky.

7885–C1–P–69—General Telephone Co. of Kentucky (New), C.P. for a new station. Frequencies: 11,325 and 11,565 MHz. Location: 305 North Main Street, Somerset, Ky.

7886–C1–P–69—Indiana Bell Telephone Co. (KSV86), C.P. to change antenna systems at its station 1100 feet west of South 23d and Raible Streets, Anderson, Ind.

7887–C1–P/ML–69—The Ohio Bell Telephone Co. (KQL27), C.P. and modification of license to add two antennas and 6175, 6225 MHz directed toward Parma, Ohio (WUAB), at its station 750 Huron Road, Cleveland, Ohio.

7888–C1–P–69—Southern Bell Telephone & Telegraph Co. (KIY62), C.P. to power split frequencies 6226.9 and 6345.5 MHz toward Spartanburg, S.C., at its station 6 miles north of Greenville, S.C.

7889–C1–P–69—The Mountain States Telephone & Telegraph Co. (KPR44), C.P. to add 11,075 MHz directed toward Billings Junction, Mont., at its station 3001 Second Avenue North, Billings, Mont.

7890–C1–P–69—The Mountain States Telephone & Telegraph Co. (KPR45), C.P. to add 11,245 MHz toward Indian Arrow and add 11,525 MHz toward Billings, Mont., at its station 6.5 miles southeast of Billings, Mont.

7891–C1–P–69—The Mountain States Telephone & Telegraph Co. (KPR46), C.P. to add 10,795 MHz toward Billings Junction and add 11,075 MHz toward Pine Ridge, Mont., at its station 10.5 miles southwest of Corinth, Mont.

7892–C1–P–69—The Mountain States Telephone & Telegraph Co. (KPR47), C.P. to add 11,525 MHz toward Indian Arrow and add 11,245 MHz toward Hardin, Mont., at its station 5.5 miles southeast of Corinth (Pine Ridge), Mont.

7893–C1–P–69—The Mountain States Telephone & Telegraph Co. (KPR48), C.P. to add 10,795 MHz toward Pine Ridge, Mont., at its station 16 West Fourth Street, Hardin, Mont.

Major Amendments

5441–C1–P–69—Mountain States Telephone & Telegraph Co. (The) (KPI50), Correct geographic coordinates to lat. 48°10'10'' N., long. 111°46'30'' W. All other particulars same as reported in public notice dated Mar. 24, 1969, Report No. 432.

6270–C1–P–69—General Telephone Co. of the Northwest, Inc. (New), Change the azimuth of radio path between Troy, Mont., and the passive reflector at Preacher Mountain, Mont., from 224°17' to 201°19'. Station location: Second and Kootenai Streets, Troy, Mont.

6271–C1–P–69—General Telephone Co. of the Northwest, Inc. (New), Change the azimuth of radio path between Preacher Mountain passive reflector and Troy, Mont., from 44°17' to 21°18'. Station location: 114 East Fourth Street, Libby, Mont. All other particulars same as reported in public notice dated Apr. 28, 1969, Report No. 437.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

6746-C1-P-69—The Mountain States Telephone & Telegraph Co. (KXQ99), Change geographic coordinates to lat. 44°37'17" N., long. 108°49'14" W. Station location: McCullough Peak, 11.7 miles east-northeast of Cody, Wyo.

6747-C1-P-69—The Mountain States Telephone & Telegraph Co. (New), Change geographic coordinates to lat. 44°45'20" N., long. 108°45'29" W. Station location: 277 North Absaroka Street, Powell, Wyo. All other particulars same as reported in public notice dated May 19, 1969, Report No. 440.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

7769-C1-P-69—Mountain Microwave Corp. (New), C.P. for new station 5 miles northwest of De Smet, S. Dak. at lat. 44°26'29" N., long. 97°37'10" W. Frequency 11,055 MHz on azimuths 306°8' and 75°50'.

7770-C1-P-69—Mountain Microwave Corp. (New), C.P. for new station 3 miles northwest of Toronto, S. Dak. at lat. 44°36'22" N., long. 96°40'52" W. Frequency: 11,545 MHz on azimuth 309°18'.

7771-C1-P-69—Mountain Microwave Corp. (New), C.P. for new station 2 miles north-northwest of Redfield, S. Dak. at lat. 44°54'40" N., long. 98°32'05" W. Frequency: 11,545 MHz on azimuth 2°27'. (Informative: Applicant proposes to provide the television signal of station KORN-TV of Mitchell, S. Dak. to Aberdeen Cable TV Service, Inc., and to Mid-Continent Cable Systems in Aberdeen and Lake Kampeska, S. Dak., respectively.)

7772-C1-ML-69—West Texas Microwave Co. (KKU85), Modification of license to permit carriage of four audio channels consisting of KIXL-FM, KWXI-FM, WRR-FM, and KCWM-FM, to Odessa, Tex., for delivery to Community Cablevision of Odessa.

7773-C1-P-69—Micro-Relay, Inc. (KJL94), C.P. to add power split on frequencies 5960.0, 6019.3, and 6137.9 MHz. Azimuths 69°38', 126°06', and 298°10'. Station location: 0.8 miles southwest of Helena, Ga., at lat. 32°04'06" N., long. 82°55'51" W. (Informative: Applicant proposes to provide the television signals of WAGA-TV, WJRJ-TV, WQXI, and WSB-TV and six FM broadcast signals to Eastman, Hazlehurst, and Vidalia, Ga., for delivery to G.T. and E. Communications, Inc.)

7774-C1-P-69—Micro-Relay, Inc. (KJL95), C.P. to add power split at station located 3.2 miles southeast of Broxton, Ga., at lat. 31°35'24" N., long. 82°51'26" W. Frequencies 6241.7, 6301.0, and 6360.3 MHz on azimuth 292°36'. (Informative: Applicant proposes to provide the television signals of WAGA-TV, WJRJ-TV, WQXI, and WSB-TV and six FM broadcast signals to Fitzgerald, Ga., for delivery to G.T. and E. Communications, Inc.)

7775-C1-P-69—Northco Microwave, Inc. (KCK70), C.P. to power split frequency 5937.5 MHz at Mount Greylock, Mass., lat. 42°38'14" N., long. 73°09'56" W. Azimuth 61°46'. (Informative: Applicant proposes to provide the television signal of WPIX-TV of New York City to New England Microwave, Inc., at Florida Mountain, Mass., for delivery to their existing subscriber Mohawk Valley TV at Athol, Mass.)

7876-C1-ML-69—American Microwave & Communications, Inc. (KYO48), Modification of license to change designation of Mount Pleasant, Mich., receiving site to (Drop-Relay) in order to permit delivery of WKBD-TV signal to Thumb Video Co. and Boothe Communications Co. (Applicant formerly known as Upper Peninsula Microwave, Inc.)

7896-C1-P-69—American Television Relay, Inc. (KKT86), C.P. to power split frequencies 6078.6 and 6137.9 on azimuth 72°16'. Location: Boy Scout Mountain, 4.6 miles northwest of Arabela, N. Mex. at lat. 33°37'20" N., long. 105°14'24" W.

7897-C1-P-69—American Television Relay, Inc. (New), C.P. for new station 10 miles northwest of Kenna, N. Mex., at lat. 33°58'38" N., long. 103°52'21" W. Frequencies: 11,095 and 11,175 MHz on azimuth 51°16'. (Informative: Applicant proposes to provide the television signals of stations KTLA and KHJ-TV to Clovis, N. Mex. for delivery to Midwest Video Corp.)

7920-C1-P-69—Teleprompter Transmission of Kansas, Inc. (KPB82), C.P. to (a) add frequency 6382.6 MHz via power split, toward Mount Royal (KPB51), Mont., on azimuth 67°21'; (b) delete frequency 6264.0 MHz toward Cutbank and Shelby, Mont.; and (c) delete Highwoods Peak (KPH86), Mont., as point of communication. Transmitter location: Mount Baldy, 9 miles south-southeast of East Glacier, Mont.

7921-C1-P-69—Teleprompter Transmission of Kansas, Inc. (KPB51), C.P. to (a) add frequencies 6019.3, 6078.6, and 6108.3 MHz toward Highwoods Peak (KPH86), Mont., on azimuth of 166°08'; (b) change existing frequency 6359.5 MHz to 6137.9 MHz toward Highwoods Peak; (c) change frequencies toward Havre, Mont., to 6019.3, 6108.3, 6049.0, 6137.9, and 6167.6 MHz on azimuth 108°06'; (d) change frequencies toward Cutbank, Mont., to 6049.0, 6137.9, and 6167.6 MHz; (e) change frequencies toward Shelby, Mont., to 6049.0, 6137.9, 6167.6 MHz; and (f) replace two of five existing transmitters and increase output power. Transmitter location: Mount Royal, 28 miles north-northwest of Chester, Mont.

7922-C1-P-69—Teleprompter Transmission of Kansas, Inc. (KPH86), C.P. to (a) change frequencies toward Great Falls, Mont., to 5960.0, 5989.7, 6049.0, and 6167.6 MHz on azimuth of 227°22'; (b) change frequencies toward Little Rockies, Mont., to 5989.7 and 6049.0 MHz on azimuth of 69°58'; and (c) replace four of four existing transmitters and increase output power. Transmitter location: Highwoods Peak, 28 miles east-southeast of Great Falls, Mont. (Informative: Applicant proposes to modify its existing system for purpose of improving service to its subscribers. Presently authorized service is unchanged by these applications.)

[F.R. Doc. 69-7871; Filed, July 2, 1969; 8:48 a.m.]

[Dockets Nos. 18489-18491; FCC 69R-281]

SUMMIT BROADCASTING ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Richard S. Genetti, Edward F. Genetti, Salvadore Gaudiano, Jr., and James Manganell (a Partnership), doing business as Summit Broadcasting, Freeland, Pa., Docket No. 18489, File No. BP-16986; CBM, Inc., West Hazleton, Pa., Docket No. 18490, File No. BP-17497; Broadcasters 7, Inc., West Hazleton, Pa., Docket No. 18491, File No. BP-17498; for construction permits, 1300 kHz.

1. Involved here are mutually exclusive applications for a new standard broadcast facility; Summit Broadcasting ("Summit") proposes to locate its facility in Freeland, Pa., and CBM, Inc. ("CBM") and Broadcasters 7, Inc. ("Broadcasters") each proposes to locate in West Hazleton, Pa.[1] Now before the Review Board is a petition to enlarge issues, filed April 10, 1969, by Summit seeking a Suburban Community issue[2] against each of the other applicants.[3] Also, before the Board is a joint petition, filed May 15, 1969, by CBM and Broadcasters, seeking the identical issue against Summit.[4]

2. Stated generally, the requests for issues derive from the proximity of the communities specified by each applicant to the city of Hazelton, Pa.; the comparative size of the communities; the location of the respective transmitter sites; the extent of coverage of Hazelton proposed by each applicant; and the asserted inability of the respective specified communities to provide sufficient revenues to sustain the station. Specifically, in support of its petition, Summit points out that West Hazelton, the community specified by both CBM and Broadcasters is adjacent to Hazelton, and that, according to the 1960 Census, Hazelton had a population of 32,056 while West Hazelton's population was 6,278. Summit further observes that, although both CBM and Broadcasters have specified West Hazelton as their principal community, both will place a 5 mv/m signal

[1] The applications were designated for hearing by Commission Order (FCC 69-237, 16 FCC 2d 1002, released March 21, 1969) on issues including a 307(b) issue and a contingent comparative issue.

[2] Policy Statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901 (1965).

[3] Additional pleadings relating to this petition before the Board are: opposition, filed May 7, 1969, by Broadcasters 7, Inc.; Broadcast Bureau comments, filed May 7, 1969; opposition, filed May 7, 1969, by CBM, Inc.; and reply, filed May 21, 1969, by Summit.

[4] Additional pleadings relating to this petition before the Board are: opposition, filed June 4, 1969, by Summit; and Broadcast Bureau comments, filed June 4, 1969. CBM and Broadcasters have not filed a reply and the time therefor has expired.

over the larger city and indeed, CBM will provide a 25 mv/m signal to most of Hazelton and Broadcasters will place that quality signal over the entire city. Summit notes that both applicants' transmitter sites are located extremely close to Hazelton; and that neither applicant could have specified Hazelton as its principal community due to the restrictions of Rule 73.37(a).[5] Summit argues that these facts alone warrant the imposition of the Suburban Community issue against CBM and Broadcasters (citing inter alia, Outer Banks Radio Co., FCC 69-37, 15 FCC 2d 994 (1969)) especially because both such applications were filed "on top" of its application for Freeland. Summit further maintains that West Hazelton is merely a satellite of Hazelton, and is within the SMSA of which Hazelton is the central city. Summit notes that the two communities have a common water and sewage authority; that the telephone book does not contain separate listings for Hazelton and West Hazelton, whereas other neighboring communities are separately listed; that West Hazelton and Hazelton have a common Chamber of Commerce and service clubs; and that the local newspapers do not treat West Hazelton news separately, but report such items together with news for Hazelton. Summit further asserts that a local urban redevelopment program (CAN-DO) encompasses both communities and is administered by representatives drawn from the "Greater Hazelton Area." Finally, Summit claims that neither CBM nor Broadcasters has shown that its advertising revenues will be drawn from its specified community, and, Summit contends, there is a serious question as to whether West Hazelton can generate sufficient revenues to support a station. Summit therefore insists that the circumstances warrant a Suburban Community issue, and an issue to determine whether CBM and Broadcasters, if treated as applicants for Hazelton, comply with Rule 73.37.

3. CBM and Broadcasters, in separate pleadings, oppose addition of Summit's requested issues. They assert that one of the objectives of the Suburban Community Policy Statement, supra, is to encourage placement of broadcast facilities in developing communities, and contend that West Hazleton is such a community. They point out that West Hazleton has an independent governmental system; that despite the recent reorganization of Pennsylvania schools and magistrate courts, West Hazleton still has its own school and court system. Further, assert CBM and Broadcasters, West Hazleton has its own police and fire departments as well as local civic organizations. Finally, CBM and Broadcasters maintain, relying in part upon Pennsylvania tax authorities' figures, that West Hazleton is a vigorous growing community which can readily support a broadcast facility. Each applicant also asserts that its transmitter location has been selected on the basis of financial considerations, and, that since power greatly in excess of that required to serve the principal community is not proposed, the incidental coverage of Hazleton does not warrant the issue. Since, it is claimed, the population disparity is not great, excessive power is not proposed, and the specified community has an independent existence and can support the facility, CBM and Broadcasters contend that Summit has failed to raise a substantial question.[6]

4. On the other hand, CBM and Broadcasters contend, in their joint petition, that a substantial question does exist as to whether Summit will realistically serve its specified community or some larger community. Petitioners acknowledge that their request is not timely filed. They argue, however, that good cause for the petition is present because, if Summit's petition is granted, the issue should be applied "with total equity to all applicants." Alternatively, the joint petitioners assert that the Board should, on its own motion, consider the merits of their petition under the Edgefield-Saluda doctrine.[7] On the merits, the joint petitioners point out that Summit's application specifies the town of Freeland, a community of 5,068 persons located but 4.2 miles from Hazleton; there is, argue the petitioners, a significant population disparity between the two towns. The joint petitioners concede that the 1 kw operation proposed by Summit is not excessive power, but assert that Summit's 5 mv/m contour will cover "nearly all" of Hazleton; that, indeed, under Summit's proposed directional array, the major radiation lobe is aimed toward Hazleton; and that Summit could not have specified Hazleton as its city of license due to the limitations of Rule 73.37. Petitioners argue that this directional pattern was established to provide the strongest possible signal to the larger city. Further, argue petitioners, Freeland does not have sufficient sources of advertising revenues to supply the $60,000 which Summit estimates will be required for its first year of operation. The petitioners note, in this respect, that Freeland has only two significant industrial establishments (employing 359 persons) and that the total number of business establishments has declined in recent years. Finally, citing Outer Banks Radio Co., supra, petitioners contend that it is not necessary to establish the existence of a city-suburb relationship between Hazleton and Freeland; nevertheless, it is asserted, the facts suggest the existence of such a relationship. Thus, argue the petitioners, although Freeland is a separate legal entity,[8] its residents are dependent upon Hazleton for shopping, entertainment and employment, it is treated as part of the Greater Hazleton Area by the Chamber of Commerce and Hazleton newspaper, and, under a plan said to have been adopted by the Pennsylvania school authorities, its high school will be closed and its students bussed to nearby schools. These circumstances, conclude the joint petitioners, warrant the imposition of a Suburban Community issue against Summit.

5. Summit responds that good cause for the late filing of the joint petition has not been shown and that Edgefield-Saluda, supra, is inapposite because the joint petition does not raise a substantial question. On the merits, Summit argues that the joint petition does not show that Summit purposefully proposes to cover Hazleton and fails to establish the existence of a city-suburb relationship between Hazleton and Freeland. As to the former, Summit asserts that its array is directionalized to avoid adjacent and co-channel interference; that the major lobes run on a northeast-southwest axis, and the northeast lobe—away from Hazleton—extends further with higher radiation than the lobe covering Hazleton; and that, as conceded by the petitioners, 1 kw is not excessive power. As to the latter, Summit asserts that, in a study made by Pennsylvania State University at the request of the Hazleton Chamber of Commerce, the definition of the "Greater Hazleton Area" does not include Freeland. Similarly, notes Summit, the U.S. Census does not include Freeland in the Hazleton SMSA. Further, argues Summit, the community has that congery of civic, economic and governmental organizations and services[9] which clearly indicates its existence independent of Hazleton. Indeed, Freeland is resisting the efforts to close its schools, asserts Summit. Finally, Summit insists that with retail sales in excess of $5 million, Freeland is well able to provide sufficient sources of advertising to support its facility and the joint petitioners' assertions to the contrary are wrong and unsubstantiated. For these reasons, concludes Summit, there is no basis for a Suburban Community issue against it, whereas the circumstances do warrant such an issue against the West Hazleton applicants.[10]

6. The Review Board is of the view that a Suburban Community issue is warranted against all three applicants in this proceeding.[11] It is well established

[5] Summit notes that CBM's original application was filed for 1170 kHz, Hazleton; this application was rejected by the Commission.

[6] In reply, Summit maintains that the factual assertions raised by CBM and Broadcasters do not suffice to resolve the substantial question raised by its petition.

[7] 5 FCC 2d 148, 8 RR 2d 611 (1966).

[8] Petitioners also concede that Freeland is not a part of the Hazleton SMSA.

[9] I.e., its own post office, Chamber of Commerce, Redevelopment Corporation, water and sewage authority and YMCA. Also, argues Summit, Freeland phone numbers are separately listed in the telephone directory and the Hazleton paper carries a separate news section covering Freeland.

[10] The Broadcast Bureau urges imposition of the issue against all three applicants, stressing particularly the similarity of the facts of the instant case with those present in Outer Banks, supra.

[11] The CBM-Broadcasters 7 petition is concededly untimely and the joint petitioners' claim of good cause is frivolous. Nevertheless, the petition does raise a public interest question of substantial magnitude and imposition of an issue will not unduly disrupt the proceeding. Consistent with our practice, we will, therefore consider the request on its merits, see WSTE-TV, Inc., 16 FCC 2d 625, 15 RR 2d 697 (1969); Edgefield-Saluda, supra.

that, upon a proper "threshold showing", a Suburban Community issue will be added even though, as here, the circumstances of the case do not fit precisely within the standards which raise the presumption formulated in the Policy Statement, supra. In the cases succeeding the Policy Statement, the Commission has articulated the type of "threshold showing" to be made, see, e.g., Babcom, Inc., 12 FCC 2d 306, 12 RR 2d 998 (1968); Outer Banks Radio Co., Inc., supra; VWB, Inc., supra; and Harry D. Stephenson and Robert E. Stephenson, FCC 68-1144, 15 FCC 2d 335; compare Durgin Associates, Inc., 10 FCC 2d 24, 11 RR 2d 205 (1967). Such a showing has been made against all the applicants here. Thus, while coverage of the larger city with a 5 mv/m signal is not, of itself dispositive, the engineering considerations are relevant to the threshold showing. VWB, Inc., supra. Here all three applicants will place a 5 mv/m signal over all, or nearly all of the larger community; CBM and Broadcasters 7 have positioned their transmitter sites and Summit has directionalized its contour, the pleadings indicate, in such a manner as to place a strong signal over Hazleton. These engineering considerations take on added weight, the Commission has indicated, when the applicant could not have specified the larger community because of prohibited overlap VWB, Inc., supra. Such is the case here as to all three applicants. But the Suburban Community issue will not be added on the basis of engineering considerations alone. The Commission has also concerned itself with the characteristics of the communities involved. Thus, the relative size of the specified community and the larger city is relevant; it is manifest that a significant population disparity exists in the instant case, both as to Hazleton vis-a-vis West Hazleton and Hazleton vis-a-vis Freeland. VWB, supra; Outer Banks, supra. In addition, although the distance of the specified community from the larger town is not itself dispositive, Babcom, Inc., supra, and it need not be established that a classic city-suburb relationship exists, substantial allegations that the specified community lacks an independent existence and depends upon the larger city for its civic, social and economic life are another factor to be considered. Outer Banks, supra. Such properly documented allegations have been made in the instant case. The dearth of industry in both West Hazleton and Freeland raises a substantial question not only as to whether those communities can support a radio station but also as to whether West Hazleton and Freeland are independent of Hazleton. The independence of the two communities is further called into question by the lack of essential civic services—e.g., schools in the case of Freeland—or sharing of such civic and social services, such as the joint sanitary service in the case of Hazleton-West Hazleton. In the last analysis, then, the threshold showing must raise a substantial question as to whether the applicant will realistically serve the community which it has specified. Outer Banks, supra. Such a burden is not light, VWB, supra, but, in our view, the question has been clearly raised in this case, and a Suburban Community issue will be added against all three applicants.[12]

7. *It is ordered,* That the petition to enlarge issues, filed April 10, 1969, by Summit Broadcasting; and the joint petition to enlarge issues, filed May 15, 1969, by CBM, Inc. and Broadcasters 7, Inc., are granted; and that the issues in this proceeding are enlarged by the addition of the following:

To determine, with respect to CBM, Inc., Broadcasters 7, Inc. and Summit Broadcasting:

(1) Whether each such applicant will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all the relevant evidence, including but not limited to, evidence showing:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct program needs;

(b) The extent to which needs of the specified station location are being met by existing standard broadcast facilities;

(c) The extent to which the applicant's program proposal will meet the specified unsatisfied needs of the specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within the specified station location are adequate to support its proposal.

(2) If it is concluded pursuant to the foregoing issue (1) that the proposal of the applicant will not realistically provide a local transmission service for its specified community, whether such proposal meets all of the technical provisions of the rules for standard broadcast station assigned to Hazleton, Pa.

8. *It is further ordered,* That the burdens of proceeding and proof under the issues added herein will be on the applicants for each of their respective proposals.

Adopted: June 25, 1969.

Released: June 27, 1969.

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

[F.R. Doc. 69-7872; Filed, July 2, 1969; 8:49 a.m.]

[12] If any applicant fails to meet its burden under both of the issues added herein, its application will be denied. If, however, an applicant fails to meet its burden under Issue (1), but does meet the burdens under Issue (2), it will then be decided whether that applicant should be allowed to remain in hearing status. See Sundial Broadcasting Co., Inc., FCC 68-1082, 15 FCC 2d 58.

FEDERAL POWER COMMISSION

[Docket No. AR69-1]

AREA RATE PROCEEDING

Order Deleting Respondents and Redesignating Respondent

JUNE 26, 1969.

Area Rate Proceeding, Offshore Southern Louisiana, Federal Domain and Disputed Areas, Docket No. AR-69-1.

On April 30, 1969, Mississippi River Corp. filed a request to be deleted as a respondent to this proceeding. A similar request was filed May 26, 1969 on behalf of Consolidated Natural Gas. Co., Consolidated Natural Gas Service Co., and The Peoples Natural Gas Co.

Pursuant to the order instituting this proceeding, issued March 20, 1969, purchasers of offshore leases, natural gas companies having rate schedules on file for sales within the hearing area, and pipelines operating in the area were made respondents. The above companies were named as respondents in Appendix A to the instituting order.

A review of the information on file with the Commission bears out the contention of each of the above companies that it does not meet any of the criteria established by the Commission for determining respondents to this proceeding. Therefore it is appropriate that these companies be deleted as respondents.

The above request for deletion as a respondent of Mississippi River Corp. also served to advise the Commission that the name of Natural Gas ond Oil Corp. has been changed to River Corp. River Corp. is a wholly owned subsidiary of Mississippi River Corp., and was included as a respondent to this proceeding under the name Natural Gas and Oil Corp. The list of respondents should be amended to reflect this change in name.

The Commission orders:

(A) Mississippi River Corp., Consolidated Natural Gas Co., Consolidated Natural Gas Service Co., and The Peoples Natural Gas Co. are hereby deleted as respondents to the proceeding in Docket No. AR69-1.

(B) The respondent to this proceeding designated Natural Gas and Oil Corp. is hereby redesignated River Corp.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7823; Filed, July 2, 1969; 8:45 a.m.]

CALIFORNIA

Order Vacating Power Withdrawal of Land in Project No. 894

JUNE 25, 1969.

Application has been filed by the U.S. Forest Service for partial vacation of the power withdrawal under the Federal

Power Act pertaining to the following described land of the United States:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 35 N., R. 7 E.,
Sec. 10, lots 3, 4;
Sec. 14, W½SW¼;
Sec. 15, NW¼NE¼, S½NE¼;
Sec. 22, NE¼NW¼, NW¼SE¼, SE¼SE¼;
Sec. 23, SE¼NW¼, NW¼SE¼;
Sec. 24, W½NE¼, SE¼NW¼, NW¼SE¼;
Sec. 26, NW¼NW¼, SE¼NW¼, NW¼SE¼.
T. 36 N., R. 7 E.,
Sec. 19, SE¼SW¼;
Sec. 29, lots 12, 13;
Sec. 30, W½NE¼, N½NW¼, N½SE¼, SE¼SE¼;
Sec. 31, NE¼NE¼;
Sec. 32, lots 4, 5, 6, 10, 11, 15, 16.

(Approximately 1,414 acres.)

The application was filed to effectuate a land exchange.

The land lies along or near Horse Creek, a tributary of the Pit River, near the community of Little Valley in Lassen County, Calif., and portions of the land are within the Lassen National Forest.

The land is withdrawn pursuant to the filing on May 8, 1928, as supplemented on March 13, 1929, of an application for preliminary permit for proposed Project No. 894, for which the Commission gave notices of land withdrawal to the General Land Office (now Bureau of Land Management) by letters dated May 11, 1928, February 16, 1929, and April 1, 1929, respectively. No application for license for the project was filed because inadequacy of water supply rendered any power development uneconomic. The permit was canceled by Commission order of June 20, 1930 at the permittee's request.

The Commission finds: The withdrawal of the subject land pursuant to the application for Project No. 894 serves no useful purpose and should be vacated.

The Commission orders: The withdrawal of the subject land pursuant to the application for Project No. 894 is hereby vacated in its entirety.

By the Commission.

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

[F.R. Doc. 69-7824; Filed, July 2, 1969; 8:45 a.m.]

[Docket No. RI69-353, etc.]

DARCESA CORP. AND SKELLY OIL CO.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 20, 1969.

Darcesa Corp., Docket No. RI69-353, etc.; Skelly Oil Co., Docket No. RI69-362.

In the order providing for hearings on and suspension of proposed changes in rates, issued December 27, 1968, and published in the FEDERAL REGISTER January 7, 1969 (34 F.R. 224), in Appendix A, page 4, Docket No. RI69-362, Skelly Oil Co.: (Opposite Rate Schedule No. 90) under column headed "Supp. No." change "11" to read "12."

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-7825; Filed, July 2, 1969; 8:45 a.m.]

[Docket No. CP66-110]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Petition To Amend

JUNE 26, 1969.

Take notice that on June 20, 1969, Great Lakes Gas Transmission Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed a petition to amend the certificate of public convenience and necessity, issued by the order of the Commission on June 20, 1967, to authorize certain changes in the compressor facilities to be installed by Applicant. Applicant proposes to redistribute the horsepower of compressors among the stations with the total compression to be installed to remain virtually the same as that presently authorized, and Applicant states that these proposals would result in operating economies at the capacity of authorized operations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-7826; Filed, July 2, 1969; 8:45 a.m.]

[Docket No. G-3117 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Findings and Order; Correction

JUNE 20, 1969.

Humble Oil & Refining Co. and other Applicants listed herein, Docket No. G-3117 etc.; Midhurst Oil Corp. (successor to Rycade Oil Corp.), Docket No. G-9579.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceeding, substituting respondent, making successors co-respondents, redesignating proceedings, making rate change effective, accepting agreements and undertaking for filing, and accepting related rate schedules and supplements for filing, issued May 26, 1969, and published in the FEDERAL REGISTER June 4, 1969 (34 F.R. 8937), on page 5, paragraph (5) and page 10, paragraph (10): Change Docket No. "G-9575" to read Docket No. "G-9579."

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-7827; Filed, July 2, 1969; 8:45 a.m.]

[Docket No. RP-69-36]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Providing for Hearing, Rejecting Proposed Revised Tariff Sheets, and Accepting Proposed Alternative Revised Tariff Sheets

JUNE 26, 1969.

On May 29, 1969, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, to become effective on July 1, 1969.[1] The proposed rate changes would increase charges for jurisdictional sales and services by $44,471,857 annually, based on sales for the 12-month period ending February 28, 1969, as adjusted. Rates would be increased under all sales rate schedules except Rate Schedules I-1 and I-2 (Rate Schedule I-1 would be subject to adjustment for changes in cost of purchased gas).

Natural's filing consists of two alternative sets of revised tariff sheets, one of which sets contains a proposed new paragraph, to be included in the General Terms and Conditions of the Tariff, providing that Natural would be permitted, or required, to revise its rates periodically to reflect increases or decreases in its cost of purchased gas.[2] Natural requests that, if the Commission finds that

[1] The proposed revised tariff sheets (described by Natural as "alternative" sheets) hereinafter accepted for filing and suspended are as follows: Eighth Revised Sheet No. 6, Ninth Revised Sheet No. 9, Second Revised Sheet No. 10-A, Eighth Revised Sheet No. 12, Ninth Revised Sheet No. 13, Second Revised Sheet No. 14-A, Eighth Revised Sheet No. 15, Fourth Revised Sheet No. 17, Eighth Revised Sheet No. 18, Ninth Revised Sheet No. 19-A, Second Revised Sheet No. 19-AA, Eighth Revised Sheet No. 19-B, Sixth Revised Sheet No. 19-C, Third Revised Sheet No. 19-D, First Revised Sheet No. 19-E, Original Sheet No. 19-F, First Revised Sheet No. 25-A, Fourth Revised Sheet No. 25-D, Fourth Revised Sheet No. 25-G, Second Revised Sheet No. 25-L, Third Revised Sheet No. 25-O, and First Revised Sheet No. 38-B.

[2] The revised tariff sheets setting forth Natural's proposed purchased gas adjustment provision are Original Sheets Nos. 38-G through 38-K.

the proposed purchased gas adjustment provision is prohibited by § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act and does not waive the terms of that section for purposes of Natural's filing, the Commission accept for filing the alternative set of revised tariff sheets, which does not contain a purchased gas adjustment provision.

Natural states that the principal reason for the proposed rate increases is an increase in revenue requirements not limited to any category of expense or allowance, but reflecting a general increase in cost levels in the nation and in the natural gas industry. The proposed rates include a claimed 8.5 percent rate of return.

The reasonableness of including a purchased gas adjustment provision in Natural's tariff has not been tested in any evidentiary proceeding. If accepted at this time, this provision would become operative after suspension. The purchased gas adjustment provision raises a number of substantive issues which should be fully explored and resolved before the rates and charges to Natural's customers are subjected to changes by application of this proposed adjustment provision. Accordingly, we deem it inappropriate at this time to waive the provisions of § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act to permit the filing of Natural's set of revised tariff sheets containing a purchased gas adjustment provision. During the pendency of this proceeding, and prior to the determination of this issue, however, Natural will not be precluded from requesting permission to track supplier rate increases which increase the purchased gas costs filed for by Natural in this proceeding.

Review of the rate filing indicates that certain other issues are raised which also require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

We contemplate that some of the issues involved in this proceeding may be susceptible of hearing and decision within the 5 months suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we are authorizing the Presiding Examiner to determine which issues, if any, may be tried in an initial phase of the hearing.

Fourteen of Natural's customers have filed petitions for leave to intervene in this proceeding. Petitions to intervene have also been filed by the Administrator of General Services, the city of Chicago, Ill., and a group of municipalities purchasing gas from Natural for resale. Notices of intervention were filed by the Public Service Commission of Wisconsin, and the Iowa State Commerce Commission.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Natural's FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed in footnote (1) above be suspended, and the use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held commencing on July 8, 1969, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Natural's FPC Gas Tariff, as proposed to be amended herein.

(B) Pending such hearing and decision thereon, Natural's revised tariff sheets listed in footnote (1) above are hereby suspended and the use thereof is deferred until December 1, 1969, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Natural's revised tariff sheets proposing a purchased gas adjustment provision are hereby rejected for filing. These proposed tariff sheets may be made a part of the record herein, to be considered, along with any modifications thereof or alternative provisions submitted by the parties or the Commission Staff, as a proposed purchased gas adjustment provision to be included in Natural's tariff.

(D) At the hearing on July 8, 1969, Natural's prepared testimony (Statement P) filed and served on June 13, 1969, together with its entire rate filing as submitted and served on May 29, 1969, be admitted to the record as Natural's complete case-in-chief as provided by § 154.63(e)(1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding.

(E) Following admission of Natural's complete case-in-chief, the parties shall present their views and the Presiding Examiner, in the exercise of his discretion, shall determine which issues, if any, shall be heard in an initial phase hearing; fix dates for service of Staff's and Interveners' evidence on such issues and service of Natural's rebuttal testimony; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible. The Examiner shall thereafter fix dates for service of testimony and cross-examination on all issues not being heard in the first phase hearing.

(F) Presiding Examiner Ernest O. Eisenberg, or any other designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

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

[F.R. Doc. 69-7828; Filed, July 2, 1969; 8:45 a.m.]

[Docket No. CP69-109]

OHIO FUEL GAS CO.

Notice of Petition To Amend

JUNE 26, 1969.

Take notice that on June 19, The Ohio Fuel Gas Co. (Applicant), 99 North Front Street, Columbus, Ohio 43215, filed in Docket No. CP69-109 a petition to amend the certificate of public convenience and necessity granted by the order of the Commission on March 17, 1969. Applicant requests authority to sell minor additional quantities of natural gas to three of its customers commencing November 1, 1969, as follows:

	Authorized by order of Mar. 17, 1969	Proposed
	Mcf	*Mcf*
Cincinnati Gas & Electric Co.	100,000	105,000
Columbia Gas of Ohio, Inc.	2,122,200	2,123,700
Dayton Power & Light Co.	489,600	490,800

Applicant also petitions for an extension of the date by which certain facilities are to be constructed and placed in operation, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-7829; Filed, July 2, 1969; 8:45 a.m.]

[Docket No. CP69-343]

OHIO FUEL GAS CO. AND UNITED FUEL GAS CO.

Notice of Application

JUNE 26, 1969.

Take notice that on June 19, 1969, the Ohio Fuel Gas Co. (Applicant), 99 North Front Street, Columbus, Ohio 43215 and United Fuel Gas Co. (Applicant), 1700 MacCorkle Avenue SE., Charleston, W. Va. 25301 filed in Docket No. CP69-343 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of certain existing facilities to transfer deliveries of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants seek an order authorizing the transfer to the Ohio Fuel Gas Co., for the account of Gas Transport, Inc., United Fuel Gas Co.'s current deliveries of natural gas to Gas Transport, Inc. The proposed transfer will be effectuated through the utilization of existing facilities and no new construction will be necessary. Applicants state that this arrangement will permit them to fully utilize their available gas supplies.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7830; Filed, July 2, 1969; 8:45 a.m.]

[Docket No. RI69-374, etc.]

PAN AMERICAN PETROLEUM CORP. AND SKELLY OIL CO.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 20, 1969.

Pan American Petroleum Corp., Docket Nos. RI69-374, etc.; Skelly Oil Co., Docket No. RI69-389.

In the order providing for hearings on and suspension of proposed changes in rates, issued December 30, 1968, and published in the FEDERAL REGISTER January 9, 1969 (34 F.R. 329), in Appendix A, page 13, line 1, Docket No. RI69-389, Skelly Oil Co.: (Opposite Rate Schedule No. 131) under column headed "Supp. No." change "6" to read "8".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7832; Filed, July 2, 1969; 8:46 a.m.]

[Docket No. RI69-227 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 20, 1969.

Pan American Petroleum Corp., Docket No. RI69-227 etc.; Champlin Petroleum Co. (Operator) et al., Docket No. RI69-230.

In the order providing for hearings on and suspension of proposed changes in rates, issued November 21, 1968, and published in the FEDERAL REGISTER December 4, 1968 (33 F.R. 18053), in Appendix A, page 2, Docket No. RI69-230, Champlin Petroleum Co. (Operator) et al., under column headed "Purchaser and Producing Area" change "Lone Star Gas Company" to read "Cities Service Gas Company."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7831; Filed, July 2, 1969; 8:45 a.m.]

[Docket No. G-4820 etc.]

TEXACO, INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

JUNE 20, 1969.

Texaco, Inc., and other Applicants listed herein, Docket No. G-4820 etc.; Continental Oil Co., Docket No. CI69-1099.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued June 16, 1969, and published in the FEDERAL REGISTER June 24, 1969 (34 F.R. 9764), on page 8, Column 3, Docket No. CI69-1099: Change name of purchaser to read "Tennessee Gas Pipeline Company, a Division of Tenneco Inc." in lieu of "Natural Gas Pipeline Company of America."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7833; Filed, July 2, 1969; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive of April 1, 1969

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on April 1, 1969.[1]

The information reviewed at this meeting suggests that, while expansion in real economic activity has moderated somewhat further, current and prospective activity now appears stronger than earlier projections had indicated. Substantial upward pressures on prices and costs are persisting. Most long-term interest rates have risen further on balance in recent weeks, but movements in short-term rates have been mixed. In the first quarter of the year bank credit changed little on average, as investments contracted while loans expanded further. In March the outstanding volume of large-denomination CD's continued to decline sharply; inflows of other time and savings deposits were moderate; and growth in the money supply remained at a sharply reduced rate. It appears that a sizable deficit reemerged in the U.S. balance of payments on the liquidity basis in the first quarter but that the balance on the official settlements basis remained in surplus as a result of further large inflows of Eurodollars. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to the reduction of inflationary pressures, with a view to encouraging a more sustainable rate of economic growth and attaining reasonable equilibrium in the country's balance of payments.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining firm conditions in money and short-term credit markets, taking account of the effects of other possible monetary policy action; provided, however, that operations shall be modified if bank credit appears to be deviating significantly from current projections.

Dated at Washington, D.C., the 26th day of June 1969.

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[1] The Record of Policy Actions of the Committee for the meeting of April 1, 1969, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 69-7842; Filed, July 2, 1969; 8:46 a.m.]

FIRST AT ORLANDO CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)), by First at Orlando Corp., which is a bank holding company located in Orlando, Fla., for the prior approval of the Board of the acquisition by Applicant of at least 80 percent of the voting shares of The Citizens State Bank, St. Cloud, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, of which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 24th day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7841; Filed, July 2, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-2532]

ADAMS EXPRESS CO.

Notice of Application for Order Exempting Acquisition of Securities of an Investment Company

JUNE 27, 1969.

Notice is hereby given that The Adams Express Co. ("Adams"), a closed-end, diversified investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 6(c) of the Act for an order exempting from the provisions of section 12(d)(1) of the Act the proposed acquisition by Adams of shares of common stock of Petroleum Corporation of America ("Petroleum"), a registered, closed-end, nondiversified investment company, in connection with the proposed offering by Petroleum to its stockholders of rights to subscribe for additional shares of common stock which is referred to below.

The investment policy of Petroleum is stated to be the concentration of investments in common stocks and other securities of corporations engaged in the oil industry or related industries or in interests in undeveloped or producing oil properties. Adams presently owns 18.72 percent (528,234 shares) of the common stock of Petroleum. On May 5, 1969, Petroleum informed its stockholders that it proposes to offer them transferrable rights, represented by warrants, to subscribe for 564,404 additional shares of its common stock on the basis of one additional share for each five shares held. In addition, each holder of a warrant is entitled to the privilege of subscribing for additional shares of the Petroleum stock, subject to allotment, out of any shares not subscribed for pursuant to the exercise of the primary subscription rights. Such stock offering by Petroleum will not be underwritten and is expected to expire about 21 days after the commencement of its offering.

Adams desires and intends, subject to the granting of the instant application by the Commission, to exercise its rights as a stockholder to purchase shares of Petroleum and to exercise subscription rights under any additional subscription privileges which may be available.

If all stockholders of Petroleum, including Adams, exercise their full rights pursuant to such stock offering the percentage of total outstanding stock of Petroleum owned by applicant will remain the same (18.72 percent). If subscription rights of others are not exercised, however, the additional stock of Petroleum to be acquired by applicant, pursuant to its rights and additional subscription privileges which may be available, could result in the ownership by Adams of more than the 18.72 percent of the outstanding stock of Petroleum it presently holds.

Section 12(d)(1) of the Act, among other things, makes it unlawful for any registered investment company and any company controlled by it to purchase or otherwise acquire any security issued by any other investment company if such registered investment company and any company controlled by it own in the aggregate, or as a result of such purchase will own, more than 5 percent of the total outstanding stock of such other investment company if the policy of such other investment company is the concentration of investments in a particular industry or group of industries.

Adams has agreed that it will take immediate steps to divest itself of such of its shares of Petroleum as may be in excess of 18.72 percent of the total number of shares of capital stock of Petroleum issued and outstanding after completion of the offering of additional shares of Petroleum.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions 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 July 14, 1969, 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, if any, 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 persons being served are located more than 500 miles from the point of mailing) upon the Adams at the address stated above. Proof of such service by affidavit (or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued 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 the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-7848; Filed, July 2, 1969; 8:47 a.m.]

[70-4766]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Filing Regarding Proposed Acquisition by Registered Holding Company of Common Stock of Public Utility Company and Issuance by Registered Holding Company of Shares of Its Common Stock To Be Used in Payment for Such Acquisition

JUNE 27, 1969.

Notice is hereby given that American Electric Power Co., Inc. ("AEP"), 2 Broadway, New York, N.Y. 10004, a registered holding company, has filed an application-declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6, 7, 9, and 10 of the Act and Rule 100 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

AEP proposes to acquire all of the outstanding securities of Sewell Valley Utilities Co. ("Sewell Valley"), an electric utility company incorporated under the laws of West Virginia and distributing electric energy wholly within that State, in exchange for 11,000 shares of AEP's common stock, par value $6.50 per share.

Sewell Valley is a subsidiary company of The Meadow River Lumber Co. ("Meadow River"), a West Virginia corporation, which owns all of the outstanding 500 shares of Sewell Valley common stock, no par value, and all of its outstanding shares of 6 percent cumulative preferred stock. The preferred stock will be redeemed by Sewell Valley on or about June 30, 1969, so that at the time of the proposed acquisition of the common stock by AEP it will constitute all of the outstanding stock of Sewell Valley.

Sewell Valley operates an electric distribution system in and around the town of East Rainelle, W. Va. At December 31, 1968, it served some 780 residential customers, 184 commercial and industrial customers and two public street and highway lighting accounts. The facilities owned by Sewell Valley include approximately 24 pole-miles of distribution line, some 115 transformers and various associated items of other property. The Sewell Valley electric system is an isolated distribution system, not interconnected with any other utility and wholly dependent for its supply of electric energy on the generators owned by its parent, Meadow River, which are operated in conjunction with that company's lumbering operations. However, its territory is entirely surrounded by the operating territory of Appalachian Power Co. ("Appalachian"), a subsidiary company of AEP. After consummation of the proposed transactions, Sewell Valley will purchase its power requirements from Appalachian at a substantial reduction in cost. To establish an interconnection, Appalachian will construct approximately 3 miles of 34.5 kv. transmission line and associated facilities at a cost of approximately $60,000.

Sewell Valley for the year 1968 had operating revenues of $169.480.38, of which $168,683.88 were derived from sales of electric energy. Total operating income for the year 1968 was $2,927.86 and total net income for the same period was $4,-623.09, the difference constituting interest and dividend income earned by the company on temporary cash investments. It is proposed that Sewell Valley will, on or before the closing date, pay a special dividend to its parent, Meadow River, in an amount equal to the excess cash and temporary cash investments remaining after the redemption of the company's preferred stock, such dividend not to exceed $110.000. As of December 31, 1968, Sewell Valley's balance sheet showed utility plant of $137,913.28, depreciation reserves of $64,061.87 and net utility plant of $73,851.41.

AEP proposes, upon consummation of the acquisition, to cause Sewell Valley to file with the West Virginia Public Service Commission rate schedules at a level and with terms and conditions similar to those presently applicable in the State of West Virginia to the customers of Appalachian. The new rates are expected to result in reductions of 6½ percent for residential customers and 5 percent for commercial and industrial customers. Economies of operation under the direction of AEP, particularly the new power purchasing contract with Appalachian, are expected to increase net income of Sewell Valley to approximately $25,000 per year. On this basis, and taking the market value of the AEP common stock as of June 20, 1969 ($33 per share), the consideration to be given ($363.000), for the Sewell Valley common stock is approximately 14.5 times such estimated earnings.

AEP proposes that the issuance of its common stock and its acquisition of the common stock of Sewell Valley will be reported on its books by recording the acquired shares of Sewell Valley at a cost equal to the average of the opening and closing price of AEP common stock on the New York Stock Exchange on the closing date and by recording the 11,000 shares of AEP common stock to be issued in exchange therefor, to the extent of $6.50 per share, as additional par value of common stock and the balance as capital surplus-premium on common stock.

It is stated that no finders, legal or other fees, commissions or expenses are expected to be paid or incurred by AEP or any associate company in connection with the proposed exchange by AEP of its common stock for the outstanding securities of Sewell Valley, except for miscellaneous expenses (local counsel fees, title searches, audits, and the like) estimated at not to exceed $5,000 to be incurred by AEP. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 21, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, 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 applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-7849; Filed, July 2, 1969; 8:47 a.m.]

[812-2495]

TRAVELERS INSURANCE CO. AND TRAVELERS FUND FOR VARIABLE ANNUITIES

Notice of Application for Exemption

JUNE 27, 1969.

Notice is hereby given that The Travelers Insurance Co. ("The Travelers"), and The Travelers Fund for Variable Annuities ("Fund"), 1 Tower Square, Hartford, Conn. (hereinafter collectively "Applicants"), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), for an order exempting Applicants from the provisions of section 22(d) of the Act. The Travelers established the Fund as the facility through which The Travelers will set aside and invest assets attributable to variable annuity contracts which qualify for federal tax benefits under section 401 or 403(b) of the Internal Revenue Code

of 1954, as amended ("Code"). The Fund is on open-end diversified management investment company registered under 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.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. This section has been construed as prohibiting variations in the sales load except on a uniform basis.

In connection with the sale of the variable annuity contracts, charges from payments thereunder will be made to cover sales and administrative expenses and minimum death benefits. The normal rate of such charges will be scaled from 8.75 percent to 1 percent, based upon the aggregate payments made under the contract.

Applicants propose to provide reduced charges in cases where a variable annuity contract is purchased by application of amounts payable by The Travelers as a lump sum cash distribution under an insurance contract issued by The Travelers (e.g., the death benefit under a life policy, the maturity value of an endowment type contract and lump sum cash options available to beneficiaries) which distribution the contract owner or beneficiary elects to apply to a stipulated payment under a variable annuity contract, subject to the limitations of the Code on the amounts which may be so applied. Such reduced charges are also proposed in cases where variable annuity contracts are purchased by the application of payments derived from the surrender or conversion of contracts with The Travelers held by the contract owner or beneficiary under a retirement program qualified under sections 401, 403(a), 403(b), or other provisions of the Code allowing similar tax treatment. The reduced charges will be scaled from 3 percent to 1 percent, based upon the aggregate payments made under the contract.

Applicants assert that from the point of view of equitable treatment of contract owners, no unfair discrimination would exist under the proposed reduced sales charges. In all cases a sales charge on the premiums under the Travelers insurance contracts will have been paid. The purpose of the reduced sales charge is to avoid cumulating sales charges. The reduced sales charges would allow Applicants to take into account the anticipated lower sales expenses in offering the variable annuity contracts to certain investors.

Applicants also assert that such reduced charges are in the interest of investors and the public; that no unfair discrimination between contract owners participating in the Fund would result therefrom; and that the reduction would be consistent with the policies of the Act.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions 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 July 17, 1969 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 Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L DUBOIS,
Secretary.

[F.R. Doc. 69-7850; Filed, July 2, 1969; 8:47 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary of Defense (Near East and South Asian Affairs); Office of Assistant Secretary for International Security Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7867; Filed, July 2, 1969; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "First Assistant to the Assistant Attorney General" to "Deputy Assistant Attorney General, Land and Natural Resources Division".

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7868; Filed, July 2, 1969; 8:48 a.m.]

ASSOCIATE DIRECTOR FOR PROGRAM DIRECTION, COMMUNITY RELATIONS SERVICE, DEPARTMENT OF JUSTICE

Manpower Shortage; Notice of Listing

Under provision of 5 U.S.C. 5723, the Civil Service Commission found on June 16, 1969, that there is a manpower shortage for the single position of Associate Director for Program Direction, Community Relations Service, Department of Justice, Washington, D.C.

Assuming other legal requirements are met the appointee to this position may be paid for the expenses of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-7869; Filed, July 2, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

BRITTANY CAPITAL CORP.

Notice of Application for a License as Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) under the name of Brittany Capital Corp., 1600 Republic Bank Building, Dallas, Tex. 75201, for a license to operate in the State of Texas as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended. (15 U.S.C. 661 et seq.)

The proposed Officers and Directors are as follows:

M. H. Earp, 10618 Creekmere Circle, Dallas, Tex. 75218. President and director.
Sam E. Rowland, 404 Tyler, Richardson, Tex. Executive vice president.
Claude T. Fuqua, Jr., 3525 Turtle Creek, Dallas, Tex. 75219. Secretary.
William H. Walton, 3031–D Mahanna, Dallas, Tex. 75235. Director.
William H. Larkin, 100 Floyd Street, Waxahachie, Tex. Director.
Thomas J. Waggoner III, 2019 Avondale, Wichita Falls, Tex. Shareholder in excess of 10 percent.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations. Generally, the company will confine its activities to serving those communities nearest its base of operations but not to the exclusion of any other area in the State of Texas. The company will, however, entertain applications from any potential borrower.

Notice is further given that any interested person may not later than July 11, 1969, at 5 p.m., e.d.s.t., submit to SBA in writing, relevant comments on the proposed company. Any communication should be addressed to Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Dallas, Tex.

For SBA (pursuant to delegated authority).

Dated: June 24, 1969.

JAMES T. PHELAN,
Acting Associate
Administrator for Investment.

[F.R. Doc. 69–7851; Filed, July 2, 1969; 8:47 a.m.]

DELTA CAPITAL CORP.

Notice of Approval for Transfer of Control of Licensed Small Business Investment Company

On May 20, 1969, a notice of application for transfer of control and reorganization was published in the FEDERAL REGISTER (34 F.R. 8216) stating that an application had been filed with the Small Business Administration (SBA) pursuant to §§ 107.701 and 107.903 of the regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for the transfer of control and reorganization of Delta Capital Corp., 550 Pontchartrain Drive, Slidell, La. 70458, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), License No. 10/10–0086. A.V.C. Corp. (A.V.C.), 1200 North Carolina National Bank Building, 200 South Tryon Street, Charlotte, N.C. 28202, will purchase the majority of Delta assets, including its name and license.

Interested persons were given 10 days to submit written comments to SBA. No unfavorable comments were received.

SBA, having considered the application and all other pertinent information with regard thereto, hereby approves the application for transfer of control and reorganization.

For SBA (pursuant to delegated authority).

Dated: June 24, 1969.

JAMES T. PHELAN,
Acting Associate
Administrator for Investment.

[F.R. Doc. 69–7852; Filed, July 2, 1969; 8:47 a.m.]

[Declaration of Disaster Loan Area 716]

KANSAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1969 because of the effects of certain disasters, damage resulted to residences and business property located in Saline County, Kans.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from tornado occurring on June 21, 1969.

OFFICE

Small Business Administration Regional Office, 120 South Market Street, Wichita, Kans. 67202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1969.

Dated: June 25, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69–7853; Filed, July 2, 1969; 8:47 a.m.]

[Declaration of Disaster Loan Area 715]

NEW YORK

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1969 because of the effects of certain disasters, damage resulted to residences and business property located in Cortland County, N.Y.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on June 23, 1969.

OFFICE

Small Business Administration Regional Office, Fayette and Salina Streets, Syracuse, N.Y. 13202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1969.

Dated: June 25, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69–7854; Filed, July 2, 1969; 8:47 a.m.]

[Declaration of Disaster Loan Area 713]

TENNESSEE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1969 because of the effects of certain disasters, damage resulted to residences and business property located in Macon County, Tenn.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on June 23, 1969.

OFFICE

Small Business Administration Regional Office, 500 Union Street, Nashville, Tenn. 37219.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1969.

Dated: June 25, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69–7855; Filed, July 2, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1309]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JUNE 27, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, 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.

No. MC 1375 (Sub-No. 17), filed June 6, 1969. Applicant: BELL LINES, INC., 6414 McCorke Avenue SE., Charleston, W. Va. 25304. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value and except dangerous explosives, livestock, commodities in bulk, and those requiring special equipment), between Knoxville, Tenn., and Bluefield, Va.-W. Va.; (1) from Knoxville over U.S. Highway 11E to Bristol (also over U.S. Highway 11W to Bristol), thence over U.S. Highway 11 to its intersection with U.S. Highway 21; thence over U.S. Highway 21 to Bluefield, Va.-W.Va. (also over Interstate Highway 77 to Bluefield); and (2) from Knoxville over U.S. Highway 81 to its intersection with U.S. Highway 21; thence over U.S. Highway 21 to Bluefield (also from Knoxville over U.S. Highway 81 to its intersection with Interstate Highway 77, thence over Interstate Highway 77 to Bluefield), and return over the same route, serving Bristol, Va.-Tenn., as an intermediate point. NOTE: Applicant states that the purpose of this instant application is to eliminate the necessity for observing a point in Lee or Wise Counties, Va., in conducting operations between Knoxville, Tenn., on the one hand, and, on the other, Bluefield, Va.-W. Va., and points north thereof authorized to be served by applicant. Applicant further states that if the authority herein sought is granted, it will submit for cancellation its present pending authority issued in Sub 15, to conduct operations over irregular routes between Wise and Lee Counties, Va., on the one hand, and, on the other, Knoxville, Tenn. If a hearing is deemed necessary, applicant did not specify location.

No. MC 1824 (Sub-No. 46), filed June 13, 1969. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Candy and confectionery and articles used in the manufacture, sale, and distribution thereof*, serving the plantsite of Russell Stover Candies, Inc., at Clarksville, Va., as an off-route point in connection with applicant's regular route operation between Baltimore, Md., and Norfolk, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2202 (Sub-No. 367) (Amendment), filed March 4, 1969, published FEDERAL REGISTER issue of March 27, 1969, amended June 17, 1969, and republished as amended this issue. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Cincinnati, Ohio, and Fort Wayne, Ind., over U.S. Highway 27 as an alternate route serving no intermediate points; (2) between Fort Wayne and La Grange, Ind., from Fort Wayne over Indiana Highway 3 to junction U.S. Highway 6 near Kendallville, Ind., thence over U.S. Highway 6 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction U.S. Highway 20 at La Grange, and return over the same route as an alternate route for operating convenience only, serving no intermediate points; and (3) between La Grange, Indiana, and junction Indiana Highway 13 and U.S. Highway 131, from La Grange over U.S. Highway 20 to junction Indiana Highway 13, thence over Indiana Highway 13 to junction U.S. Highway 131, at or near the Indiana-Michigan State line, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, restricted against the transportation of traffic moving between points in Michigan, on the one hand, and, on the other, Cincinnati, Ohio, in connection with (1) through (3) above. NOTE: Applicant states it agrees to cancellation of its present route in MC 2202 (Sub-No. 214), provided the route sought in the present application is granted in its entirety. The purpose of this republication is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 2202 (Sub-No. 375), filed June 11, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Memphis, Tenn., and Lufkin, Tex.: From

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Memphis over U.S. Highway 79 to junction U.S. Highway 167, thence over U.S. Highway 167 to junction Louisiana Highway 9, thence over Louisiana Highway 9 to junction U.S. Highway 79, thence over U.S. Highway 79 to Carthage, Tex., thence over Texas Highway 315 to Mount Enterprise, Tex., thence over U.S. Highway 259 to Nacogdoches, Tex., thence over U.S. Highway 59 to Lufkin, and return over the same route, serving no intermediate points, and serving Lufkin, Tex., for the purpose of joinder only as an alternate route for operating convenience only. Restriction: The service sought herein is to be restricted against the transportation of traffic originating at, destined to, or interchanged at Memphis, Tenn., points in Memphis, Tenn., commercial zone, as defined by the Commission, or points in Alabama or Mississippi. NOTE: Applicant states it has substantially the same route as that herein proposed, in MC 2202 (Sub-No. 320). The proposed route will utilize different highways between Shreveport, La., and Nacogdoches, Tex., thereby resulting in a route between Memphis, Tenn., and Houston, Tex., that is 1.6 miles longer than its present route provided in Sub 320. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Memphis, Tenn.

No. MC 2860 (Sub-No. 57), filed June 6, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and products distributed by meat packinghouses*, except commodities in bulk, from Chicago, Ill., to points in Maryland, New York, New Jersey, Pennsylvania, and the District of Columbia. NOTE: Applicant states tacking is possible to an extent but is not presently contemplated. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 19157 (Sub-No. 15), filed June 9, 1969. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., 151 Erie Boulevard, Schenectady, N.Y. 12305. Applicant's representative: Anthony C. Vance, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive material*, new and spent, *radioactive source, special nuclear and byproduct materials, radioactive material shipping containers, nuclear reactor component parts, and related equipment* (except commodities which by reason of size or weight require the use of special equipment), between points in New York. NOTE: Applicant states it intends to tack with its Subs 11 and 13 certificates to provide a through service between its presently authorized 27 States and the District of Columbia, wherein applicant is authorized to serve points in New York, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, North Carolina, Tennessee, Virginia, Vermont, West Virginia, Ohio, Pennsylvania, Rhode Island, South Carolina, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Schenectady, N.Y.

No. MC 23942 (Sub-No. 20), filed May 15, 1969. Applicant: THE SEACOAST TRANSPORTATION COMPANY, a corporation, 500 Water Street, Jacksonville, Fla. 32202. Applicant's representative: Richard D. Sanborn, Jr. (same address as above). In No. MC 23942 applicant holds extensive regular-route common carrier authority authorizing the transportation of general commodities, between designated points in Virginia, North Carolina, South Carolina, Georgia, Alabama, and Florida. This authority roughly parallels the lines of the Seaboard Coast Line Railroad Co., applicant's parent corporation. As part of the above authority, applicant holds authority between Jacksonville, Fla., and Waycross, Ga., as follows: "From Waycross, Ga., over U.S. Highway 1 to Jacksonville, Fla. * * *", subject to certain restrictions, among which is the following: No shipments shall be transported between any of the following points, or through, to, or from more than one of said points: * * * Savannah-Waycross - Patterson - Nahunta - Brunswick-Dupont-Albany-Thomasville, Ga. (considered as a single keypoint), * * * provided such shipments have an immediately prior or immediately subsequent movement by rail. By this application, applicant seeks to modify this restriction to permit the transportation of traffic in highway service beween Jacksonville, Fla., and Waycross, Ga., and other points included in the multiple keypoint in the Waycross, Ga., area. If this authority is granted the keypoint restrictions appearing above would be amended to read: Savannah-Waycross-Patterson - Nahunta - Brunswick - Dupont-Albany-Thomasville, Ga.-Jacksonville, Fla (considered as a single keypoint). No other restrictions above would be amended to read: Savannah-Waycross - Patterson - Nahunta - Brunswick-Dupont-Albany-Thomasville, Ga.-Jacksonville, Fla. (considered as a single keypoint). No other restrictions would be altered and the service would remain auxiliary to, and supplemental of, Seaboard Coast Line's rail service. NOTE: Applicant is controlled by Seaboard Coast Line Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Waycross, Ga., or Jacksonville, Fla.

No. MC 25798 (Sub-No. 192), filed June 11, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Omaha, Nebr.-Council Bluffs, Iowa, commercial zone to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 25869 (Sub-No. 90), filed June 13, 1969. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles* distributed by meat packinghouses, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone, to points in Colorado, Illinois, Indiana, Michigan, Missouri, Nebraska, Ohio, and Wisconsin. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 41406 (Sub-No. 24) filed June 12, 1969. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, Ind. 46323. Applicant's representatives: Ferdinand Born and Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles;* (1) from Ashland, Ky., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin; and (2) between Ashland, Ky., and Middletown, Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Columbus, Ohio, and/or Chicago, Ill.

No. MC 46240 (Sub-No. 16), filed June 13, 1969. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brass, bronze, copper, and aluminum articles, equipment, material and supplies* used in or incidental to the manufacture thereof, between Fulton, Miss.,

on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); under contract with Mueller Brass Co. of Port Huron, Mich. NOTE: Applicant holds common carrier authority in MC 106603 and Subs thereunder, therefore, dual operations may be involved. Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 50069 (Sub-No. 426), filed June 12, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in tank vehicles, from storage facilities of Allied Chemical Corp. located at or near Channahon (Smithbridge), Ill., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69116 (Sub-No. 124), filed June 11, 1969. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, veneer, and forest products, such as lumber, plywood, poles, posts, piling, ties, cross arms, crossing panels, and fabricated lumber products*, creosoted or otherwise preservatively treated and untreated, including *hardware* necessary for the installation thereof, from Carbondale, Ill., to points in Indiana, Iowa, Kentucky, Michigan (Upper and Lower Peninsula), Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 72243 (Sub-No. 24) (Amendment), filed March 6, 1969, published FEDERAL REGISTER issue of April 10, 1969, amended June 11, 1969, and republished as amended this issue. Applicant: THE AETNA FREIGHT LINES, INC., 2507 Youngstown Road SE., Warren, Ohio 44482. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *general commodities* (except those of unusual value, household goods as defined by the Commission, and commodities in bulk); (a) between military installations or Defense Department establishments in the United States (except points in Washington, Idaho, Montana, North Dakota, South Dakota, Wyoming, Colorado, Utah, Nevada, Oregon, California, Arizona, New Mexico, Maine, New Hampshire, Vermont, Alaska, and Hawaii); (b) between points in (a) above on the one hand, and, on the other, points in the United States (except points in Washington, Idaho, Montana, North Dakota, South Dakota, Wyoming, Colorado, Utah, Nevada, Oregon, California, Arizona, New Mexico, Maine, New Hampshire, Vermont, Alaska, and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to change the commodity description in (2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 73165 (Sub-No. 267), filed June 2, 1969. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, castings, and building materials and accessories*, moving therewith, from points in Delaware and Franklin Counties, Ohio, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 76948 (Sub-No. 2), filed June 2, 1969. Applicant: LEON DUGAN, 427 East Monroe Street, Chrisman, Ill. 61924. Applicant's representative: W. L. Jordan, 205 Merchants Savings Building, Terre Haute, Ind. 47801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Fertilizer and fertilizer ingredients*, in bulk in self-unloading vehicles, or in bags or containers, from plantsite of Agrico Chemical Co., near Danville, Ill., to points in Indiana, south of a line beginning at Vincennes, Ind., and extending eastward along Indiana Highway 67 to Indianapolis, and thence east along U.S. Highway 40 to Indiana-Ohio State line; and (b) *sand* (fertilizer ingredient), in bulk, in self-unloading vehicles, from Montezuma, Ind., to the plantsite of Agrico Chemical Co., near Danville, Ind. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or Indianapolis, Ind.

No. MC 83217 (Sub-No. 42), filed May 22, 1969. Applicant: DAKOTA EXPRESS INC., 1217 West Cherokee Avenue, Sioux Falls, S. Dak. 57101. Applicant's representative: Henry J. Schuette, 1217 West Cherokee, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feed, meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in section A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in South Dakota, Nebraska, Kansas, Missouri, Minnesota, Iowa, Wisconsin, and Illinois, to ports of entry on the international boundary line between the United States and Canada at Minnesota and North Dakota, for export into Manitoba and Sasketchewan, Canada; and (2) *foodstuffs*, from ports of entry on the international boundary line between the United States and Canada at North Dakota and Minnesota, to points in South Dakota, Nebraska, Iowa, and Minnesota, restricted to traffic originating in Manitoba and Saskatchewan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 85465 (Sub-No. 17) (Amendment), filed March 20, 1969, published FEDERAL REGISTER issue of May 1, 1969, amended June 12, 1969, and republished as amended this issue. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, Nebr. 69361. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including classes A and B explosives, but excepting livestock, household goods, commodities which because of size or weight require the use of special equipment, articles of unusual value, and commodities in bulk; (a) between military installations or Defense Department establishments in the United States (except Alaska and Hawaii), and (b) between points in (a) above and points in Nebraska, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to redescribe commodity description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 87717 (Sub-No. 4) (Clarification), filed May 16, 1969, published FEDERAL REGISTER issue of June 12, 1969, and republished in part, as clarified, this issue. Applicant: FANELLI BROTHERS TRUCKING COMPANY, a corporation, Centre and Nichols Streets, Pottsville, Pa. 17901. Applicant's representative: Robert H. Griswold and S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. NOTE: The purpose of this partial republication is to clarify the destination point in item (2), to show

Millersport, Fairfield County, Ohio, in lieu of Millersport and Fairfield Counties, Ohio, which was erroneously shown in previous publication. The rest of the application remains the same.

No. MC 94265 (Sub-No. 219), filed June 6, 1969. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. 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,* from the plantsites and warehouse facilities of National Beef Packing, Inc., at Liberal and Kansas City, Kans., to points in Tennessee, Virginia, North Carolina, Delaware, West Virginia, Maryland, Pennsylvania, New York, New Jersey, and the District of Columbia, restricted to traffic originating at the plantsites and warehouse facilities of National Beef Packing, Inc. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 95540 (Sub-No. 749), filed June 6, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs,* not cold pack or frozen, from the plantsites and storage facilities of Comstock Greenwood Foods, Borden, Inc., at Waterloo, Egypt, Rushville, Penn Yan, Newark, Lyons, Syracuse, Fairport, and Red Creek, N.Y., and West Chester, Pa., to points in New Mexico, Arizona, Colorado, Utah, Nevada, California, Idaho, Montana, Oregon, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y., or Washington, D.C.

No. MC 102616 (Sub-No. 836), filed June 3, 1969. Applicant: COASTAL TANK LINES, INC., Post Office Box 7211, 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Process clay,* in bulk, from Paulsboro, N.J., to points in Delaware, Michigan, Ohio, and Pennsylvania. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 102682 (Sub-No. 261), filed May 16, 1969. Applicant: HUGHES TRANSPORTATION, INC., Post Office Box 10207, Charleston, S.C. 29411. Applicant's representative: Frank B. Hand, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives,* from Macon, Ga., to Dahlgren, Va., Dover Air Force Base, Del., and Edgewood Arsenal, Md. NOTE: Applicant has contract carrier authority in MC 89340 Sub 2, therefore dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction, against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103435 (Sub-No. 210), filed June 6, 1969. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince Street, Littleton, Colo. 80120. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, articles of unusual value, commodities which, because of their size or weight, require the use of special equipment), serving the site of the Atlantic Richfield Co. near Ferndale, Wash., as off-route to carrier's presently authorized regular routes. NOTE: Applicant states joinder would be made at Bellingham, Wash., which is a regular route point authorized under MC 103435 Sub-No. 104. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 103993 (Sub-No. 422), filed June 9, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trailers,* designed to be drawn by passenger automobiles, in initial movements, from points in Itawamba County, Miss., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 106398 (Sub-No. 404), filed June 9, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Washington County, Md., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states that no duplication authority is being sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 106398 (Sub-No. 405), filed June 10, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and *buildings* in sections mounted on wheeled undercarriages, from points in Clark County, Wis., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 106760 (Sub-No. 101), filed June 11, 1969. Applicant: WHITE-HOUSE TRUCKING, INC., 5020 Angela Road, Toledo, Ohio 43615. Applicant's representatives: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036, and Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Structures, outdoor electric substations or sections thereof, iron or steel, bolts and nuts, and accessories used in the installation thereof,* from Newark, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 106760 (Sub-No. 102), filed June 11, 1969. Applicant: WHITE-HOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representatives: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036, and Irvin Tull and Fred Rahal, Jr., 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Steel columns, steel joists, steel beams, steel roofing decks, steel shapes, steel trusses, steel sidings, and accessories thereof,* from Canton, Ohio, to points in Boone, Cook, De Kalb, Du Page, Gruncy, Kane, Kendall, Lake, McHenry, Will, and Winnebago Counties, Ill., and to all other points in the United States except New York, Connecticut, Florida, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Alabama, Arkansas, Georgia (except on and south of U.S. Highway 80), Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan (except points in Lower Peninsula), Mississippi, Missouri, New Jersey, Pennsylvania,

Tennessee, West Virginia, District of Columbia, Alaska, and Hawaii. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 106760 (Sub-No. 103), filed June 11, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representatives: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036, and Irvin Tull and Fred Rahal, Jr., 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from plantsite of General Plywood Corp., at or near New Albany, Ind., to all points in the United States except Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Colorado, Arizona, New Mexico, and Alaska and Hawaii. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 106760 (Sub-No. 104), filed June 11, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representatives: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036, and Irvin Tull and Fred Rahal, Jr., 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85; and (2) *materials, equipment, and supplies*, used in the manufacture and processing of iron and steel articles, from points in the United States on and east of U.S. Highway 85 to the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., restricted to traffic originating at or destined to the named origins and destination in (1) and (2) above, and further restricted against the transportation of commodities in bulk. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106760 (Sub-No. 105), filed June 11, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representatives: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20336, and Irvin Tull and Fred Rahal, Jr., 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board*, from Jarratt, Va., to points in Illinois, Indiana, Ohio, Kentucky, Tennessee, Iowa, Michigan, Missouri, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106760 (Sub-No. 106), filed June 11, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, flat, from Shreveport, La., Charleston, W. Va., and Ottawa, Ill., to points in the United States (except Washington, Oregon, California, Nevada, Idaho, Utah and Arizona, and Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106760 (Sub-No. 107), filed June 11, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representative: Irvin Tull and Fred Rahal, Jr. (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Windows, window frames, doors, door frames and molding*, from Pemberton, N.J., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106760 (Sub-No. 109), filed June 11, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant), and Leonard E. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass glazing units*, from Mason City, Iowa, to points in the United States (except Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Alaska, and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 201), filed June 5, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 142, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass glazing units*, from Mason City, Iowa, to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico; (2) *glass*, flat; from Shreveport, La., Charleston, W. Va., and Ottawa, Ill., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico; and (3) *glass*, flat; *glass glazing units, and glass doors and fittings*, from Toledo, Ohio, to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states it would tack with its present authority in MC 107295, where feasible. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Springfield, Ill.

No. MC 107515 (Sub-No. 662), filed June 12, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salads and sandwich spreads*, (1) from Atlanta, Ga., and Knoxville, Tenn., to points in Michigan, Ohio, Indiana, Illinois, Kentucky, Wisconsin, New York, New Jersey, Pennsylvania, Delaware, Connecticut, Rhode Island, Massachusetts, Kansas, Oklahoma, Texas, Virginia, West Virginia, Maryland, Iowa, Nebraska, North Dakota, South Dakota, and the District of Columbia; and (2) from Knoxville, Tenn., to points in Missouri, Minnesota, Arkansas, Louisiana, Mississippi, Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Knoxville, Tenn.

No. MC 108068 (Sub-No. 80), filed June 9, 1969. Applicant: U.S.A.C. TRANSPORT, INC., Post Office Box G, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as applicant), and Wilburn L. Williamson, 600 Leininger Building, Oklamoa City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, including plywood, and cooling tower and fluid cooler parts and accessories*, from Stockton, Calif., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maine, Vermont, New Hampshire, Delaware, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, and the District of Columbia. NOTE: Applicant states it does not intend to

tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Washington, D.C.

No. MC 109689 (Sub-No. 206), filed June 3, 1969. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals, liquid feed supplement, and mineral oil*, in bulk, from Fort Lupton, Colo., to points in Wyoming, Nebraska, Montana, Kansas, Utah, and New Mexico. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Los Angeles, Calif.

No. MC 110157 (Sub-No. 30), filed May 29, 1969. Applicant: LANG TRANSIT COMPANY, a corporation, 38th Street and Quirt Avenue, Lubbock, Tex. 79408. Applicant's representative: W. D. Benson, Jr., Post Office Box 6723, 7012 Indiana Avenue, Lubbock, Tex. 79413. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Clovis and Albuquerque, N. Mex., from Clovis over U.S. Highway 60 to Encino, thence over U.S. Highway 285 to Clines Corner, thence over U.S. Highway 66 and Interstate Highway 40 to Albuquerque, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque or Santa Fe, N. Mex.

No. MC 110525 (Sub-No. 912), filed June 9, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquor*, in bulk, in tank vehicles, from Philadelphia, Pa., to Lakeland, Fla. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant did not specify a location.

No. MC 112595 (Sub-No. 36), filed June 9, 1969. Applicant: FORD BROTHERS, INC., Post Office Box 727 (Coal Grove), Ironton, Ohio 45638. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone and phenol*, in bulk, in tank vehicles, from the plantsite of United States Steel Corp., at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114019 (Sub-No. 197), filed June 11, 1969. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities and commodities, the transportation of which is partially exempt pursuant to section 203(b)(6) of the Interstate Commerce Act*, when moving in mixed shipments with bananas, (a) from Charleston, S.C., Norfolk, Va., Wilmington, Del., and Boston and Fall River, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, Pennsylvania, Ohio, Michigan, Illinois, Indiana, Kentucky, West Virginia, Virginia, North Carolina, South Carolina, and the District of Columbia; and (b) from Baltimore, Md., New York, N.Y., and Philadelphia, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114408 (Sub-No. 8), filed June 12, 1969. Applicant: W. E. BEST, INC., State Route 20, Pioneer, Ohio 43554. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, stone, gravel, dirt, and bituminous concrete*, in bulk, in dump vehicles, from points in Williams County, Ohio, to points in Hillsdale County, Mich.; under contract with Northwest Materials, Inc. NOTE: Applicant states no duplicating authority presently held or sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 115092 (Sub-No. 9), filed June 9, 1969. Applicant: WEISS TRUCKING, INC., Post Office Box O, Vernal, Utah 84080. Applicant's representative: William S. Richards, 1605 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Well servicing equipment and supplies and drilling parts and supplies*, between points in Uintah County, Utah, and points in Colorado, New Mexico, Arizona, Idaho, Wyoming, Nevada and California. NOTE: Applicant states it will tack with its lead certificate at points in Moffat, Rio Blanco, Mesa, and Garfield Counties, Colo. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Denver, Colo.

No. MC 115311 (Sub-No. 102), filed June 12, 1969. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition boards and accessories used in the installation thereof*, from the plantsite of the Celotex Corp., Marrero, La., to points in Missouri, Illinois, Kentucky, Tennessee, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Delaware, Indiana, Maryland, Mississippi, and Washington, D.C. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Atlanta, Ga.

No. MC 115331 (Sub-No. 270), filed June 4, 1969. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products*, from Gibsonburg, Ohio, to points in Iowa, Missouri, Wisconsin, Arkansas, Kentucky, Tennessee, and points in Illinois on and south of U.S. Highway 136. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115331 (Sub-No. 271), filed June 4, 1969. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Memphis, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Kentucky, Louisiana, Mississippi, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115491 (Sub-No. 116), filed June 9, 1969. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Box 67, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Dry bulk commodities, between points in Florida on the one hand, and, on the other, points in Alabama and Georgia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Orlando or Tampa, Fla.

No. MC 115981 (Sub-No. 1), filed June 2, 1969. Applicant: UNION TRANSPORTATION CO., INC., 1939 Auburn Boulevard, Sacramento, Calif. 95811. Applicant's representative: George M. Carr, 351 California Street, Suite 1215, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Asbestos fiber,* crude, shorts, or waste in bags, packages and containers, between the mine and processing site of Pacific Asbestos Corp., near Copperopolis, Calif., to Docks of Stockton, Sacramento, Alameda, Oakland, and San Francisco, Calif., and the rail sidings at Oakdale, Jamestown, and Chinese Camp, Calif., with movement of *empty containers,* on return, under contract with Pacific Asbestos Corp., Copperopolis, Calif. NOTE: Applicant holds common carrier authority under MC 128718, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 117459 (Sub-No. 2), filed June 2, 1969. Applicant: CARLSON TRUCK SERVICE, INC., 2501 Henry Street, Muskegon, Mich. 49441. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement* from (1) Oswego, N.Y., to points in Pennsylvania, and returned shipment in the reverse direction; and (2) between points in Buffalo, N.Y., commercial zone, on the one hand, and, on the other, points in New York and Pennsylvania. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Detroit, Mich.

No. MC 117698 (Sub-No. 8), filed June 13, 1969. Applicant: LEO H. SEARLES, doing business as, L. H. SEARLES, South Worcester, N.Y. Applicant's representative: Harold C. Vrooman, 140 Main Street, Oneonta, N.Y. 13820. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Ice cream, ice confections, and ice mix* in refrigerated trailers, and not in bulk or tank vehicles, from Suffield, Conn., to Eatontown, Mount Holly, Ocean City, Middlesex, Paterson, Newark, and Woodbridge, N.J., and Farmingdale and Holtsville, Long Island, N.Y. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 118142 (Sub-No. 30) (Amendment), filed May 19, 1969, published in the FEDERAL REGISTER issue of June 12, 1969, amended and republished as amended, this issue. Applicant: M. BRUENGER & COMPANY, INC., 6330 North Broadway, Wichita, Kans. 67214. Applicant's representative: James F. Miller, 6415 Willow Lane, Shawnee Mission, Kans. 66208. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses,* as defined by the Commission, in sections A and C of appendix I in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 from the plantsite of Pork Packers, International, Inc., at Clay Center, Kans., to points in Arizona, New Mexico, California, Texas, Louisiana, Alabama, Mississippi, Georgia, Florida, Kansas, Missouri, Arkansas, Oklahoma, Tennessee, Washington, Oregon, and Nevada, with stops in transit at Wichita, Kans., to partially load and/or unload. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to broaden the territory description. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 119641 (Sub-No. 81), filed June 11, 1969. Applicant: RINGLE EXPRESS, INC., 450 South Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204 and Alki E. Scopelitis, 816 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with tractors, *agricultural, industrial, and construction machinery, and equipment, trailers* designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles), *attachments* for the above-described commodities, *internal combustion engines, and parts* of the above-described commodities when moving in mixed loads with such commodities, from the port of entry on the international boundary line between the United States and Canada located at or near Buffalo, N.Y., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119710 (Sub-No. 17), filed June 10, 1969. Applicant: SHUPE BROS. CO., a corporation, Post Office Box 929, Greeley, Colo. 80631. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed,* from Guymon, Okla., to points in Kansas, Texas, Colorado, Nebraska, New Mexico, and Arizona, and (2) *feed ingredients,* from points in the States named in (1) above, to Guymon, Okla., under contract with W. R. Grace & Co., NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 119767 (Sub-No. 222), filed June 9, 1969. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst, Post Office Box 339, Burlington, Wis. 53105. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* from points in Wisconsin, to points in Michigan. NOTE: Applicant states it can tack to serve points under its lead certificate; Subs 39, 50, 58, 145, and 184, whereas it conducts operations at points in Indiana, Illinois, Missouri, Iowa, Wisconsin, Ohio, and Minnesota. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 119774 (Sub-No. 17), filed June 9, 1969. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, EXECUTRIX), AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, Tex. 75662. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 75662. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *classes A and B explosives,* (a) between military installations or Defense department establishments in Florida, Georgia, Alabama, Mississippi, Louisiana, Kansas, Texas, Oklahoma, Arkansas, New Mexico, Arizona, Colorado, Utah, Nevada, Idaho, Wyoming, Montana, Nebraska, South Dakota, and North Dakota; and (b) between points in (a) above on the one hand, and, on the other, points in Florida, Georgia, Alabama, Mississippi, Louisiana, Kansas, Texas, Oklahoma, Arkansas, New Mexico, Arizona, Colorado, Utah, Nevada, Idaho, Wyoming, Montana, Nebraska, South Dakota, and North Dakota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states it holds no authority which would duplicate that sought herein. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119934 (Sub-No. 157), filed June 9, 1969. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid,* in

bulk, in tank vehicles; (1) from Cleveland, Miss., to points in Louisiana, and Missouri; and (2) from Bryan, Cleveland, and Wapakoneta, Ohio, to points in Indiana, Illinois, and Kentucky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 128161, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 123054 (Sub-No. 9), filed June 11, 1969. Applicant: R & H CORPORATION, 295 Grand Avenue, Clarion, Pa. 16214. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, closures, and fiberboard and pulpboard boxes, materials, and supplies* used in the manufacture of glass and plastic containers, except in bulk in tank vehicles, between Brockport, N.Y.; the Lower Peninsula of Michigan and Kentucky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123091 (Sub-No. 7), filed June 13, 1969. Applicant: NICK STRIMBU, INC., 3500 Parkway Road, Brookfield, Ohio 44403. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles*, from West Middlesex, Pa., and points in Hickory Township, Mercer County, Pa., to points in Illinois, Indiana, Delaware, Georgia, Maryland, Michigan, Missouri, Kansas, California, New Jersey, New York, Massachusetts, Ohio, Texas, and Wisconsin; and (2) *materials and supplies* used in the manufacture of plastic articles (except in bulk), from points in the above-described States to West Middlesex, Pa., and points in Hickory Township, Mercer County, Pa. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123383 (Sub-No. 41), filed June 11, 1969. Applicant: BOYLE BROTHERS, INC., 276 River Road, Edgewater, N.J. 07020. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, and materials and accessories*, used in the installation thereof (except in bulk), from Port Clinton, Ohio, to points in Alabama, Georgia, Kentucky, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 123383 (Sub-No. 42), filed June 11, 1969. Applicant: BOYLE BROTHERS, INC., 276 River Road, Edgewater, N.J. 07020. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are dealt in by a distributor of charcoal and charcoal briquets*, from Roseland and Edgewater, N.J., to points in New Jersey, New York, Pennsylvania, and Connecticut; and (2) *fireplace logs*, from Orange, Va., and Roseland and Edgewater, N.J., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123639 (Sub-No. 113), filed June 9, 1969. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: David Senseney, 3395 South Bannock, Suite 126, Englewood, Colo. 80110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk in tank vehicles and except hides, from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone, to points in Arizona, California, Connecticut, Illinois, Indiana, Massachusetts, Michigan, Nevada, New York, New Hampshire, Ohio, Utah (except the Chicago, Ill. commercial zone), and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 123819 (Sub-No. 26), filed June 9, 1969. Applicant: ACE FREIGHT LINE, INC., 261 East Webster, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed, liquid animal feed supplements and molasses*, from McComb, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 124078 (Sub-No. 386), filed June 6, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquors, malt, ale, beer, beer tonic, porter, stout, and related matter*, from Pabst, Houston County, Ga., to points in Tennessee, on and east of Interstate Highway 65. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 124154 (Sub-No. 29), filed June 6, 1969. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, Albany, Ga. 31702. Applicant's representative: Monty Schumacher, 2045 Peachtree Road NE., Suite 310, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable, set-up field and construction-site type toilets*, from Albany, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee, and return of rejected and damaged shipments. NOTE: Applicant presently holds contract carrier authority in MC 117504 Sub 1, therefore dual operations may be involved. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 125358 (Sub-No. 2), filed June 12, 1969. Applicant: MID-WEST TRUCK LINES, LTD., 1216 Fife Street, Winnipeg, Manitoba, Canada. Applicant's representative: William S. Rosen, 630 Osborn Building, Saint Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, equipment, and materials*, used in the manufacture and assembly of automotive buses, from Chicago and Mattoon, Ill.; Marion and Michigan City, Ind.; Cadillac, Pontiac, Warren, and Wayne, Mich.; Minneapolis, Minn.; Syracuse, N.Y.; Akron, Columbus, Elyria, and Kenton, Ohio; Erie, Pa.; and Mineral Point, Wis., to Pembina, N. Dak.; under contract with Motor Coach Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 125433 (Sub-No. 12), filed June 8, 1969. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South Street, Salt Lake City, Utah 84119. Applicant's representatives: David J. Lister (same address as above), also Duane W. Acklie, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, and commodities in bulk), service shall be restricted to traffic moving on Government bills of

lading or on commercial bills of lading containing endorsements approved in Interpretation of Government Rate Tariff, between points in the United States (except Hawaii and Alaska); (2) *ordnance equipment, materials and supplies, and quartermaster supplies,* between points in the United States (except Hawaii and Alaska); and (3) *general commodities* (except those of unusual value, livestock, household goods as defined by the Commission, and commodities in bulk), between military establishments in the United States (except Hawaii and Alaska). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant has pending contract carrier authority in MC 133128 Sub 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Salt Lake City, Utah.

No. MC 125951 (Sub-No. 11), filed June 2, 1969. Applicant: SILVEY & COMPANY, a corporation, South Omaha Bridge Road, Council Bluffs, Iowa 51501. Applicant's representative: Donald L. Stern, Suite 630, City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides), from points in Omaha, Nebr.-Council Bluffs, Iowa, commercial zone, to Boston, Mass., Philadelphia, Pa., and New York City, N.Y., and points in New Jersey within 5 miles of New York City, N.Y. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 126473 (Sub-No. 10), filed June 9, 1969. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia,* in bulk, (1) from the storage facilities of Central Farmers Fertilizer Co., located at or near Spencer, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; and (2) from the storage facilities of Gulf Central Pipeline Co., located at or near Marshalltown, Iowa, to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 126835 (Sub-No. 22), filed June 11, 1969. Applicant: EDGAR BISCHOFF, doing business as CASKET DISTRIBUTORS, Rural Route 2, West Harrison, Ind., Post Office Harrison, Ohio 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio. 45202. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies, and crated caskets,* when moving with uncrated caskets, (1) from Leesville, S.C., under contract with Imperial Casket Co., Inc.; (2) from Modoc, Ind., under contract with Elder Corp.; (3) from Connersville, Ind., under contract with Connersville Casket Co.; and (4) from Brookville, Ind., under contract with Franklin Manufacturing Co., to points in the United States (except Alaska and Hawaii), in connection with (1) through (4) above, and *returned shipments* of the above commodities from the above-designated destinations to the above-designated origin points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127122 (Sub-No. 2), filed June 2, 1969. Applicant: JOE MOSS, doing business as SIMPSONVILLE GARAGE WRECKER SERVICE, Box 66, Simpsonville, Ky. 40067. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled, and repossessed motor vehicles;* (2) *wrecked or disabled trailers* designed to be drawn by passenger automobiles; and (3) *replacement vehicles and parts thereof,* by use of wrecker equipment only, between points in Kentucky on and west of U.S. Highway 23 and points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming. NOTE: Applicant states it will tack with its existing authority under MC 127122 to enable services to Kentucky, Indiana, and points in the United States (except Hawaii). If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 127539 (Sub-No. 11), filed June 16, 1969. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, Wash. 98421. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods, and food products* requiring mechanical refrigeration and *exempt commodities,* when moving therewith; (1) from points in California and Oregon to points in Washington; and (2) from points in California to points in Oregon. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant has contract carrier authority in MC 124593, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Seattle, Wash.

No. MC 127705 (Sub-No. 26), filed June 11, 1969. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 88, Gas City, Ind. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, closures, and fiberboard and pulpboard boxes, materials, and supplies* used in the manufacture of glass and plastic containers (except in bulk in tank vehicles); (1) between Brockport, N.Y., points in the Lower Peninsula of Michigan, and points in Kentucky; and (2) between Clarion, Pa., and points in the Lower Peninsula of Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127774 (Sub-No. 3), filed June 9, 1969. Applicant: HAINES TRANSPORT, INC., Post Office Box 207, Greenfield, Iowa 50849. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia,* in bulk, from the plantsite and storage facilities of Farmland Industries, Inc., located at or near Fort Dodge, Iowa, to points in Minnesota, Nebraska, and South Dakota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 127834 (Sub-No. 32) (Amendment), filed April 13, 1969, published FEDERAL REGISTER issue of May 8, 1969, amended June 12, 1969, and republished as amended this issue. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Commodities which* because of size or weight require the use of special equipment or handling; and (2) *commodities* which do not require the use of special equipment or special handling when moving in the same vehicle with commodities the transportation of which because of size or weight require the use of special equipment or handling; (a) between military installations or Defense Department establishments in the United States (except Hawaii); and (b) between points in (a) above on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to redescribe commodity

description in (2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127903 (Sub-No. 2), filed June 9, 1969. Applicant: H & M TRANSPORT CO., INC., Rudd, Iowa 50471. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from the terminals located on the ammonia pipeline of MAPCO., Inc., located at or near Whiting, Early, and Garner, Iowa to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 128412 (Sub-No. 1), filed June 9, 1969. Applicant: LO-TEMP EXPRESS, INC., 1810 Tenth Avenue, Altoona, Pa. 16603. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Confectioneries and confectionery products*, from Altoona, Pa., to points in West Virginia; under continuing contract with Boyer Bros., Inc., of Altoona, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 129529 (Sub-No. 2), filed June 6, 1969. Applicant: ADOLPH L. MARCHFELD, doing business as THRUWAY MESSENGER SERVICE, Post Office Box 11, Pearl River, N.Y. 10965. 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: *Machines, materials, equipment, and supplies*, used by or useful in the manufacture or sale of copying machines (except commodities in bulk), in specialized delivery service, between the plantsite of Xerox Corp., Blauvelt, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.; and New York, N.Y. and points in New Jersey. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 129645 (Sub-No. 8), filed June 9, 1969. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building, roofing and insulation board*, and (2) *materials and accessories* used in the installation thereof, from Florence, Ky., to points in Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant holds contract carrier authority under Docket No. MC 127093 and subs, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 129645 (Sub-No. 9), filed June 10, 1969. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's represenative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products*, from Fort Dodge, Iowa, to points in Arkansas, Kentucky, and Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 127093 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 133182, filed June 10, 1969. Applicant: LEON OLSEN, ALBERT OLSEN, AND WILLIAM OLSEN, a partnership, doing business as LEON OLSEN TRUCKING COMPANY, 900 Wisconsin Street, Pine Bluff, Ark. 71601. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite ore* in bulk, in dump vehicles, from barge line port or ports on the Arkansas River at or near Little Rock, Ark., to Reynolds Metals Co. plant at or near Bauxite, Ark. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 133239 (Sub-No. 1), filed June 6, 1969. Applicant: SANDNER BROTHERS TRANSPORT LTD., Post Office Box 40, Cascade, British Columbia, Canada. Applicant's representative: Hugh A. Dressel, 702 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, rough and finished, and *stone*, from points in Pend Oreille, Stevens, Ferry, Okanogan, and Spokane Counties, Wash., to ports of entry on the international boundary line between the United States and Canada located in Washington. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Seattle or Spokane, Wash.

No. MC 133681 (Clarification), filed April 21, 1969, published in FEDERAL REGISTER issue of May 15, 1969, and republished as clarified this issue. Applicant: BIG CHET & SONS TRUCKING, INC., 203 Diamond Street, Brooklyn, N.Y. 11232. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, soaps, lotions, perfumes, creams, powders, materials, and supplies* used in the preparation of the aforesaid commodities, between New York, N.Y., commercial zone, on the one hand, and, on the other, points in Hudson and Monmouth Counties, N.J.; and (2) *returned and rejected shipments*, on return, under contract with Sacoma Cosmetiques, LCR Sales Services, B. H. Kruger, Inc., and Vitabath Inc. NOTE: The purpose of this republication is to show under contract with B. H. Kruger, Inc., in lieu of B. H. Kaufear, Inc., as previously published. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133685 (Sub-No. 2) (Correction), filed May 26, 1969, published in the FEDERAL REGISTER issue of June 26, 1969, corrected, and republished as corrected, this issue. Applicant: CARROLL TRUCKING, INC., 8001 Douglas Avenue, Gaithersburg, Md. 20760. Applicant's representative: Martin Sterenbuch, 1120 Connecticut Avenue, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plumbing supplies and fixtures, and electrical supplies*, from Frederick Junction, Md., to points in Maryland, the District of Columbia, points in Adams, Cumberland, Franklin, and York Counties, Pa., points in Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudoun, Prince William, and Warren Counties, Va., and Alexandria, Va., and points in Berkeley, Grant, and Jefferson Counties, W. Va., and *returned shipments* of the above-specified commodities, from the above-described destination points to Frederick Junction, Md. Restriction: The operations herein are limited to a transportation service to be performed under a continuing contract, or contracts with the Wickes Lumber & Building Supplies Division of the Wickes Corp., Frederick Junction, Md. NOTE: The purpose of this republication is to include Alexandria, Va., as a destination point, which was inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133780 (Sub-No. 1), filed June 4, 1969. Applicant: WILLIAM A. SPARGER, 16501 South Crawford Avenue, Markham (Tinley Park), Ill. 60477. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as described in appendix I, to the report

in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and, including, *chocolate drinks, chocolate milk, cottage cheese, fruit juices,* fresh and frozen, *sour cream, dip-n-dressing, and yogurt, and puddings,* from the plantsite and warehouse facilities of Sealtest Foods Division of Draftco, Milwaukee, Wis., to the plant and warehouse facilities of Sealtest Foods Division of Kraftco, South Bend, Ind., under a continuing contract, or contracts with Sealtest Foods Division of Kraftco, New York, N.Y.; and (2) *empty containers, outdated merchandise, spoiled merchandise,* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 133800, filed June 5, 1969. Applicant: RAYMOND SANDLIN, JR. AND JANICE SANDLIN, a partnership, doing business as SANDLIN TRUCKING, Route 1, Greensburg, Ind. 47240. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Malt beverages,* from Milwaukee, Wis., Peoria, Ill., and St. Paul, Minn., to Greensburg, Ind., and *used, empty malt beverage containers,* on return, under a continuing contract with Tree City Beverage, Inc.; and (2) *malt beverages,* from Peoria, Ill., and Cincinnati, Ohio, to North Vernon, Ind., and *used, empty malt beverage containers,* on return, under a continuing contract with Jennings Beverage Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 133811, filed June 10, 1969. Applicant: H. E. McCONNELL AND H. E. McCONNELL, JR., a partnership, doing business as H. E. McCONNELL & SON, 5117½ Broadway, North Little Rock, Ark. 72117. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bauxite ore,* in bulk, in dump vehicles, from barge line port or ports on the Arkansas River at or near Little Rock, Ark., to the plantsite of Reynolds Metals Co., located at or near Bauxite, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

MOTOR CARRIER OF PASSENGERS

No. MC 3647 (Sub-No. 414), filed June 2, 1969. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers,* in the same vehicle with passengers; (1) between West Deptford and Pennsville Townships, N.J.: From junction Interstate Highway 295 and U.S. Highway 130, West Deptford Township, N.J., over Interstate Highway 295 to junction U.S. Highway 130 and access roads to the Delaware Memorial Bridge, Pennsville Township, N.J. (formerly Lower Penns Neck Township, N.J.), and return over the same route, serving all intermediate points; (2) between Swedesboro and Logan Township, N.J.: From Swedesboro, N.J., over unnumbered highways to junction Interstate Highway 295, Logan Township, N.J., thence from junction Interstate Highway 295 and unnumbered highway, over unnumbered highways (via Center Square, N.J.) to junction U.S. Highway 130, Logan Township, N.J., and return over the same route, serving all intermediate points; (3) between points in Oldmans Township, N.J.: From junction Interstate Highway 295 and unnumbered highway, over unnumbered highways (via Pedricktown, N.J.) to junction U.S. Highway 130, and return over the same route, serving all intermediate points; (4) between Upper Penns Neck Township and Penns Grove, N.J.: From junction Interstate Highway 295 and New Jersey Highway 48, Upper Penns Neck Township, N.J., over New Jersey Highway 48 to Penns Grove, N.J., and return over the same route, serving all intermediate points; and (5) between points in Upper Penns Neck Township, N.J.: (a) From junction Interstate Highway 295 and unnumbered highway, over unnumbered highway to junction U.S. Highway 130, and return over the same route, serving all intermediate points; and (b) from junction New Jersey Turnpike Interchange No. 1 and unnumbered highway, over unnumbered highways to junction U.S. Highway 130, and return over the same route, serving all intermediate points. NOTE: Applicant states it proposes to tack proposed routes with existing routes. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Wilmington, Del.

No. MC 110373 (Sub-No. 13), filed June 9, 1969. Applicant: NORTHEAST COACH LINES, Joseph Thieberg, Receiver, 730 Madison Avenue, Paterson, N.J. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express mail and newspapers in the same vehicles with passengers,* between Pequannock and Wayne Township, N.J., from the junction of Newark-Pompton Turnpike and Lincoln Park Road in Pequannock to the municipal boundary line of Lincoln Park and Pequannock, at which point Lincoln Park Road becomes Ryerson Road, thence over Ryerson Road to junction Ryerson Road and Comly Road, thence over Comly Road to junction U.S. Highway 202, also called New Jersey Highway 32, thence over U.S. Highway 202 (New Jersey Highway 32) to junction New Jersey Highway 23 in Wayne and those places in Lincoln Park and Pequannock Township, more than 1,500 feet north of the intersection of Comly Road and U.S. Highway 202 in Lincoln Park. NOTE: Applicant states that it proposes to join the authority sought with its present authority, between Pequannock, N.Y., and New York, N.Y., and between Wayne, N.J., and New York, N.Y., and proposes to use such new route in serving all points on its existing routes in New Jersey. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 129841 (Sub-No. 1), filed June 5, 1969. Applicant: WHITFIELD BUS LINES, INC, Post Office Drawer 9897, El Paso, Tex. 79980. Applicant's representative: W. D. Benson, Jr., Post Office Box 6723, Lubbock, Tex. 79413. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Passenger* (aliens), *armed guards, and their baggage* in special operations, between El Paso, Tex., and points in New Mexico, Texas, Arizona, California, Utah, and Colorado, under contract with U.S. Department of Justice, Immigration and Naturalization Service. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12729 (Sub-No. 1) (Clarification), filed May 4, 1969, published FEDERAL REGISTER, issue of June 5, 1969, and republished as clarified this issue. Applicant: NEWBURGH TERMINAL CORPORATION, 351 Broadway, Newburgh, N.Y. 12550. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. For a license (BMC–5) to engage in operations as a *broker* at Newburgh, N.Y., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage,* between points in the United States (except Hawaii). NOTE: The purpose of this republication is to delete any reference to charter and special operations, and both as individuals and groups, since applicant proposes to provide service for any, and all types of passengers, including regular-route service.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 120575 (Sub-No. 3), filed May 15, 1969. Applicant: AZTEC TRANSPORTATION CO., INC., 1211 South 32d Street, San Diego, Calif. 92113. Applicant's representative: Donald Murchison, Suite 211, Beverly Hills, Calif. 90212. Authority sought to operate as a *common carrier,* by motor vehicle, over regular and irregular routes, transporting: (1) Over irregular routes: *General commodities* (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in that part of California on and within a boundary line beginning at a point where the boundary line between San Diego and Orange Counties intersects the shoreline of the Pacific Ocean, thence in a general easterly direction along said county boundary line to its intersection with California Highway 79, thence southerly along said State Highway to its junction with U.S. Highway 80, thence along an imaginary line due south

to the international boundary line between the United States and Mexico, thence westerly along said international boundary line to the shoreline of the Pacific Ocean, thence northerly along said shoreline to the point of beginning; and, (2) over regular routes, transporting *general commodities* between San Diego, Calif., on the one hand, and, on the other, Borrego Springs and Borrego Valley, Calif.: From Borrego Springs and Borrego Valley over San Diego County Road S3 to junction with California Highway 78, thence over California Highway 78 to Ramona, thence over California Highway 67 to intersection with San Diego County Road S4, thence over San Diego County Road S4 to junction with U.S. Highway 395, thence over U.S. Highway 395 to San Diego, and return over the same route, serving all intermediate points. (3) As an alternate route in connection with regular route authority, and for operating convenience only serving the junction of San Diego County Road S3 and California Highway 78 at Julian for joinder purposes only, and San Diego via U.S. Highway 80, California Highway 79 and U.S. Highway 80, with no authority to serve any point thereon. NOTE: Applicant proposes to tack authorities, and interchange equipment and interline traffic with existing carrier service. Applicant states the sole purpose of its application is to convert its California Certificate of Registration MC 120575 Sub 1 and Sub 2 into a certificate of public convenience and necessity. No new territory, commodity authorization, or operation is sought, and that necessity for conversion of authority rests in its present and future operations into the Republic of Mexico.

No. MC 133381 (Sub-No. 1), filed June 11, 1969. Applicant: SIDNEY R. DREXLER, Route 2, Box 249, St. Charles, Ill. 60174. Applicant's representative: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, between points in Illinois, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted.

No. MC 133813, filed June 11, 1969. Applicant: FORD VAN LINES, INCORPORATED, 5600 Cornhusker Hiway, Lincoln, Nebr. 68507. Applicant's representative: Charles E. Wright, 700 First National Bank Building, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Lincoln and Omaha, Nebr., and points in Richardson, Nemaha, Pawnee, Johnson, Gage, Jefferson, Thayer, Saline, Fillmore, York, Polk, Platte, Burt, Cuming, Colfax, Dodge, Washington, Douglas, Saunders, Butler, Lancaster, Seward, Cass, Otoe, and Sarpy Counties, Nebr., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic.

By the Commission.

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

[F.R. Doc. 69-7807; Filed, July 2, 1969; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 30, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41676—*Chlorine from Louisiana points to Florida points*. Filed by O. W. South, Jr., agent (No. A6110), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Geismar, Baton Rouge, and North Baton Rouge, La., to Pensacola and Cantonment, Fla.

Grounds for relief—Barge-truck competition.

Tariff—Supplement 100 to Southern Freight Association, agent, tariff ICC S–699.

FSA No. 41677—*Caustic soda from points in Louisiana*. Filed by O. W. South, Jr., agent (No. A6111), for interested rail carriers. Rates on sofium (soda), caustic (sodium hydroxide), in tank carloads, as described in the application, from Geismar, Baton Rouge, North Baton Rouge, and Gramercy, La., to Cantonment and Pensacola, Fla.

Grounds for relief—Barge and market competition.

Tariff—Supplement 100 to Southern Freight Association, agent, tariff ICC S–699.

FSA No. 41678—*Clay, kaolin or pyrophyllite to points in official territory*. Filed by O. W. South, Jr., agent (No. A6108), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, as described in the application, from Letohatchie and Montgomery, Ala., to points in official territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 51 to Southern Freight Association, agent, tariff ICC S–751.

FSA No. 41679—*Clay, kaolin or pyrophyllite to points in Illinois Freight Association territory*. Filed by O. W. South, Jr., agent (No. A6109), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, in carloads, as described in the application, from Aberdeen, Miss., and points taking same rates, to points in Illinois Freight Association territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 52 to Southern Freight Association, agent, tariff ICC S–751.

FSA No. 41680—*Flourspar to Middletown, Ohio*. Filed by Traffic Executive Association—Eastern Railroads, agent (E. R. No. 2951), for interested rail carriers. Rates on flourspar, in packages or in bulk, in carloads, as described in the application, from Rosiclare, Junction, and Shawneetown, Ill., also Marion and Mexico, Ky., to Middletown, Ohio.

Grounds for relief—Truck-barge-truck and market competition.

Tariffs—Supplement 20 to The Baltimore and Ohio Railroad Co. tariff ICC 24857, and supplement 95 to Illinois Central Railroad Co. tariff ICC A–11788.

FSA No. 41681—*Barley from specified points in Montana*. Filed by the North Pacific Coast Freight Bureau, agent (No. 69–5), for interested rail carriers. Rates on barley, feed grade, in carloads, from specified points in Montana, to Quincy and Wenatchee, Wash.

Grounds for relief—Truck competition.

Tariff—Supplement 45 to North Pacific Coast Freight Bureau, agent, tariff ICC 1117.

FSA No. 41683—*Carbon dioxide to St. Louis, Mo*. Filed by O. W. South, Jr., agent (No. A6112), for interested rail carriers. Rates on carbon dioxide, liquefied, in tank carloads, as described in the application, from New Orleans, La., to St. Louis, Mo.

Grounds for relief—Market competition.

Tariff—Supplement 29 to Southern Freight Association, agent, tariff ICC S–800.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41682—*Barley from specified points in Montana*. Filed by the North Pacific Coast Freight Bureau, agent (No. 69–4), for interested rail carriers. Rates on barley, feed grade, in carloads, from specified points in Montana, to Quincy and Wenatchee, Wash.

Grounds for relief—Maintenance of depressed rates published to meet private truck competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 45 to North Pacific Coast Freight Bureau, agent, tariff ICC 1117.

By the Commission.

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

[F.R. Doc. 69-7876; Filed, July 2, 1969; 8:49 a.m.]

[Notice 860]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 30, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 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 23196 (Sub-No. 8 TA), filed June 23, 1969. Applicant: WEISS TRANSPORTATION CO., Richmond and Cambria Streets, Philadelphia, Pa. 19134. Applicant's representative: M. Mark Mendel, 1901 P.S.F.S. Building, Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Appliances, household and commercial, as well as merchandise sold by Silo, Inc.*, from Philadelphia, Pa., stores and warehouses of Silo, Inc., to points in Delaware and New Jersey, N.J., limited to points in that portion of New Jersey south of Highway 33, for 150 days. Supporting shipper: Silo, Inc., 6900 Lindbergh Boulevard, Philadelphia, Pa. Send protests to: R. A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Second and Chestnut Streets, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 60012 (Sub-No. 78 TA) (Correction), filed March 28, 1969, published FEDERAL REGISTER, issue of April 8, 1969, and republished as corrected this issue. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, Colo. 80221. Applicant's representative: Warren D. Braucher, 1531 Stout Street, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Pueblo Army Depot, at or near Avondale, Colo., as an off-route point in connection with carrier's regular-route operations, for 180 days. NOTE: Applicant intends to interline with other carriers at Denver, Pueblo, and Grand Junction, Colo., Salt Lake City, Utah; and Farmington, N. Mex.; and to tack with present authority in MC-60012 and Subs 29, 30, 32, and 58. The purpose of this republication is to show Farmington, N. Mex., as interlining point. Supporting shipper: Military Traffic Management and Terminal Service, Washington, D.C. Send protests to: District Supervisor Charles W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 95540 (Sub-No. 752 TA), filed June 23, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts*, from Wilmington, Del., to points in Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Kentucky, Arkansas, Missouri, Illinois, Indiana, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Rhode Island, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Colorado, Michigan, and Wisconsin, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 112822 (Sub 120 TA) filed June 23, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, plastic mouldings, valves, fittings, compounds, joint sealer, bonding cement, thinner, vinyl building products and accessories* used in the installation of such products, from McPherson, Kans., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming, for 150 days. Supporting shipper: J. J. Knotts, Jr., Traffic Manager, Plastics Division, Certain-Teed Products Corp., Box 887, McPherson, Kans. 67460. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 114533 (Sub-No. 192 TA), filed June 23, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Small parts, components, and supplies used in the repair, maintenance, and operation of photocopying equipment*, limited to 600 pounds, per shipment, between Blauvelt, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont; points on and east of U.S. Highway 15 in the State of Pennsylvania; points in the counties of Mercer, Monmouth, Ocean, Burlington, Atlantic, Camden, Gloucester, Salem, Cumberland, Cape May, Hunterdon, and Warren Counties, N.J., and points in Cecil County, Md., for 180 days. Supporting shipper: Xerox Corp., Route 303, Blauvelt, N.Y. 10913. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 S. Dearborn Street, Chicago, Ill. 60604.

No. MC 116947 (Sub-No. 9 TA), filed June 24, 1969. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 920 Ashby Street SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cut tin plate, lacquer in drums, metal containers, metal container ends, pallets, paper shrouds, chipboard, and bottle caps* (1) between the plantsites of Crown Cork & Seal Co., Inc., at Atlanta, Ga., Spartanburg, S.C.; Birmingham, Ala.; and Orlando and Bartow, Fla.; (2) between the plantsites set out in (1) above and points in Georgia, South Carolina, Alabama, and Florida, for 150 days. Supporting shipper: Crown Cork & Seal Co., Inc., 9300 Ashton Road, Post Office Box 6208, Philadelphia, Pa. 19136. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta Ga. 30309.

No. MC 121489 (Sub-No. 4 TA) (Correction), filed April 1, 1969, published FEDERAL REGISTER, issue of April 9, 1969, and republished as corrected this issue. Applicant: NEBRASKA-IOWA EXPRESS, INC., 525 Jones Street, Omaha, Nebr. 68100. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated containers and parts thereof*, from Omaha, Nebr., to points in Colorado, Iowa, Kansas, South Dakota, and Wyoming and to points in that part of Missouri on and west of U.S. Highway 63, for 150 days. NOTE: Applicant intends to tack the authority and or interline with other carriers. The purpose of this republication is to include tacking and interlining information, inadvertently omitted in previous publication. Supporting shipper: Weyerhaeuser Co., 100 South Wacker Drive, Chicago, Ill. 60606. Send protests to: K. P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 125871 (Sub-No. 6 TA), filed June 23, 1969. Applicant: CHESTER FRY AND MARIE E. FRY, a partnership, doing business as FRY TRUCKING, Wilton Junction, Iowa 52778. Applicant's representative: Kenneth F. Dudley, 901 South Madkson Avenue, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed, feed ingredients, feed specialties, and livestock minerals and supplements*, from Madison, Wis., to

points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin; (2) *iron oxide, ground ore, ground ferroalloys, mineral feed ingredients and mixes, and mineral fertilizer ingredients and mixes,* between Quincy, Ill., and Bowmanstown, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shippers: Vita Plus Corp., Madison, Wis.; The Prince Manufacturing Co., Quincy, Ill. Send protests to: Charles C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 133453 (Sub-No. 2 TA), filed June 23, 1969. Applicant: M. MILESTONE, Delaware Avenue and Jackson Street, Philadelphia, Pa. 19148. Applicant's representative: John H. Derby, 2122 Cross Road, Glenside, Pa. 19038. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Beverages, phosphated* (other than alcoholic), in cans or bottles, between Philadelphia, Pa., and Carlstadt and Elizabeth, N.J.; Farmingdale, Jamacia, Long Island; Middletown, Mount Kisco, Newburgh, and Rochester, N.Y.; Norfolk and Richmond, Va.; and Norton and Worcester, Mass., for 180 days. Supporting shipper: Boulevard Beverage Co., 2000 Bennett Road, Philadelphia, Pa. 19116. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133681 (Sub-No. 1 TA), filed June 20, 1969. Applicant: BIG CHET & SONS TRUCKING, INC., 203 Diamond Street, Brooklyn, N.Y. 11232. Applicant's representative: Arthur J. Piken, 160–16 Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Toilet preparations, soaps, lotions, perfumes, creams, powders, materials and supplies* used in the preparation of the aforesaid commodities, *returned and rejected shipments of the aforesaid commodities,* from points in the New York, N.Y., commercial zone to points in Bergen, Essex, Hudson, and Monmouth Counties, N.J., and from points in Bergen, Essex, Hudson, and Monmouth Counties, N.J., to points in the New York, N.Y., commercial zone, for 180 days. Supporting shippers: Sacoma Cosmetiques, 253 West 28th Street, New York, N.Y. 10001; Vitabath, Inc., 565 East Crescent Avenue, Ramsey, N.J. 07446; LCR Manufacturing Division, Post Office Box 638, Red Bank, N.J. 07701; B. H. Krueger, Inc., Office and Factory, 50 Noble Street, Brooklyn, N.Y. 11222. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133719 (Sub-No. 1 TA), filed June 24, 1969. Applicant: GLENN H. WILSON, Rural Route 2, Russell, Iowa 50238. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prefabricated homes,* knocked down, in packages, from Weston, Wis., to points in Appanoose, Clarke, Decatur, Lucas, Marion, Monroe, Warren, and Wayne Counties, Iowa, for 180 days. Supporting shipper: Floyd Dixon, Contractor, Russell, Iowa 50238. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133749 (Sub-No. 1 TA), filed June 20, 1969. Applicant: WILLARD L. WYCKOFF, doing business as W. W. TRUCKING CO., Post Office Box 1047, Fontana, Calif. 92335. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Petroleum products,* restricted against the transportation of shipments in bulk in tank vehicles, from points in Los Angeles County, Calif., to Pahrump, Nev., as follows: From points in Los Angeles County over irregular routes to junctions with Interstate Highway 15, thence over Interstate Highway 15, to Baker, Calif., thence over California Highway 127 to Shoshone, Calif., thence over unnumbered California Highway to junction with Nevada Highway 52, thence over Nevada Highway 52 to Pahrump; alternate route for operating convenience only; from points in Los Angeles County to Baker as described above, thence over Interstate Highway 15 to junction with unnumbered Nevada Highway near Arden, Nev., thence over such unnumbered highway to junction with Nevada Highway 16, thence over Nevada Highway 16 to Pahrump; return over the above-described routes to Los Angeles County with no transportation for compensation except as otherwise authorized; service is not authorized to intermediate or off-route points, for 180 days. Supporting shipper: Mankins' Corner, Post Office Box 156, Pahrump, Nev. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

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

[F.R. Doc. 69-7879; Filed, July 2, 1969; 8:49 a.m.]

[Notice 371]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 30, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), 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–71255. By order of June 17, 1969, the Motor Carrier Board approved the transfer to Beverage Truck Line, Inc., Goodland, Ind., of the certificate in No. MC–129143, issued April 5, 1968, to Rex Montgomery, doing business as Rex Freight Line, Brook, Ind., authorizing the transportation of malt beverages from St. Louis, Mo., Milwaukee and La Crosse, Wis., Peoria, Ill., Louisville, Ky., and Cincinnati, Ohio, to various named points in Indiana. James L. Beattey, 130 East Washington Street, No. 1021, Indianapolis, Ind. 46204, attorney for applicants.

No. MC–FC–71409. By order of June 23, 1969, the Motor Carrier Board approved the transfer to Transport Service, Inc., Meridian, Miss., of the certificate of registration in No. MC–121096 (Sub-No. 1) issued October 21, 1963 to W. F. Huber, doing business as Transport Service Co., Meridian, Miss., authorizing the transportation of lumber, building materials except cement, and brick between all points in the State of Mississippi. Rubel L. Phillips, Post Office Box 22628, Jackson, Miss. 39025, attorney for applicants.

No. MC–FC–71420. By order of June 17, 1969, the Motor Carrier Board approved the transfer to Dan Barclay, Inc., Pompton Plains, N.J., of the portion of certificate No. MC–82667 (Sub-No. 5) issued April 12, 1967, to Lottie E. Greggs, doing business as Greggs Motor Lines, Scranton, Pa., authorizing the transportation of: Household goods as defined by the Commission, and machinery, between Scranton, Pa., on the one hand, and, on the other, points in New York and New Jersey. Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504, practitioner for applicants.

No. MC–FC–71426. By order of June 17, 1969, the Motor Carrier Board approved the transfer to E & L Trucking Co., a corporation, Pawtucket, R.I., of the operating rights in Certificate No. MC–43609 issued November 23, 1964, to William E. Kelleher, doing business as W. E. Kelleher Transport, Brockton, Mass., authorizing the transportation of general commodities, with usual exceptions, between Cambridge, Mass., and West Bridgewater, Mass., serving all intermediate points and the off-route points of Everett and Somerville, Mass., over a regular route as follows: From Cambridge over Massachusetts Highway 28 to West Bridgewater, and return over the same route. Frederick T. O'Sullivan, 372 Granite Avenue, Milton, Mass. 02186, attorney for applicants.

No. MC–FC–71435. By order of June 23, 1969, the Motor Carrier Board approved the transfer to Applegate Trucking, a corporation, Cranbury, N.J., of certificates Nos. MC–71530, MC–71530 (Sub-No. 1), MC–71530 (Sub-No. 2), MC–71530 (Sub-No. 3), MC–71530 (Sub-No. 8), MC–71530 (Sub-No. 12), and

MC–71530 (Sub-No. 14), issued January 16, 1941, August 1, 1942, October 16, 1942, January 5, 1943, December 1, 1949, March 14, 1960, and January 4, 1965, respectively, to W. Earl Applegate, Cranbury, N.J., authorizing the transportation of: Fertilizer, fertilizer materials, fertilizer ingredients, agricultural commodities, animal and poultry feeds and feeding materials, potatoes, machinery used in the manufacture of fertilizer, building stone, farm machinery, canned goods, manure, paper bags, burlap bags, shrubbery, evergreens, lime, lumber, insecticides, fungicides, herbicides, hay, straw, feed, coal, soy beans, grain, binder twine, salt hay, sprayers, applicators or distributors, or parts thereof, advertising paraphernalia or displays, and empty fertilizer containers or bags, from or between specified points in New Jersey, New York, Pennsylvania, Delaware, Connecticut, Maryland, Virginia, Massachusetts, Rhode Island, and the District of Columbia. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, practitioner for applicants.

No. MC–FC–71438. By order of June 23, 1969, the Motor Carrier Board approved the transfer to Ross Trucking, Inc., New York, N.Y., of certificates Nos. MC–117727, MC–117727 (Sub-No. 1), and MC–117727 (Sub-No. 3), issued July 22, 1960, October 22, 1962, and February 28, 1963, respectively, to Frank Aquilino, doing business as Ross Trucking, New York, N.Y., authorizing the transportation of: Bananas, from the port facilities in New Jersey and New York located in the New York, N.Y., commercial zone, as defined by the Commission, to New York, N.Y., and points in Westchester, Nassau, and Suffolk Counties, N.Y., and Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, and Union Counties, N.J. John G. Lipsett, 330 Madison Avenue, New York, N.Y. 10017, attorney for applicants.

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

[F.R. Doc. 69–7880; Filed, July 2, 1969; 8:49 a.m.]

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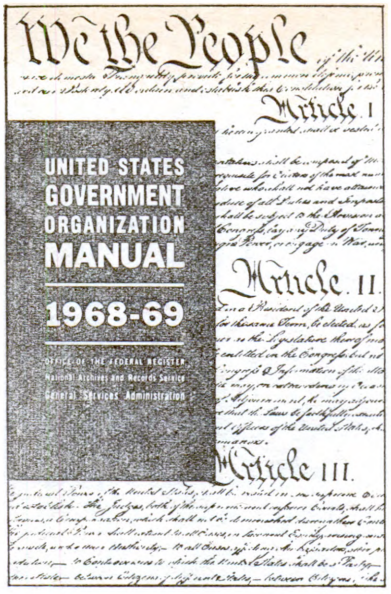

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VOLUME 34 • NUMBER 128
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Pages 11255–11292

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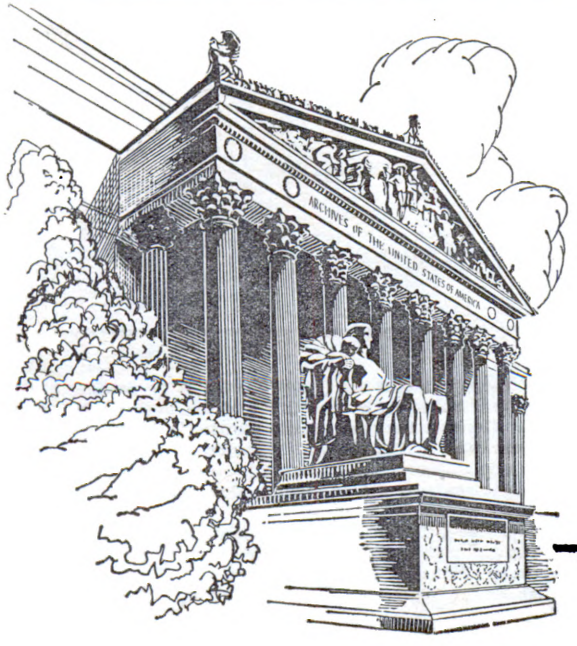

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Post Office Department

Section 213.3311 is amended to show that the position of Deputy Assistant Postmaster General, Bureau of Operations is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (6) is added to paragraph (f) of section 213.3311 as set out below.

§ 213.3311 Post Office Department.

* * * * *

(f) *Bureau of Operations.* * * *

(6) Deputy Assistant Postmaster General, Bureau of Operations.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–7917; Filed, July 3, 1969; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR WHEAT CROP INSURANCE

The counties listed below are hereby deleted from the list of counties published in the FEDERAL REGISTER on January 10, 1969 (34 F.R. 377), which were designated for wheat crop insurance for the 1970 crop year pursuant to the authority contained in § 401.101 of the above-identified regulations.

OHIO

Stark.	Tuscarawas.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 69–7931; Filed, July 3, 1969; 8:48 a.m.]

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

[Lemon Reg. 381]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.681 Lemon Regulation 381.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 1, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 6, 1969, through July 12, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: July 2, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–7994; Filed, July 3, 1969; 8:48 a.m.]

[Pear Reg. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Pear Commodity Committee reflect its appraisal of the 1969 California pear crop and the prospective marketing factors affecting the supply of and demand for pears by grades and sizes thereof. The volume of the developing California

pear crop and the size and quality of the fruit are such that the minimum size and grade requirements, hereinafter specified, are necessary to (1) establish and maintain returns to producers consistent with the declared policy of the act by preventing the shipment of less desirable pears to fresh market outlets and (2) provide consumers with pears of the most desirable size and quality. The container marking requirements, included herein, are necessary to assure that containers are properly marked as to variety for inspection identification.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 5, 1969. A reasonable determination as to the supply of, and the demand for, such pears must await the development of the crop thereof, and adequate information thereon was not available to the Pear Commodity Committee until June 25, 1969, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such pears. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such pears are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such pears; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 917.418 Pear Regulation 1.

(a) *Order.* (1) During the period July 5, 1969, through December 31, 1969, no handler shall ship any box or container of Bartlett, Max-Red (Max-Red Bartlett, Red Bartlett), or Rosired (Rosired Bartlett) varieties of pears unless:

(i) At least 85 percent, by count, of the pears contained in such box or container shall grade at least U.S. No. 1 with the remainder thereof grading not less than U.S. No. 2; and

(ii) Such pears are of a size not smaller than the size known commercially as size 165.

(2) During the effective period of this regulation no handler shall ship any box or other container of pears of any variety unless such box or other container is stamped or otherwise marked, in plain sight and in plain letters, on one outside end with the name of the variety, if known, or when the variety is not known, the words "unknown variety."

(b) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size known commercially as size 165" means a size Bartlett, Max-Red (Max-Red Bartlett, Red Bartlett), or Rosired (Rosired Bartlett) varieties of pears that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with 165 pears and with the 22 smallest pears weighing not less than five and three-quarter pounds.

(3) "Standard pear box" means the container so designated in section 43599 of the Agricultural Code of California.

(4) "U.S. No. 1," "U.S. No. 2," and "standard pack" shall have the same meaning as when used in the U.S. Standards of Pears (Summer and Fall), 7 CFR 51.1260–51.1280.

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

Dated: July 2, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–7995; Filed, July 3, 1969; 8:48 a.m.]

[945.328]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation, to be made effective under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945) regulating the handling of Irish potatoes grown in designated counties in Idaho and Malheur County, Oreg., was published in the FEDERAL REGISTER June 26, 1969 (34 F.R. 9871). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 5 days after publication. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to said market agreement and order, it is hereby found and determined that this limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The recommendations by the Idaho-Eastern Oregon Potato Committee reflect its appraisal of the crop and prospective market conditions. Shipments of potatoes from the production area are expected to begin on or about July 7, 1969. The proposed regulation provided herein is necessary to prevent immature potatoes and potatoes of lower grades and undesirable sizes from being distributed in the channels of commerce to improve the returns to producers for preferred grades and sizes. The specific requirements, hereinafter set forth, regulate the handling of potatoes by grade, size, cleanliness, and maturity so as to (1) promote orderly marketing, (2) standardize the quality of the potatoes shipped from the production area, and (3) maximize returns to the producers pursuant to the declared policy of the Act.

The proposed regulation with respect to special purpose shipments for other than fresh market use is designed to meet the different requirements for such outlets.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that shipments of potatoes grown in the production area are currently being marketed and the regulation should become effective at the time herein provided to maximize the benefits to producers; and good cause exists for making the provisions hereof effective not later than July 7, 1969. Idaho-Eastern Oregon Potato Committee held an open meeting June 13, 1969, to consider recommendations for a limitation of shipments regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the recommendation by the committee has been disseminated among the growers and handlers of potatoes in the production area; compliance with this section will not require any special preparation of potato sorting and packing equipment on the part of handlers subject thereto which cannot be completed on or before the effective time hereof.

§ 945.328 Limitation of shipments.

During the period July 7, 1969, through June 30, 1970, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), and (e) of this section.

(a) *Minimum quality requirements—*(1) *Grade—All varieties.* U.S. No. 2, or better grade.

(2) *Size*—(i) *Round red varieties*—1⅞ inches minimum diameter.

(ii) All other varieties—2 inches minimum diameter, or 4 ounces minimum weight.

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

(iv) When containers of long varieties of potatoes are marked with a count or similar designation they must meet the weight range for the count designation listed below:

Count designation	*Weight range*
Larger than 50 count	15 ounces or larger.
50 count	12–19 ounces.
60 count	10–16 ounces.
70 count	9–15 ounces.
80 count	8–13 ounces.
90 count	7–12 ounces.
100 count	6–10 ounces.
110 count	5–9 ounces.
120 count	4–8 ounces.
130 count	4–8 ounces.
140 count	4–8 ounces.
Smaller than 140 count.	4–8 ounces.

The following tolerances, by weight, are provided for potatoes in any lot which fail to meet the weight range for the designated count:

(*a*) 5 percent for undersize; and,

(*b*) 10 percent for oversize.

(3) *Cleanliness*—(i) *Kennebec variety*—Not more than "slightly dirty."

(ii) *All other varieties*—"Generally fairly clean."

(b) *Minimum maturity requirements*—(1) *White Rose variety.* During the period July 7, 1969, through December 31, 1969, "moderately skinned" and thereafter they may be handled without regard to the maturity requirements. "Moderately skinned" means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(2) *All other varieties.* "Slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

(3) *Exceptions.* (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided,* That the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Certified seed;

(ii) Charity;

(iii) Starch;

(iv) Canning or freezing;

(v) Dehydration;

(vi) Experimentation; and

(vii) Seed pieces cut from stock eligible for certification as certified seed.

(2) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) Export: *Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) Potato chipping or prepeeling including potato sticks (French fried shoestring potatoes): *Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility or Oregon Utility grade.

(d) *Safeguards.* Each handler making shipments of potatoes for starch, canning, or freezing, dehydration, experimentation, seed pieces cut from stock eligible for certification, export, potato chipping, or for prepeeling pursuant to paragraph (c) of this section shall:

(1) First, apply to the committee for and obtain a Certificate of Privilege to make each shipment;

(2) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(3) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(4) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(5) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," and "slightly dirty" 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. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meanings as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(g) *Applicability to imports.* Pursuant to § 608e–1 of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

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

Dated July 2, 1969, to become effective July 7, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-7968; Filed, July 3, 1969; 8:48 a.m.]

[948.360]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado Area No. 3, was published in the FEDERAL REGISTER June 26, 1969 (34 F.R. 9872). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested persons were afforded an opportunity to file written data, views, or arguments pertaining thereto not later than 5 days after publication. None was filed.

Statement of consideration. The notice was based on the recommendations and information submitted by the Colorado Area No. 3 Potato Committee, established pursuant to the said marketing agreement and order and other available information. The recommendations of the committee reflect its appraisal of the composition of the 1969 potato crop in Area No. 3 and of the marketing prospects for this season.

The grade, size, quality, and pack requirements provided herein are necessary to prevent immature potatoes, or those that are of undesirable sizes, or below grade, or in deceptive packs from

being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The regulations, with respect to special purpose shipments for other than fresh market use, are designed to meet the different requirements for such outlets.

Findings. After consideration of all relevant matter presented in the aforesaid notice, based upon the recommendations of the Colorado Area No. 3 Potato Committee 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.

It is hereby further found that good cause exists for making this regulation effective at the time herein provided and for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1969 crop potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) identical regulations have been issued under the State order for intrastate shipments, so producers and handlers are aware of the provisions of this regulation under this Federal program, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

§ 948.360 Limitation of shipments.

During the period July 7, 1969, through June 30, 1970, no person shall handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d) through (h) of this section.

(a) *Grade and size requirements*—(1) *Round varieties.* U.S. No. 1, or better grade, 2 inches minimum diameter; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than 1⅞ inches minimum diameter.

(2) *Long varieties.* U.S. No. 1, or better grade, 2 inches minimum diameter or 4 ounces minimum weight; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than 1⅞ inches minimum diameter or 4 ounces minimum weight.

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

(b) *Maturity (skinning) requirements—All varieties.* For U.S. No. 2 grade, not more than "moderately skinned," and for all other grades, not more than "slightly skinned."

(c) *Container requirements.* Potatoes may be handled only in containers classified by weight as follows:

(1) 5 pounds;
(2) 10 pounds;
(3) 20 pounds;
(4) 25 pounds;
(5) 50 pounds; or
(6) 100 pounds and larger.

(d) *Special purpose shipments*—(1) *Chipping stock.* Potatoes may be handled for chipping if they meet the requirements of U.S. No. 2, or better grade, 1½ inches minimum diameter, if such potatoes are handled in accordance with paragraph (e) of this section.

(2) The quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed; or
(ii) Charity.

(3) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for:

(i) Chipping; or
(ii) Prepeeling.

(4) The quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of seed potatoes (§ 948.6) but such shipments shall be subject to assessments.

(e) *Safeguards.* Each handler making shipments of potatoes for chipping or prepeeling pursuant to paragraph (d) of this section shall—

(1) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver on the use of such potatoes; and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Shipment by motor vehicle.* No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable thereto or such other document as the committee may specify.

(g) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any shipment of over 1,000 pounds of potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned," and "slightly skinned," 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. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(i) *Applicability to imports.* Pursuant to § 608e–1 of the act and § 980.1, "Import regulations" (7 CFR 980.1, round white varieties of Irish potatoes, except certified seed potatoes, imported into the United States during the period August 1, 1969, through June 4, 1970, shall meet the grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

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

Dated: July 2, 1969, to become effective July 7, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–7969; Filed, July 3, 1969; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 317—LABELING

PART 318—REINSPECTION AND PREPARATION OF PRODUCTS

Notice of Revocation of Approval for Use of Ionizing Radiation

Pursuant to the authority conferred by section 21 of the Federal Meat Inspection Act, as amended (21 U.S.C. Supp. IV, 621) § 317.9(f) and § 318.19 of the Federal Meat Inspection Regulations (9 CFR 317.9(f) and 318.19) are deleted.

This action terminates the authorization for the use of ionizing radiation in preparing bacon at establishments subject to the Act and is in harmony with action of the Food and Drug Administration in revoking the Food Additive Regulation which provided for use of ionizing radiation of bacon.

This document shall become effective upon publication in the FEDERAL REGISTER.

This action does not affect meat processors or consumers since no products utilizing treatment by ionizing radiation have been produced for commercial consumption. Therefore, it is found upon good cause, under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with respect to this document are impracticable and unnecessary and good cause is found for making this document effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., on July 1, 1969.

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

[F.R. Doc. 69–7930; Filed, July 3, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER D—SPECIAL REGULATIONS

[Special Reg. SPR-31; Amdt. 3]

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS

Inclusive Tour Contracts on Annual Basis

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of July 1969.

By circulation of SPDR-15 (Docket 20845), dated March 24, 1969, and publication at 34 F.R. 5745, the Board gave notice that it was considering an amendment to Part 378 to provide that where a tour prospectus covers a series of tours pursuant to one charter contract, the elapsed time between the commencement of the first tour and the departure of the last tour shall not exceed 1 year, instead of 180 days between commencement and completion as at present.

Two supplemental air carriers, Universal Airlines, Inc., and Modern Air Transport, Inc., support the proposal; one scheduled air carrier, Pan American World Airways, Inc., opposes it. The supplemental carriers agree it is now the practice of the industry to plan and promote a series of tours for 52 consecutive weekly departures. Pan American, on the other hand, asserts that the 180-day limitation and the filing of a report within 30 days after completion of the series are the only regulations that protect the public against unwarranted cancellation of tours by tour operators. Permitting tour operators to plan an unlimited number of tours spanning a year would, in Pan American's view, "encourage greater abuse" by cancellations and put off for 6 months any means of assuring the ITC's are not provided for the benefit of the tour operator at the expense of the public.

We believe Pan American's fears of abuse of Part 378 by the tour operators are unfounded. Section 378.20(b) requires the supplemental air carrier to give prompt notice of canceled tours, and § 378.18(b) requires amendment of a prospectus where time permits. To date, there have been few complaints about the performance of tour operators and supplemental carriers under Part 378. However, we have decided to require an interim report in § 378.20 at the end of 6 months, as at present, so that the Board may be currently informed of any deviations from a prospectus and the reasons therefor. This interim report will impose little, if any, burden on the supplemental carriers and tour operators since they presently file such reports for a 6-month period. Editorial changes are also made in § 378.20 to delete references to the expired statement of authorization procedures.

Upon consideration of the comments, the Board has decided to adopt the amendment as proposed, and to add an interim posttour reporting requirement as indicated. Accordingly, except as modified herein, the tentative findings set forth in SPDR-15 are hereby made final.

Accordingly, the Board hereby amends Part 378 of the Special Regulations (14 CFR Part 378), effective August 4, 1969, as follows:

1. Amend paragraph (a) of § 378.18 to read as follows:

§ 378.18 Procedure applicable to periods on or after January 1, 1969.

(a) No inclusive tour or series of tours scheduled to commence on or after January 1, 1969, shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there is on file with the Board a tour prospectus satisfying the requirements of § 378.13. If a series of tours is to be operated for one tour operator pursuant to one charter contract, the prospectus may cover the entire series, provided the elapsed time between the commencement of the first tour and the departure of the last tour shall not exceed 1 year. The tour prospectus shall be filed at least 60 days before commencement of the tour or tours. Late filing of the prospectus will not be permitted except for good cause shown.

* * * * *

2. Amend § 378.20 to read as follows:

§ 378.20 Posttour reporting.

(a) Within 30 days after completion of a tour or series of tours, the supplemental air carrier and tour operator shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights) a posttour report: *Provided*, That in the case of a series of tours which exceeds 6 months between commencement of the first tour and departure of the last tour, the supplemental air carrier and tour operator shall file a joint interim report within 30 days after the expiration of 6 months from commencement of the first tour, covering tours completed during such 6 months. The posttour and interim report shall indicate whether or not the tours authorized hereunder were, in fact, performed. To the extent that the operations differed from those described in the prospectus filed under § 378.18, such differences shall be fully detailed including the reasons therefor. However, the making of such an explanation shall not of itself operate as authority for or excuse any such deviation.

(b) The supplemental air carrier shall promptly notify the Board regarding any tours covered by a prospectus filed under § 378.18 that are later canceled.

(Secs. 204(a) and 101(33) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 82 Stat. 867; 49 U.S.C. 1324, 1301)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7976; Filed, July 3, 1969; 8:48 a.m.]

Title 25—INDIANS

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

SUBCHAPTER N—GRAZING

PART 151—GENERAL GRAZING REGULATIONS

Corrections

JUNE 27, 1969.

On pages 9383-9386 of the FEDERAL REGISTER of June 14, 1969, there was published a revision of Part 151, Subchapter N, Chapter 1, Title 25, of the Code of Federal Regulations relative to the General Grazing Regulations applicable to Indian range lands. Under the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM2 and pursuant to the authority vested in the Secretary of the Interior by 5 U.S.C. 301, notice is hereby given that the rules published on June 14, 1969, are corrected as follows:

1. In § 151.7—*Grazing on range units authorized by permit*, the first sentence of this section is corrected to read as follows: "All grazing use of range units shall be authorized by a grazing permit except Indians' use of their own land pursuant to § 151.8."

2. In § 151.11—*Competitive and negotiated sale of grazing privileges*, the first sentence of paragraph (a) of this section is corrected to read as follows: "(a) Grazing privileges not exempt from permit under § 151.8 and not reserved for allocation under § 151.10 shall be advertised for competitive public sale by the Superintendent except as otherwise provided in paragraph (b) of this section."

T. W. TAYLOR,
Acting Commissioner of Indian Affairs.

[F.R. Doc. 69-7911; Filed, July 3, 1969; 8:46 a.m.]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1500—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Subpart E-1—Occupations in Agriculture Particularly Hazardous for the Employment of Children Below the Age of 16

VOCATIONAL AGRICULTURE TRAINING EXEMPTION

A proposal was published at 34 F.R. 7084 inviting written data, views, or arguments on the granting of certain exemptions from 29 CFR 1500.71(b) of Title 29, Code of Federal Regulations, to children at least 14 years of age who have received training in the safe use of tractors and farm machinery under the programs of the Office of Education, U.S. Department of Health, Education, and Welfare. After consideration of all matter presented by interested persons, 29

CFR 1500.70 is amended by adding a new paragraph (g) as set out below. As the amendment relieves present restrictions, delay in its effective date is excused by 5 U.S.C. 553(d)(1). As it further appears that no good purpose would be served by such delay, this amendment is effective immediately.

The new paragraph (g) is as follows:

§ 1500.70 General.

* * * * *

(g) *Vocational-Agriculture Training Exemption.* (1) To the extent provided in subparagraphs (2) or (3) of this paragraph (g) the findings and declarations of fact made in § 1500.71(b) shall not apply to children who have been instructed by their employer on the safe and proper operation of the specific equipment they are to use, and over whom he maintains close supervision where feasible, or, where not feasible in work such as cultivating, the employer or his representative checks on each child's safety at least midmorning, noon, and midafternoon.

(2) With respect to the occupations identified in subparagraph (5) of § 1500.71(b), the findings and declarations of fact expressed in that paragraph shall not apply to any child when the requirements of subparagraph (1) of this paragraph (g) and each of the following requirements are met:

(i) The child is 14 years of age, or older.

(ii) The child is familiar with the normal working hazards in agriculture.

(iii) The child has completed a 15-hour training program which includes the required units specified in the Vocational Agriculture Training Program in Safe Tractor Operation outlined by the Office of Education, U.S. Department of Health, Education, and Welfare. (Training program is outlined in Special Paper No. 8, April 1969, prepared at Michigan State University, East Lansing, Mich., for the Office of Education. Copies may be obtained from the Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202.)

(iv) The child has passed both a written test and a practical test on tractor safety (the practical test must include demonstrating his ability to operate safely a tractor with a two-wheeled trailed implement on the test course included in the Vocational Agriculture Training Program in Safe Tractor Operation outlined by the Office of Education, U.S. Department of Health, Education and Welfare).

(v) His employer has on file with the employee's records kept pursuant to Part 516 of this title a true copy of a certificate relating to him, signed by his parent or guardian and signed by the Vocational-Agriculture teacher who conducted the course to the effect that he has completed all the requirements specified in subdivisions (i) through (iv) of this subparagragh.

(3) With respect to the occupations identified in subparagraphs (5), (6), (7), (8), (9), and (10) of § 1500.71(b), the findings and declarations of fact expressed in that paragraph shall not apply to any child when the requirements of subparagraph (1) of this paragraph (g) and each of the following requirements are met:

(i) The child satisfied all the requirements of subparagraph (2) of this paragraph.

(ii) The child has completed an additional 10-hour training program which includes the required units specified in the Vocational Agriculture Training Program in Safe Farm Machinery Operation outlined by the Office of Education, U.S. Department of Health, Education, and Welfare. (Training Program is outlined in Special Paper No. 8, April 1969, prepared at Michigan State University, East Lansing, Mich., for the Office of Education. Copies may be obtained from the Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202.)

(iii) He has passed both the written test and practical test on safe machinery operation included in the Vocational Agriculture Training Program in Safe Farm Machinery Operation outlined by the Office of Education, U.S. Department of Health, Education, and Welfare.

(iv) His employer has on file with the employee's records kept pursuant to Part 516 of this title a true copy of a certificate relating to him, signed by his parent or guardian and signed by the Vocational-Agriculture teacher who conducted the course to the effect that he has completed all the requirements specified in subdivisions (i) through (iii) of this subparagraph.

(29 U.S.C. 203, 213)

Signed at Washington, D.C., this 27th day of June 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-7900; Filed, July 3, 1969; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1471—ASSIGNMENT OF CONTRACTORS FOR RENEGOTIATION

How Assignment is Made

Section 1471.2 *How assignment is made* is amended in the following respects:

Paragraph (b) is amended by inserting the following, after the third sentence thereof, and paragraph (d) is amended by adding, at the end thereof, the following:

§ 1471.2 How assignment is made.

* * * * *

(b) * * * If the fiscal year of the contractor is a fractional part of 12 months, the $800,000 amount will be reduced to the same fractional part thereof for the purposes of this paragraph. * * *

* * * * *

(d) * * * If the fiscal year of the contractor is a fractional part of 12 months, the $100,000 amount will be reduced to the same fractional part thereof for the purposes of this paragraph.

* * * * *

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

Dated: July 1, 1969.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 69-7912; Filed, July 3, 1969; 8:46 a.m.]

PART 1472—CONDUCT OF RENEGOTIATION

Miscellaneous Amendments

§ 1472.4 [Amended]

Section 1472.4 *Conduct of renegotiation by Board* is amended by deleting the third sentence of paragraph (c).

Section 1472.5 *Notice of Points for Presentation* is amended by deleting paragraphs (a) and (c) in their entirety and inserting in lieu thereof the following:

§ 1472.5 Notice of Points for Presentation.

(a) *When sent.* The Board will send the contractor a Notice of Points for Presentation in every Class A case reassigned to the Board pursuant to § 1473.2(a) or § 1474.3(a) of this chapter, and in any other reassigned case in which the Board in its discretion considers the sending of such a notice desirable. In the absence of unusual circumstances, if a Notice of Points for Presentation is to be sent, it will be mailed to the contractor not less than 10 days before the date fixed for the division meeting with the contractor pursuant to § 1472.4(c).

* * * * *

(c) *Contents.* The Notice of Points for Presentation will set forth, in summary form, any points or matters on which presentation is desired by the Board division. Such points or matters may relate to facts, law, accounting, factor evaluation, or other aspects of the case. The notice will state that, although the contractor will have the opportunity to present and discuss with the division any matters which the contractor considers pertinent, the contractor will be expected to deal specifically and in appropriate detail with the points or matters set forth in the notice. The notice will advise the contractor that he may, if he so desires, present his views in writing, before the meeting, on the points or matters set forth in the notice. Every reasonable effort will be made to set forth in the notice the points or matters with respect to which it is believed that presentation will be helpful to the division in its consideration of the case.

* * * * *

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

Dated: July 1, 1969.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 69-7913; Filed, July 3, 1969; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER E—NAVIGATION REQUIREMENTS FOR THE GREAT LAKES AND ST. MARYS RIVER

[CGFR 69-57]

PART 92—ANCHORAGE AND NAVIGATION REGULATIONS: ST. MARYS RIVER, MICH.

Disestablishment of Lookout Station No. 1

1. The Commander, 9th Coast Guard District, Cleveland, Ohio, by letter dated May 12, 1969, requested the disestablishment of the Coast Guard Lookout Station No. 1 on Johnson Point, Sailors Encampment, Middle Neebish Channel, St. Marys River, Mich. The reason for the request is that modern radiophone communication between vessels and the river traffic controller has made the manned station obsolete. During the 1968 navigation season, Station No. 1 was left unmanned for a trial period. In this time 50 upbound vessel passages were made without incident. A public notice dated March 31, 1969, was issued by the Commander, 9th Coast Guard District, Cleveland, Ohio, describing the proposed changes. All known interested parties were notified and requested to comment on the proposed change. Of the 1,130 persons who received notice of the proposed change, only four filed objections thereto. These objections were based on the discontinuance of the visibility reports furnished by the station rather than the disestablishment of the station as an aid to navigation. It is contemplated that after the station is disestablished the residual services it previously furnished will be provided to mariners by more effective methods. Since the foregoing procedure afforded effective notice to all interested parties, publication of the notice of proposed rule making in the FEDERAL REGISTER is unnecessary. Therefore, the request to disestablish the Coast Guard Lookout Station No. 1 at Johnson Point, Sailors Encampment, Middle Neebish Channel, St. Marys River, Mich., as mentioned in 33 CFR 92.09, 92.15, 92.17, and 92.19 is granted.

2. This document effectuates this request by deleting the references to Lookout Station No. 1 as described in §§ 92.09, 92.15, 92.17, and 92.19.

3. Part 92 is amended by revising §§ 92.09 and 92.15 to read as follows:

§ 92.09 Lookout stations.

Lookout Stations for the St. Marys River Patrol are numbered and located as follows:

No. 3 off Mission Point, Little Rapids Cut.
No. 4 at upper end of Rock Cut, West Neebish Channel.

* * * * *

§ 92.15 Visual signals at lookout stations.

(a) The following signals are hoisted at Lookout Station No. 4 to indicate changes in the conditions of channel passage, and masters of vessels approaching the entrances to the several channels should be on the alert for such signals.

(1) *Closure of channel.* Indicated by two red balls by day, two red lights by night, hoisted vertically about 6 feet apart.

(2) *Channel partially obstructed.* Indicated by a red ball over a white ball by day, a red light over a white light by night, hoisted vertically about 6 feet apart.

(b) Boats of the patrol may carry the signal described in paragraph (a)(1) of this section, as required.

§ 92.17 [Revoked]

3. Part 92 is amended by revoking § 92.17.

4. Part 92 is amended by revising § 92.19(a) to read as follows:

§ 92.19 Temporary closure of West Neebish Channel.

(a) In the event the West Neebish Channel is temporarily closed to navigation (due to dredging, grounding of vessels, or other reasons), the resulting two-way navigation will pass through the Middle Neebish, Munuscong, and Sailors Encampment Channels. The closure and obstruction signals shall be shown from Lookout Station No. 4.

* * * * *

(Secs. 1-3, 29 Stat. 54-55, as amended, sec. 6(b)(1), 80 Stat. 937; 33 U.S.C. 474, 49 U.S.C. 1655(b)(1); 49 CFR 1.4(a)(2))

Effective date: This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: June 26, 1969.

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

[F.R. Doc. 69-7903; Filed, July 3, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

[CGFR 69-53]

PART 105—COMMERCIAL FISHING VESSELS DISPENSING PETROLEUM PRODUCTS

Requirements for Inspection, Equipment, Operation and Manning

On December 27, 1968, a notice of proposed rule making regarding an amendment to Subchapter I of Title 46, Code of Federal Regulations by adding a new Part 105 was published in the FEDERAL REGISTER (33 F.R. 19847). In accordance with the notice a public hearing regarding the proposed amendment was held on February 12, 1969 in the Customs Court Room, Federal Office Building, 909 First Avenue, Seattle, Wash., under the direction of the Commander, 13th Coast Guard District. Interested parties were given the opportunity of participating in the rule making by submitting written matter in advance of the hearing date and by submitting written and oral matter at the public hearing. After the public hearing, the Commander, 13th Coast Guard District forwarded to the Commandant (CMC), U.S. Coast Guard, Washington, D.C., the public hearing record, including the original written submissions, and his recommendations with respect to the submissions received. On March 25, 1969, in accordance with the provisions of 33 CFR 1.05-30, the Merchant Marine Council, in an executive session, duly considered all the relevant matter submitted. Thereafter, the Merchant Marine Council forwarded to the Commandant, U.S. Coast Guard appropriate recommendations regarding the proposed amendments.

A number of changes are made in the proposed regulations as a result of the oral and written comments received from the interested parties. The effective date of the regulations is changed from July 1, 1969, to December 1, 1969, in view of the fact that the earlier date falls within the fishing season. The proposal to limit the act of dispensing the petroleum products to other vessels only is deleted. The proposed prohibition against galley fires during cargo transfer operations is substantially relaxed. A new paragraph (c), is added to § 105.20-1 providing that plans or sketches of the cargo tanks and piping systems are not required if these installations have previously been accepted by the Coast Guard. Further, in response to the comments received § 105.90-1(b)(1) is amended to permit the continued use on vessels contracted for prior to December 1, 1969, of the associated piping systems of the tanks and containers, if in a satisfactory condition. Section 105.10-20 which defines the term permit is deleted since this term is not used in these regulations. Section 105.10-30 which defines the term tankerman is deleted as unnecessary in view of the provisions of § 105.50-5 *Tankerman.*

Prior to the enactment of the Act of July 11, 1968, the Coast Guard had instituted an interim voluntary program for inspecting these commercial fishing vessels. Some of the comments received have as their purpose the continuation of the interim requirements developed under this voluntary program. Specifically, it was suggested that the letters of compliance issued by the Coast Guard under the interim requirements be continued in force without further inspection of the vessels until the letters expire. This suggestion cannot be adopted since most of the letters of compliance issued under the interim requirements con-

tained no expiration date. In any event, the subsequent enactment of the statute does not permit the continued validity of the letters of compliance issued under a voluntary program without statutory sanction. It was further suggested that no cargo plans or sketches of the cargo tanks should be required since none were required under the interim requirements. This circumstance is not considered a valid reason for not requiring plans and sketches of installations not previously accepted. With respect to cargo tanks accepted under the voluntary program this comment has been adopted, as previously stated, by providing that plans or sketches of the cargo tanks and piping systems are not required if these installations have been previously accepted by the Coast Guard.

Comments were received that the fire pump pressure of 60 p.s.i. required by § 105.35–5(b)(2) is "too powerful." It is considered that this pressure is not excessive. This pump provides the minimum pressure required for an effective stream for firefighting purposes on these vessels. Finally, it was suggested that the tanks, the piping systems, the electrical installation, pumps, and firefighting equipment in use on these vessels prior to December 1, 1969, be permitted to be continued in use if in a good condition in the opinion of the Officer in Charge, Marine Inspection. This suggestion would have the effect of exempting existing vessels from practically all the requirements of these regulations and would in a large measure nullify the congressional intent. This suggestion cannot be accepted in this form. However, in response to this suggestion § 105.90–1(b)(1) is amended to permit the continued use of permanently or temporarily installed tanks or containers and their associated piping systems if in the opinion of the Officer in Charge, Marine Inspection they are in a satisfactory condition and are so maintained.

Accordingly, after due consideration of all the relevant matter presented by the interested parties and the recommendations of the Commander, 13th Coast Guard District and of the Merchant Marine Council, the amendment as so proposed in the FEDERAL REGISTER of December 27, 1968 (33 F.R. 19847), is hereby adopted subject to the following changes:

1. In the heading of Part 105 and of § 105.90–1 and in § 105.50–5(a) the words, "to other fishing vessels", are deleted.

2. In §§ 105.01–1(a), 105.01–5(a), and 105.01–5(d) and 105.45–1(a) the words, "to other vessels", are deleted.

3. In §§ 105.05–1(a) and 105.05–1(b) the words, "for the purpose of dispensing it to other vessels", are deleted and the words "installed permanent tanks or portable containers", are changed to "permanently or temporarily installed tanks or containers".

4. In § 105.15–1(a), fifth line, the words, "it to other fishing vessels, such a", are changed to, "those liquids, the".

5. In § 105.15–10(a), seventh line, the words, "it to other vessels", are changed to, "those liquids".

6. In § 105.50–5(a), last line, the words, "of inspected vessels", are deleted.

7. In the heading of § 105.90–1 and in §§ 105.01–10(a), 105.05–1(a), 105.05–1(b), 105.05–3(a), 105.05–3(b), and 105.90–1(b), the month, "July", is changed to, "December".

8. In § 105.05–2(b), second line, the word, "temporary", is changed to "temporarily installed".

9. In § 105.15–1(c), first line, the word, "portable" is changed to "temporarily installed".

10. In § 105.10–15(a), sixth line, the word, "at", is changed to "of".

11. In § 105.15–1(d), in both the first and second lines, the word, "and", is changed to, "or".

12. Section 105.15–15(e) is deleted.

13. In § 105.20–1, a new paragraph (c) is added to provide that plans and/or sketches are not required if cargo tanks and piping systems have been previously accepted by the Coast Guard.

14. In footnote 3 of Table 105.20–3(a)(1), the last two words of the first line are corrected to read "with a" and the last word of the second line is corrected to read "the".

15. In § 105.20–3(a)(3), a new sentence is added between the first and second sentence which provides for limber holes at the bottom and air holes at the top of all baffles.

16. Section 105.20–3(d) is amended to provide that all tanks vented to the atmosphere shall be hydrostatically tested to a pressure of 5 pounds per square inch or 1½ times the maximum head to which they may be subject to in service. It also provides that a standpipe of 11½ feet in length attached to the tanks may be filled with water to accomplish the 5 pounds per square inch test.

17. In § 105.20–5 the heading is changed from "Valves and Fittings" to "Piping Systems" and paragraphs (a) and (b) have been interchanged. In the main, the section is amended to provide that the piping shall be copper, nickel copper or copper nickel having a minimum wall thickness of 0.035 inches and that seamless steel pipe or tubing may be used for diesel cargo systems.

18. In §§ 105.20–10(c) and 105.30–1(b), seventh line in each, the words, "C and", are deleted.

19. Section 105.30–1(a) is revised to provide that in compartments or areas containing tanks or pumps, handling other than Grade E petroleum products, no electrical fittings, fixtures, nor electrical equipment shall be installed or used unless approved for a Class I Group D hazardous location and so labeled by Underwriters Laboratories, Inc., or other recognized laboratories.

20. Section 105.45–5(a) is amended by permitting galley fires during cargo transfer operations provided that prior to transferring Grade B or C cargoes, the tankerman shall make an inspection to determine whether in his judgment galley fires may be maintained with reasonable safety during the transfer operations.

21. Section 105.10–20 *Permit* is deleted and § 105.10–25 *Pressure vacuum relief valve* is redesignated § 105.10–20.

22. Section 105.10–30 *Tankerman* is deleted and § 105.10–35 *Commercial Fishing Vessel* is redesignated § 105.10–25.

23. In § 105.60–5(a) the words, "dispensing fuel to other fishing vessels", are deleted.

24. Section 105.90–1(b)(1) is amended to substitute the words "Permanently or temporarily installed tanks or containers" for the words, "If installed, permanent tanks or portable tanks or containers"; to delete the words, "to other vessels", and to permit the use of the associated piping systems, if in a satisfactory condition.

25. Section 105.90–1(b)(2) is amended to substitute the words, "permanently or temporarily installed tanks or containers" for the words, "permanent tanks or portable tanks or containers".

Effective date. Part 105 of Title 46 CFR, as set forth in full hereinafter, is effective December 1, 1969.

Dated: June 2, 1969.

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

Subpart 105.01—Administration

Sec.

Subpart 105.05—Application

Subpart 105.10—Definition of Terms Used in This Part

Subpart 105.15—Inspection Required

Subpart 105.20—Specific Requirements—Cargo Tanks

AUTHORITY: The provisions of this Part 105 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended, 4488, as amended, secs. 2, 633, 63 Stat. 496, 545, sec. 6(b), 80 Stat. 938; 46 U.S.C. 375, 391a, 416, 481, 14 U.S.C. 2, 633, 49 U.S.C. 1655(b); 49 CFR 1.4 (a)(2), (f), unless otherwise noted.

Subpart 105.01—Administration

§ 105.01–1 Purpose and authority for regulations.

(a) The purpose of the regulations in this part is to provide adequate safety in the transporting and handling of certain petroleum products on board commercial fishing vessels, as contemplated by section 391a of title 46, United States Code (Tanker Act; R.S. 4417a, as amended), as amended by section 4 of Public Law 90–397 (approved July 11, 1968, 82 Stat. 341). As required by law, the regulations in this part set forth the minimum requirements for those commercial fishing vessels, which include transporting and dispensing certain petroleum products carried on board as an incidental part of their usual occupation (cannery tender, fishing tender or commercial fishing).

(b) The authority for the regulations in this part is in sections 375 and 391a of title 46, United States Code (R.S. 4405, as amended, 4417a, as amended). The authority to prescribe regulations and administer the provisions of laws governing the transportation and handling of flammable or combustible liquid cargoes in bulk in vessels was delegated to the Commandant, U.S. Coast Guard, by the Secretary of Transportation in rules designated 49 CFR 1.4 (a) and (f).

§ 105.01–5 Intent of Public Law 90–397 (approved July 11, 1968, 82 Stat. 341).

(a) Public Law 90–397 was enacted to give certain vessels engaged in the fishing industry of the States of Oregon, Washington, and Alaska certain exemptions from inspection and certification requirements administered by the Coast Guard, and to provide alternate requirements for any such vessel if transporting and dispensing its flammable or combustible liquid products, as incidental to its principal use as a cannery tender, fishing tender, or commercial fishing vessel.

(b) Public Law 90–397 exempts certain vessels engaged in the fishing industry of the States of Oregon, Washington, and Alaska from the requirements of section 88 (load lines), 367 (inspection and certification of seagoing motor vessels), and 404 (inspection of small craft carrying passengers or freight for hire) of title 46, United States Code.

(c) Public Law 90–397, section 4, amends the first paragraph of section 391a of title 46, United States Code (Tanker Act, R.S. 4417a, as amended), by adding at the end thereof the following sentence:

Notwithstanding the first sentence hereof, cannery tenders, fishing tenders, or fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska when engaged exclusively in the fishing industry shall be allowed to have on board inflammable or combustible cargo in bulk to the extent and upon conditions as may be required by regulations promulgated by the Secretary of the department in which the Coast Guard is operating.

(d) Under the provisions of section 391a of title 46, United States Code, the Commandant may grant a permit to a vessel "when engaged exclusively in the fishing industry" of the States of Oregon, Washington, and Alaska as a cannery tender, fishing tender, or commercial fishing vessel to carry and dispense its flammable or combustible liquid products in bulk in limited quantities. A vessel whose primary purpose is to transport inflammable or combustible liquids in bulk shall be inspected and certificated under the applicable requirements in Parts 30 through 40 of Subchapter D (Tank Vessels) of this chapter.

§ 105.01–10 Effective date of regulations.

(a) The regulations in this part are effective on and after December 1, 1969. Amendments, revisions, or additions after that date shall become effective ninety (90) days after the date of publication in the FEDERAL REGISTER unless the Commandant shall fix a different time.

(b) The regulations in this subchapter are not retroactive in effect unless specifically made so at the time the regulations are issued. Changes in specification requirements of articles of equipment or materials used in construction shall not apply to such items which have been passed as satisfactory until replacement shall become necessary, unless a specific finding is made that such equipment or material used is unsafe or hazardous and has to be removed from vessels.

Subpart 105.05—Application

§ 105.05–1 Commercial fishing vessels dispensing petroleum products.

(a) The provisions of this part, with the exception of Subpart 105.90, shall apply to all commercial fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of Oregon, Washington, and Alaska, the construction of which is contracted for on or after December 1, 1969, which have or propose to have permanently or temporarily installed tanks or containers for dispensing petroleum products, Grades B and lower flammable or combustible liquids, in bulk in limited qauntities.

(b) The provisions of Subpart 105.90 shall apply to all commercial fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of Oregon, Washington, and Alaska, the construction of which was contracted for prior to December 1, 1969, which have or propose to have permanently or temporarily installed tanks or containers for dispensing petroleum products, Grades B and lower flammable or combustible liquids, in bulk in limited quantities.

§ 105.05–2 Prohibitions regarding petroleum products.

(a) Commercial fishing vessels shall not transport Grade A flammable liquids in bulk. (See § 105.10–15(a) for definition of Grade A flammable liquid.)

(b) On commercial fishing vessels, temporarily installed dispensing tanks or containers shall not be installed or carried below deck or in closed compartments on or above the deck.

§ 105.05–3 New vessels and existing vessels for the purpose of application of regulations in this part.

(a) *New vessels.* In the application of the regulations in this part, a new vessel is meant to be one the construction of which is contracted for on or after December 1, 1969.

(b) *Existing vessels.* In the application of the regulations in this subchapter, an existing vessel is meant to be one the construction of which was contracted for prior to December 1, 1969.

§ 105.05–5 Types of vessels.

(a) The only types of commercial fishing vessels to which the provisions of this part shall apply are:

(1) Self-propelled, manned vessels, with permanently installed dispensing tanks or containers on open decks.

(2) Self-propelled, manned vessels, with permanently installed dispensing tanks or containers located below deck or in closed compartments.

(3) Self-propelled, manned vessels, with temporary dispensing tanks or containers installed on open decks.

§ 105.05–10 Intent of regulations.

(a) The intent of the regulations in this part is to prescribe special requirements for commercial fishing vessels which are otherwise exempt from requirements of vessel inspection, but by reason of occasionally engaging in the service of carrying on board and dispensing liquid inflammable and combustible cargo in bulk are subject to certain requirements of title 46 United States Code section 391a.

(b) The application of the regulations governing petroleum products in bulk is limited to that portion of the vessel involved in the storage, carriage, and handling of such products. This shall include, but shall not be limited to:

(1) Permanently or temporarily installed tanks or containers;

(2) Compartments, areas or places where such tanks or containers are placed;

(3) Fuel filling systems;

(4) Fuel venting systems;

(5) Fuel piping and pumping systems.

(c) The regulations in this part also state the manning, crew requirements, and officers for those vessels when required by other specific provisions of law.

(1) Vessels carrying flammable or combustible liquids in bulk are required by section 391a(6)(a) of title 46, United States Code, to have aboard certificated tankermen.

(2) Vessels of 200 gross tons and upward and operating on the high seas are subject to the Officers' Competency Certificate Convention, 1936, and section 224a of title 46, United States Code, regarding licensed masters, mates, chief engineers, and assistant engineers.

Subpart 105.10—Definition of Terms Used in This Part

§ 105.10–1 General.

(a) Certain terms used in the regulations in this part are defined in this subpart.

§ 105.10–5 Approved.

(a) The term "approved" means approved by the Commandant, U.S. Coast Guard, unless otherwise stated.

§ 105.10–10 Combustible liquid.

(a) The term "combustible liquid" means any liquid having a flashpoint above 80° F. (as determined from an open cup tester, as used for test of burning oils). Combustible liquids having lethal qualities are those having the characteristics of class "B" or "C" poisons as defined in §§ 146.25–10 and 146.25–15 of Subchapter N (Dangerous Cargoes) of this chapter. In the regulations of this part, combustible liquids are referred to by grades, as follows:

(1) *Grade D.* Any combustible liquid having a flashpoint below 150° F. and above 80° F.

(2) *Grade E.* Any combustible liquid having a flashpoint of 150° F. or above.

§ 105.10–15 Flammable liquid.

(a) The term "flammable liquid" means any liquid which gives off flammable vapors (as determined by flashpoint from an open cup tester, as used for test of burning oils) at or below a temperature of 80° F. Flammable liquids having lethal qualities are those having the characteristics of class "B" or "C" poisons as defined in §§ 146.25–10 and 146.25–15 of Subchapter N (Dangerous Cargoes) of this chapter. Flammable liquids are referred to by grades as follows:

(1) *Grade A.* Any flammable liquid having a Reid[1] vapor pressure of 14 pounds or more.

(2) *Grade B.* Any flammable liquid having a Reid[1] vapor pressure under 14 pounds and over 8½ pounds.

(3) *Grade C.* Any flammable liquid having a Reid[1] vapor pressure of 8½ pounds or less and a flashpoint of 80° F. or below.

§ 105.10–20 Pressure vacuum relief valve.

(a) The term "pressure vacuum relief valve" means any device or assembly of a mechanical, liquid, weight, or other type used for the automatic regulation of pressure or vacuum in enclosed places.

§ 105.10–25 Commercial Fishing Vessel.

(a) The term "commercial fishing vessel" includes fishing vessels, cannery tenders and fishing tender vessels.

Subpart 105.15—Inspection Required

§ 105.15–1 General.

(a) Before a commercial fishing vessel may be used to transport combustible or flammable liquids in bulk in limited quantities for the purpose of dispensing those liquids, the vessel shall be inspected by the Coast Guard to determine that the vessel is in substantial compliance with the requirements in this part.

(b) A vessel with permanently installed cargo tanks shall be inspected biennially, or more frequently if necessary, by the Coast Guard to determine that the vessel is maintained in substantial compliance with the requirements in this part.

(c) A vessel with temporarily installed cargo tanks or containers shall be inspected annually, or more frequently if necessary, by the Coast Guard.

(d) Vessels while laid up or dismantled or out of commission are exempt from any or all inspections required by law or regulations in this part.

§ 105.15–5 Authority of marine inspectors.

(a) Marine inspectors may at any time lawfully inspect any vessel subject to the requirements in this part.

§ 105.15–10 Application for inspection.

(a) Prior to the commencement of the construction of a new vessel, or a conversion of a vessel to a commercial fishing vessel, intended for transporting combustible or flammable liquids in bulk in limited quantities for the purpose of dispensing those liquids, the owners, master, or agent shall submit an application for inspection and a letter of compliance to an Officer in Charge, Marine Inspection, at any Marine Inspection Office, U.S. Coast Guard.

(b) Application for inspection and renewal of letter of compliance of a vessel shall be made in writing by the master, owner, or agent to an Officer in Charge, Marine Inspection, at any Marine Inspection Office, U.S. Coast Guard.

(c) The application for inspection and letter of compliance shall be on Form CG–3752 or in letter form and set forth the following information:

(1) Vessel's name;

(2) Nature of employment and route or areas in which to be operated;

(3) Date and place where the vessel may be inspected;

(4) Date and place where the vessel was last inspected (if inspected); and,

(5) That application for inspection has not been made to any other Officer in Charge, Marine Inspection.

§ 105.15–15 Letter of compliance.

(a) When a vessel has been inspected and found to be in substantial compliance with the requirements of this part, a "letter of compliance" shall be issued to the vessel by the Officer in Charge, Marine Inspection.

(b) The letter of compliance shall permit the presence on board of liquid flammable or combustible cargoes in bulk, and describe the conditions governing the transportation and dispensing of such cargoes.

(c) The letter of compliance shall state the maximum amount of liquid flammable or combustible cargo in bulk to be carried on board.

(d) The letter of compliance shall be limited to a period of validity which shall not exceed 2 years. For cause, the letter of compliance may be suspended or revoked as authorized by law or regulations in this chapter.

§ 105.15–20 Exhibition of letter of compliance.

(a) On every vessel subject to this part, the original letter of compliance shall be framed under glass or other suitable transparent material and posted in a conspicuous place protected from the weather.

Subpart 105.20—Specific Requirements—Cargo Tanks

§ 105.20–1 Plans and/or sketches.

(a) The owners, master, or agent of a commercial fishing vessel shall submit with his application for the initial inspection a brief description and the plans and/or sketches of the cargo tanks and piping systems for filling and dispensing cargo; dimensions and identifications of material shall be included.

(b) If cargo tanks will be located in enclosed compartments or below decks, the plans and/or sketches shall also show the proposed ventilation system.

[1] American Society of Testing Materials Standard D–323 (most recent revision), Method of Test for Vapor Pressure of Petroleum Products (Reid Method).

(c) Plans and/or sketches are not required if the cargo tanks and piping systems have previously been accepted by the Coast Guard.

§ 105.20–3 Cargo tanks.

(a) *Construction and materials.* (1) The cargo tanks shall be constructed of iron, steel, copper, nickel alloy, or copper alloy. The tanks shall be designed to withstand the maximum head to which they may be subjected, except that in no case shall the thickness of the shell or head be less than that specified in this subparagraph. Tanks of over 150 gallons capacity shall have a minimum thickness as indicated in Table 105.20–3(a)(1):

TABLE 105.20-3(a)(1)

Material	A.S.T.M. specification (latest edition)	Thickness in inches and gage number [2] [3]
Nickel copper	B127, hot rolled sheet or plate.	0.107 (USSG 12).
Copper nickel [1]	B122, Alloy No. 5.	0.128 (AWG 8).
Copper [1]	B152, Type ETP	0.162 (AWG 5).
Copper silicon [1]	B97, Alloys A, B, and C.	0.144 (AWG 7).
Steel or iron		0.179 (MSG 7).

[1] Tanks fabricated with these materials shall not be utilized for the carriage of diesel oil.

[2] The gage numbers used in this table may be found in many standard engineering reference books. The letters "USSG" stand for "U.S. Standard Gage" which was established by the act of Mar. 3, 1892 (15 U.S.C. 206), for sheet and plate iron and steel. The letters "AWG" stand for "American Wire Gage" (or Brown and Sharpe Gage) for nonferrous sheet thicknesses. The letters "MSG" stand for "Manufacturers' Standard Gage" for sheet steel thicknesses.

[3] Tanks over 400 gallons shall be designed with a factor of safety of four on the ultimate strength of the tank material used with a design head of not less than 4 feet of liquid above the top of the tank.

(2) All tank joints, connections, and fittings shall be welded or brazed. Tanks with flanged-up top edges will not be acceptable.

(3) All tanks exceeding 30 inches in any horizontal dimension shall be fitted with vertical baffle plates of the same material as the tank. Limber holes at the bottom and air holes at the top of all baffles shall be provided. Tanks constructed of material of greater thickness than minimum requirements and that are reinforced with stiffeners may be accepted without baffles.

(4) An opening fitted with a threaded pipe plug may be used on the bottom of the tank for cleaning purposes.

(b) *Supports.* (1) Tanks shall be adequately supported and braced to prevent movement. The supports and braces shall be insulated from contact with the tank surface with a nonabrasive and nonabsorbent material.

(c) *Fittings.* (1) Filling lines shall be at least 1½ inches standard pipe size and extend to within 1½-pipe diameters of the bottom of the tank.

(2) Suction lines from diesel oil tanks may be taken from the bottom provided a shutoff valve is installed at the tank. Tanks for Grades B and C liquids shall have top suctions only.

(3) Vent lines shall be at least equal in size to the filling lines.

(4) When a cargo tank contains Grades B or C liquids, the vent lines shall be terminated with an approved pressure vacuum relief valve not less than 3 feet above the weather deck. When a cargo tank contains Grades D or E liquids the vent line may be terminated with a gooseneck fitted with flame screen at a reasonable height above the weather deck.

(d) *Hydrostatic tests.* All tanks vented to the atmosphere shall be hydrostatically tested to a pressure of 5 pounds per square inch or 1½ times the maximum head to which they may be subjected in service. A standpipe of 11½ feet in length attached to the tanks may be filled with water to accomplish the 5 pounds per square inch test.

§ 105.20–5 Piping systems.

(a) Piping shall be copper, nickel copper, or copper nickel having a minimum wall thickness of 0.035"; except that seamless steel pipe or tubing which provides equivalent safety may be used for diesel cargo systems.

(b) Valves shall be of a suitable nonferrous metallic Union Bonnet type with ground seats except that steel or nodular iron may be used in cargo systems utilizing steel pipe or tubing.

(c) Aluminum or aluminum alloy valves and fittings are prohibited for use in cargo lines.

§ 105.20–10 Pumps.

(a) Pumps for cargo dispensing shall be of a type satisfactory for the purpose.

(b) A relief valve shall be provided on the discharge side of pump if the pressure under shutoff conditions exceeds 60 pounds. When a relief valve is installed, it shall discharge back to the suction of the pump.

(c) Where electric motors are installed with dispensing pumps they shall be explosion proof and shall be labeled as explosion proof by Underwriter's Laboratories, Inc., or other recognized laboratory, as suitable for Class I, Group D atmospheres.

§ 105.20–15 Grounding.

(a) All tanks and associated lines shall be electrically grounded to the vessel's common ground.

(b) A grounded type hose and nozzle shall be used for dispensing fuels.

Subpart 105.25—Additional Requirements—When Cargo Tanks Are Installed Below Decks

§ 105.25–1 General requirements.

(a) Cargo tank and piping systems shall be as described in Subpart 105.20.

§ 105.25–5 Compartments or areas containing cargo tanks or pumping systems.

(a) Compartments or areas containing tanks or pumping systems shall be closed off from the remainder of the vessel by gastight bulkheads. Such gastight bulkheads may be pierced for a drive shaft and pump engine control rods if such openings are fitted with stuffing boxes or other acceptable gland arrangements.

§ 105.25–7 Ventilation systems for cargo tank or pumping system compartment.

(a) Each compartment shall be provided with a mechanical exhaust system capable of ventilating such compartment with a complete change of air once in every 3 minutes. The intake duct or ducts shall be of sufficient size to permit the required air change. The exhaust duct or ducts shall be located so as to remove vapors from the lower portion of the space or bilges.

(b) The ventilation outlets shall terminate more than 10 feet from any opening to the interior of the vessel which normally contains sources of vapor ignition. The ventilation fan shall be explosion proof and unable to act as a source of ignition.

§ 105.25–10 Cargo pumping installation.

(a) Cargo pumps shall not be installed in the cargo tank compartment unless the drive system is outside the compartment.

(b) Suction pipelines from cargo tanks shall be run directly to the pump, but not through working or crew spaces of vessel.

§ 105.25–15 Spacings around tanks.

(a) Tanks shall be located so as to provide at least 15" space around tank, including top and bottom to permit external examination.

§ 105.25–20 Shutoff valves required.

(a) Shutoff valves shall be provided in the suction lines as close to the tanks as possible. The valves shall be installed so as to shut off against the flow.

(b) Remote control of this shutoff valve shall be provided where deemed necessary by the marine inspector.

Subpart 105.30—Electrical Requirements

§ 105.30–1 Electrical fittings and fixtures.

(a) In compartments or areas containing tanks or pumps handling other than Grade E petroleum products, no electrical fittings, fixtures, nor electrical equipment shall be installed or used unless approved for a Class I, Group D hazardous location and so labeled by Underwriter's Laboratories, Inc., or other recognized laboratories. (See Subpart 110.10 of Subchapter J (Electrical Engineering) of this chapter for listings of standards.)

(b) All electrical equipment, fixtures and fittings within 10 feet of a vent outlet or a dispensing outlet shall be explosion proof and shall be labeled as explosion proof by Underwriter's Laboratories, Inc., or other recognized laboratory, as suitable for Class I, Group D atmospheres.

§ 105.30–5 Grounding of electrical equipment.

(a) All electrical equipment shall be grounded to the vessel's common ground.

Subpart 105.35—Fire Extinguishing Equipment

§ 105.35–1 General.

(a) In addition to the fire extinguishing requirements in section 526g of title 46, United States Code, and sections 25.30–1 to 25.30–90, inclusive, in Subchapter C (Uninspected Vessels) of this

chapter, or other laws and regulations in this chapter which may be applicable to a particular vessel at least two BII dry chemical or foam portable fire extinguishers bearing the marine type label of the Underwriter's Laboratories, Inc., shall be located at or near each dispensing area.

(b) This equipment shall be inspected prior to issuing a letter of compliance.

§ 105.35–5 Fire pumps.

(a) All vessels shall be provided with a hand operated portable fire pump having a capacity of at least 5 gallons per minute. This fire pump shall be equipped with suction and discharge hose suitable for use in firefighting. This pump may also serve as a bilge pump.

(b) A power-driven fire pump shall be installed on each vessel of more than 65 feet in length overall.

(1) The power fire pump shall be self-priming and of such size as to discharge an effective stream from a hose connected to the highest outlet.

(2) The minimum capacity of the power fire pump shall be 50 gallons per minute at a pressure of not less than 60 pounds per square inch at the pump outlet. The pump outlet shall be fitted with a pressure gage.

(3) The power fire pump may be driven off a propulsion engine or other source of power and shall be connected to the fire main. This pump may also be connected to the bilge system so that it can serve as either a fire pump or a bilge pump.

§ 105.35–10 Fire main system.

(a) All vessels required to be provided with a power-driven fire pump shall also be provided with a fire main system including fire main, hydrants, hose, and nozzles.

(b) Fire hydrants, when required, shall be of sufficient number and so located that any part of the vessel may be reached with an effective stream of water from a single length of hose.

(c) All piping, valves, and fittings shall be in accordance with good marine practice and suitable for the purpose intended.

§ 105.35–15 Fire hose.

(a) One length of fire hose shall be provided for each fire hydrant required.

(b) Fire hose may be commercial fire hose or equivalent of not over 1½-inch diameter or garden hose of not less than ⅝-inch nominal inside diameter. Hose shall be in one piece not less than 25 feet and not more than 50 feet in length.

(c) If 1½-inch hose is used, it shall be of a good grade fire hose and provisions shall be made for proper stowage to prevent kinking. The hose shall be fitted with an approved combination nozzle.

(d) If garden hose is used, it shall be of a good commercial grade constructed of an inner rubber tube, plies of braided cotton reinforcement and an outer rubber cover or of equivalent material, and shall be fitted with a commercial garden hose nozzle of good grade bronze or equivalent metal.

(e) All fittings on fire hose shall be of brass, copper, or other suitable corrosion resistant metal.

(f) A length of fire hose shall be attached to each fire hydrant at all times.

Subpart 105.45—Special Operating Requirements

§ 105.45–1 Loading or dispensing petroleum products.

(a) A commercial fishing vessel shall have a valid letter of compliance (see Subpart 105.15) on board and shall be in compliance with the requirements therein while dispensing petroleum products.

(b) The loading and/or dispensing of petroleum products from cargo tanks shall be under the supervision of a tankerman.

§ 105.45–5 Galley fires.

(a) Galley fires are normally permitted during cargo transfer operations. However, prior to transferring Grade B or C cargoes, the tankerman shall make an inspection to determine whether in his judgment galley fires may be maintained with reasonable safety during the transfer operations.

§ 105.45–10 Smoking.

(a) Smoking is prohibited during and in the vicinity of the transfer operations. At other times the senior officer on duty shall designate when and where the crew may smoke.

§ 105.45–15 Warning signals and signs.

(a) During transfer of cargo while fast to a dock, a red signal (flag by day and electric lantern at night) shall be so placed that it will be visible on all sides. At all other times of transfer a red flag only shall be displayed.

§ 105.45–20 Warning sign at gangway.

(a) Warning placards shall be kept at hand for display while a vessel is fast to a dock during transfer of cargo, to warn persons approaching the gangway. The placard shall state in letters not less than 2 inches high substantially as follows:

WARNING

No open lights.
No smoking.
No visitors.

Subpart 105.50—Manning Requirements

§ 105.50–1 General.

(a) The letter of compliance issued to a vessel of 200 gross tons and over shall state that such vessels shall comply with the requirements of section 224a of title 46, United States Code, regarding officers.

(b) The letter of compliance issued to a vessel shall state the minimum number of crew members required to hold a document endorsed as tankerman.

§ 105.50–5 Tankerman.

(a) Every commercial fishing vessel engaged in dispensing petroleum products shall have within its personnel complement a person holding a merchant mariner's document bearing an endorsement as "tankerman", or as "tankerman for commercial fishing vessels only" or a person holding a valid license as master, mate, pilot, or engineer.

Subpart 105.60—Tankerman for Commercial Fishing Vessels Only

§ 105.60–1 Merchant Mariner's Document.

(a) An applicant for a Merchant Mariner's Document endorsed as "tankerman for commercial fishing vessels only", shall make a written application in accordance with Part 12 of Subchapter B (Merchant Marine Officers and Seamen) of this chapter for tankermen.

(b) Except as provided otherwise in this subpart, the same policies, practices and procedures governing merchant mariners documents endorsed as "tankerman" shall apply to such documents endorsed "tankerman for commercial fishing vessels only".

§ 105.60–5 Experience as tankerman required.

(a) In lieu of the evidence of training required by Part 12 of Subchapter B (Merchant Marine Officers and Seamen) of this chapter for tankermen the applicant shall provide a letter of service stating that he has been trained in the loading and discharging of petroleum products from commercial fishing vessels.

§ 105.60–10 Oral or written examination required.

(a) In lieu of the examination required by Part 12 of Subchapter B (Merchant Marine Officers and Seamen) of this chapter for tankermen the applicant shall be given an oral examination or a written examination at his request, concerning the following subjects:

(1) Precautions to be observed to prevent fires and in the extinguishment of fires.

(2) Location, use and care of fire extinguishing equipment.

(3) Safe handling procedures for petroleum products.

(4) Operation and maintenance of fuel handling equipment.

(5) Ventilation of tanks and general knowledge of pressure vacuum valves.

(6) Ventilation of tank and pump spaces.

(7) Lights and signals displayed during transfer operations.

(8) Emergency procedures.

(9) Definitions and/or characteristics of petroleum products Grade B and lower.

Subpart 105.90—Existing Commercial Fishing Vessels Dispensing Petroleum Products

§ 105.90–1 Commercial fishing vessels dispensing petroleum products contracted for prior to December 1, 1969.

(a) The prohibition in § 105.05–2 shall apply to all commercial fishing vessels.

(b) Commercial fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska, the construction of which was contracted for

prior to December 1, 1969, shall meet the following requirements:

(1) Permanently or temporarily installed tanks or containers used for dispensing in limited quantities petroleum products in bulk, Grades B or lower flammable or combustible liquids, shall meet the applicable requirements in Subparts 105.20 (Tanks and piping systems), 105.25 (Cargo tanks below decks), 105.30 (Electrical). However, these tanks or containers and their associated piping systems in use prior to December 1, 1969, if in satisfactory condition in the opinion of the Officer in Charge, Marine Inspection, may be continued in use as long as they are maintained in such satisfactory condition.

(2) Minor repairs or alterations may be made in permanently or temporarily installed tanks or containers for petroleum products in bulk, which shall be to the satisfaction of the Officer in Charge, Marine Inspection. Major repairs or replacement of such tanks or containers shall be in accordance with requirements governing new installations as set forth in this part.

(3) All commercial fishing vessels shall comply with the applicable requirements in Subparts 105.15 (Inspections), 105.35 (Fire extinguishing equipment), 105.45 (Special operating requirements), and 105.50 (Manning requirements).

[F.R. Doc. 69-7921; Filed, July 3, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

The public hunting of gray squirrels, cottontail rabbits, raccoons, foxes, and opossums is permitted from December 21, 1969, to February 28, 1970, inclusive, in the Montezuma National Wildlife Refuge, N.Y., except on areas designated by signs as closed. The open area, comprising 5,285 acres, is delineated on maps available at refuge headquarters, 4 miles east of Seneca Falls, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all other applicable State regulations governing the hunting of the above mammals. Raccoons and opossums with ear tags or radio transmitters attached must be reported to refuge headquarters.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1970.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 27, 1969.

[F.R. Doc. 69-7910; Filed, July 3, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 101, 102, 103, 104, 105, 106, 107, 108, 111]

WAREHOUSE REGULATIONS

Proposed Amendments of Licensing and Inspection Fees

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service, pursuant to the authority conferred by section 28 of the United States Warehouse Act (7 U.S.C. 268) is considering amending warehouse regulations appearing in Parts 101 through 108 and Part 111 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations as follows:

1. Section 101.51 would be amended to read:

§ 101.51 Warehouse inspection fee.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $20 for each 1,000 bales of cotton storage capacity of the warehouse, or fraction thereof, determined in accordance with § 101.5 but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

2. Section 102.58 would be amended to read:

§ 102.58 Warehouse inspection fee.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $1 for each 1,000 bushels of the grain storage capacity of the warehouse, or fraction thereof, determined in accordance with § 102.6(a), but in no case less than $40 nor more than $1,000, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

3. Section 103.48 would be amended to read:

§ 103.48 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license, or amendment thereto, issued to a sampler, weigher, grader or an inspector.

4. Section 104.46 would be amended to read:

§ 104.46 License fees; grader's and weigher's.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a grader or weigher.

5. Section 105.47 would be amended to read:

§ 105.47 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a grader, weigher, or an inspector.

6. Section 106.55 would be amended to read:

§ 106.55 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to an inspector or weigher.

7. Section 107.56 would be amended to read:

§ 107.56 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a sampler, grader, weigher, or an inspector.

8. Section 108.48 would be amended to read:

§ 108.48 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a weigher or an inspector.

9. Section 111.58 would be amended to read:

§ 111.58 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to an inspector, weigher, or grader.

10. Section 103.49 would be amended to read:

§ 103.49 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $3 for each 100,000 pounds of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 103.12 but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

11. Section 104.47 would be amended to read:

§ 104.47 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $2 for each 100,000 pounds of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 104.12(a) but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

12. Section 105.48 would be amended to read:

§ 105.48 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $5 for each 1,000 bales of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 105.12(a) but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

13. Section 106.56 would be amended to read:

§ 106.56 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application by a warehouseman, a fee at the rate of $1 for each 1,000 hundredweight of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 106.12(a) but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not

greater than, that prescribed for the original inspection.

14. Section 107.57 would be amended to read:

§ 107.57 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $1 for each 100 tons of peanuts and/or $4 for each 1,000 hundredweight of walnuts, filberts, or pecans of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 107.12(a) but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

15. Section 108.49 would be amended to read:

§ 108.49 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application by a warehouseman, a fee at the rate of $1 for each 5,000 gallons of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 108.12(a) but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

16. Section 111.59 would be amended to read:

§ 111.59 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $10 for each 1,000 tons of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 111.13 but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

Inspection fees are designed to recover the cost to the Department for performing original examinations made in response to applications voluntarily filed by warehousemen. Fees for cotton and grain have not been increased since 1952. Fees for other commodities were last increased in 1931.

The proposed amendments are designed to bring fees into line with current costs and equalize the fees where increases have not been made for a number of years.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Transportation and Warehouse Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., June 30, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-7905; Filed, July 3, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 78]

CONTROL OF ELECTRONIC PRODUCT RADIATION

Notice of Extension of Comment Period

On June 4, 1969, a notice of proposed rulemaking was published in the FEDERAL REGISTER (34 F.R. 8953) inviting comments regarding the proposed amendments to Part 78 of regulations implementing the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263b et seq.). The amendments, in addition to outlining the treatment of imported products subject to the Act, prescribe (1) notification procedures required of manufacturers of any electronic product found to have a defect relating to the safety of its use by reason of electronic product radiation and (2) the procedure and manner in which manufacturers would repair, replace, or refund the cost of a defective product.

The notice stated that consideration would be given all comments received within 30 days after the above publication date, and notice was given to make the amendments effective on the date of their republication in the FEDERAL REGISTER.

The Bureau of Radiological Health has received a number of requests for an extension of time for submission of comments on the regulations, the first proposed under the Radiation Control for Health and Safety Act of 1968.

I have determined that an extension of time for comment on the regulations would be in the public interest to assure that all interested persons have been afforded an opportunity to study and comment on the proposal. Therefore, pursuant to the authority delegated to me by the Administrator, Consumer Protection and Environmental Health Service, the time within which comments on the proposed regulations will be received is hereby extended to the close of business on August 5, 1969.

Dated: June 30, 1969.

CHRIS H. HANSEN,
Commissioner, Environmental
Control Administration.

[F.R. Doc. 69-7899; Filed, July 3, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18434, FCC 69-716]

CIGARETTES

Rules With Regard to Advertisement

The Commission has before it a request by the National Association of Broadcasters (NAB) on June 27, 1969, to extend the time for filing comments from July 7, 1969, to July 17, 1969. In making its request NAB states that meetings of the Radio and Television Code Boards are scheduled for July 8 and 9, 1969, respectively, and that the purpose of these meetings is to consider revisions in those provisions of the Code applicable to cigarettes.

The grant of a 10-day extension is appropriate and will permit the filing of more current comments regarding the question of voluntary action by the broadcast industry. A grant of the requested extension is in the public interest and will not impede the Commission's timely consideration of this proceeding.

Accordingly, it is ordered, That the time for filing comments herein is extended to on or before July 17, 1969, and the time for filing reply comments is extended to on or before August 18, 1969.

Adopted: June 27, 1969.

Released: June 30, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-7928; Filed, July 3, 1969; 8:47 a.m.]

[1] Commissioners Wadsworth and Johnson absent.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[191.11]

STATEMENT OR ORGANIZATION, FUNCTIONS, AND PROCEDURES

Miscellaneous Amendments

JUNE 27, 1969.

In order to reflect organizational changes in the Bureau of Customs since publication of the Statement of Organization, Functions, and Procedures published in the FEDERAL REGISTER of July 8, 1967 (32 F.R. 10106), the following amendments are made therein:

1. In Part I, section 2(c), the first sentence is amended by substituting "Customs Delegation Order No. 31, dated September 28, 1967, T.D. 67-231 (32 F.R. 13873)" for "Customs Delegation Order No. 27, dated November 25, 1966, T.D. 66-265 (31 F.R. 15098)".

2. In Part I, section 5(a), the last sentence is amended to read as follows: "The designations of the divisions are generally descriptive of the functions performed in each: Division of Financial Management; Division of Management Analysis; Division of Personnel Management; Division of Audits; Division of Data Processing; and Division of Facilities Management."

3. In Part I, section 5(d), the last sentence is amended by substituting the designation "Division of Carriers, Drawback, and Bonds" for "Division of Marine and Transportation Rulings".

4. Part III, section 3, is amended by substituing "Parts 17, 26, and 53 of the regulations (19 CFR Parts 17, 26, 53)" for "Parts 14, 17, and 26 of the regulations (19 CFR Parts 14, 17, 26)."

5. In Part IV, section 2, the listing of the Parts of the Customs Regulations is amended by adding after Part 32, Trade Fairs, the following:

53 Antidumping.

This notice shall be effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 69-7914; Filed, July 3, 1969; 8:46 a.m.]

Fiscal Service

[TUS Order 26, Revised]

OFFICE OF THE TREASURER

Signing of Official Papers

By virtue of the authority vested in the Treasurer of the United States by Treasury Department Order No. 182-1, and in accord with section 304 of the Revised Statutes, as amended, 31 U.S.C. 144, I hereby authorize the persons who occupy the positions identified below in the Office of the Treasurer of the United States to sign as Special Assistant Treasurer or under their official titles when required by the Treasurer of the United States, certificates of deposit, checks, letters, telegrams, and other official documents in connection with the business of the Treasurer's Office:

The Deputy Treasurer.
The Assistant Deputy Treasurer.
The Assistant to the Deputy Treasurer.
The Staff Assistant.
The Administrative Officer.
The Chief Document Analyst.
The Personnel Officer.
The Assistant Personnel Officer.
The Management Analysis Officer.
The Chief, Cash Division.
The Assistant Chief, Cash Division.
The Administrative Assistant, Cash Division.
The Chief, General Accounts Division.
The Assistant Chief, General Accounts Division.
The Chief, Electronic Data Processing Division.
The Assistant Chief, Electronic Data Processing Division.
The Chief, Check Accounting Division.
The Assistant Chief, Check Accounting Division.
The Chief, Securities Division.
The Assistant Chief, Securities Division.
The Chief, Check Claims Division.
The Assistant Chief, Check Claims Division.
The Technical Assistant Chief, Check Claims Division.
The Special Assistant, Check Claims Division.
The Chief, Claims Adjudication Branch, Check Claims Division.
The Assistant Chief, Claims Adjudication Branch, Check Claims Division.

This order supersedes all prior authorizations to employees of the Treasurer's Office to sign certificates of deposit, checks, letters, telegrams, and other official documents in connection with the business of the Treasurer's Office.

Dated: June 27, 1969.

[SEAL] DOROTHY ANDREWS ELSTON,
Treasurer of the United States.

[F.R. Doc. 69-7915; Filed, July 3, 1969; 8:46 a.m.]

Internal Revenue Service

[Order 97 (Rev. 5)]

ASSISTANT COMMISSIONERS ET AL.

Delegation of Authority Regarding Closing Agreements Concerning Internal Revenue Tax Liability

Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7121-1(a); Treasury Department Order No. 150-32; dated November 18, 1953; and Treasury Department Order No. 150-36, dated August 17, 1954:

1. The Assistant Commissioner (Compliance) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability for alcohol, tobacco, and firearms taxes, other than the manufacturers excise tax on firearms arising from application of sections 4181 and 4182 of the Internal Revenue Code, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

2. The Assistant Commissioner (Technical) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability, other than for those taxes covered by delegation to the Assistant Commissioner (Compliance) in paragraph 1, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

3. The Assistant Commissioner (Compliance) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

4. Regional Commissioners, Assistant Regional Commissioners (Appellate), Chiefs, and Associate Chiefs, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction and in cases in which a closing agreement has been recommended for approval by the office of a District Director (but excluding cases docketed before the Tax Court of the United States) to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

5. Regional Commissioners, Assistant Regional Commissioners (Appellate), Chiefs, and Associate Chiefs, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction docketed in the Tax Court of the United States to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) but only in respect to related specific items affecting other taxable periods.

6. The Director of International Operations is hereby authorized to enter into and approve written agreements with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods

ended prior to the date of agreement and related specific items affecting other taxable periods, as the competent authority in the administration of the operating provisions of the tax conventions of the United States. He is also authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) to provide for the mitigation of economic double taxation under section 3 of Revenue Procedure 64–54, C.B. 1964–2, 1008, and under Revenue Procedure 69–13, I.R.B. 1969–14, and to enter into and approve a written agreement providing for such mitigation and relief under Revenue Procedure 65–17, C.B. 1965–1, 833.

7. District Directors of Internal Revenue are hereby authorized in cases under their jurisdiction to enter into and approve a written agreement with any person to provide that the internal revenue tax liability of such person (or of the person or estate for whom he acts) with respect to the taxability of earnings from a deposit or account of the type described in Revenue Procedure 64–24, C.B. 1964–1 (Part 1), 693, opened prior to November 15, 1962, will be determined on the basis that earnings on such deposits or accounts are not includible in gross income until maturity or termination, whichever occurs earlier, and that the full amount of earnings on the deposit or account will constitute gross income in the year the plan matures, is assigned, or is terminated, whichever occurs first.

8. The authority delegated herein does not include the authority to set aside any closing agreement.

9. Authority delegated in this order may not be redelegated.

10. Delegation Order No. 97 (Rev. 4), issued March 13, 1967, is hereby superseded.

Date of issue: June 25, 1969.

Effective date: June 25, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 69–7916; Filed, July 3, 1969; 8:46 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

SECRETARIES OF THE MILITARY DEPARTMENTS ET AL.

Delegation of Authority To Issue Substitutes for Checks Drawn on the Treasurer of the United States

The Deputy Secretary of Defense approved the following:

REFERENCE: (a) Code of Federal Regulations, Title 31—Money and Finance; Treasury, Chapter II, Part 365, § 365.8, as amended 32 F.R. 1600, Feb. 1, 1969.

The authority delegated to the Secretary of Defense under reference (a) to provide by regulations for the issuance of substitutes for checks drawn for pay and allowances of civilian employees and active duty military personnel which are lost, stolen, or destroyed, is hereby delegated to the Secretaries of the Military Departments, Directors of the Defense Agencies, or their designees.

Regulations proposed by the Military Departments and Defense Agencies to carry out the purposes of this Directive shall be submitted to the Assistant Secretary of Defense (Comptroller) for review and approval prior to publication.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69–7897; Filed, July 3, 1969; 8:45 a.m.]

DEPARTMENT OF DEFENSE DENTAL ADVISORY COMMITTEE

Reestablishment

The Secretary of Defense approved the following:

In accordance with the general provisions of DoD Directive 5120.29, the Department of Defense Dental Advisory Committee is hereby reestablished under the Assistant Secretary of Defense (Manpower and Reserve Affairs).

The Committee shall advise and assist the Assistant Secretary of Defense (Manpower and Reserve Affairs) on such dental matters as he deems necessary. The Committee shall consist of a representative of the Assistant Secretary of Defense (Manpower and Reserve Affairs) who shall serve as Chairman, the Chief Dental Officer of each military department, and three registered dentists selected from civil life by the Assistant Secretary of Defense (Manpower and Reserve Affairs) based on professional qualifications and demonstrated ability in the field of dentistry.

The Committee shall meet at the call of the Chairman.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69–7898; Filed, July 3, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING REGIONAL ADMINISTRATOR, REGION I (NEW YORK)

Designation

The official appointed to the position of Deputy Regional Administrator, Region I (New York), is hereby designated to serve as Acting Regional Administrator, Region I (New York), during the present vacancy in the position of Regional Administrator, Region I, with all the power and authority of the Regional Administrator.

(Sec. 7(c), Department of HUD Act, 42 U.S.C. 3535(c))

Effective date. This designation is effective as of July 2, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69–7929; Filed, July 3, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27–46]

INTERNATIONAL CHEMICAL AND NUCLEAR CORP.

Notice of Proposed Issuance of Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission is considering the issuance of a license, set forth below, which would authorize International Chemical and Nuclear Corp., Tracerlab Technical Products Division, 1601 Trapelo Road, Waltham, Mass. 02154, to receive and possess packaged waste byproduct, source, and special nuclear material in any State of the United States except in Agreement States, as defined in § 30.4 (c), 10 CFR Part 30, to store the packages at its facility located at 1601 Trapelo Road, Waltham, Mass., and to dispose of the packaged waste byproduct, source, and special nuclear material by transfer to authorized land burial sites. Under the licensee, International Chemical and Nuclear Corp. would not possess at any one time more than 2,000 curies of byproduct material other than hydrogen-3, 1,000 curies of hydrogen-3, 500 pounds of source material, and 250 grams of special nuclear material.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by the issuance of this license may file a petition for leave to intervene. Any requests for a hearing by the applicant and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing by the applicant or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For further details with respect to this proceeding, see (1) the application for license and amendments thereto and (2) the related memorandum prepared by the Division of Materials Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. A copy of Item 2 above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Materials Licensing.

Dated at Bethesda, Md., June 26, 1969.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

[License No. 20–13235–02]

The Atomic Energy Commission having found that:

A. The applicant's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property.

B. The applicant is qualified by training and experience to conduct the proposed operations in such a manner as to protect health and minimize danger to life or property.

C. The application dated March 11, 1969, as amended April 23, 1969, and May 12, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended; Title 10, Code of Federal Regulations, Chapter 1; and is for a purpose authorized by that Act.

D. The issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

License No. 20–13235–02 is issued to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended; 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material"; 10 CFR Part 40, "Licensing of Source Material"; and 10 CFR Part 70, "Special Nuclear Material," a license is hereby issued to International Chemical and Nuclear Corp., Tracerlab Technical Products Division, 1601 Trapelo Road, Waltham, Mass. 02154, to receive and possess packaged waste byproduct, source, and special nuclear material in any State of the United States except in Agreement States as defined in § 30.4(c), 10 CFR Part 30, to store the packages at a facility located at 1601 Trapelo Road, Waltham, Mass., and to dispose of the packaged waste byproduct, source, and special nuclear material by transfer to authorized land burial sites.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," other applicable rules, regulations, and orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 2,000 curies of byproduct material other than hydrogen-3.

B. 1,000 curies of hydrogen-3.

C. 500 pounds of source material.

D. 250 grams of special nuclear material.

2. Except as specifically provided otherwise by this license, the licensee shall receive, possess, store, and dispose of byproduct, source, and special nuclear material in accordance with the radiological safety procedures and limitations contained in the application dated March 11, 1969, as amended April 23, 1969, and May 12, 1969.

3. Activities authorized in this license shall be conducted by, or under the supervision of, individuals designated by the licensee's Health Physics Committee.

4. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Department of Transportation and other agencies of the United States having jurisdiction.

When Department of Transportation regulations in Title 49, Chapter 1, Code of Federal Regulations, Parts 173–179, are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Department of Transportation in §§ 173.389–173.399, 173.402, 173.414, 173.427, 49 CFR Part 173, "Shippers," and §§ 177.823, 177.842, 177.843, 177.861, 49 CFR Part 177, "Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highways," and (2) any requests for modifications or exemptions to those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

5. The licensee shall store waste byproduct, source, and special nuclear material only at its facility located at 1601 Trapelo Road, Waltham, Mass.

6. The licensee shall not open packages containing waste byproduct, source, and special nuclear material.

7. The licensee shall not possess any package containing waste byproduct, source, and special nuclear material for a period greater than 6 months from the date of receipt of the package.

This license shall be effective on the date issued and shall expire 1 year from the last day of the month in which this license is issued.

Date of issuance:

For the U.S. Atomic Energy Commission.

Director,
Division of Materials Licensing.

[F.R. Doc. 69–7907; Filed, July 3, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 17167; Order 69–6–180]

CARRIER AGREEMENT ON ACCESSORIAL CARGO SERVICE

Advance Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of June 1969.

By Order E–24599, dated January 3, 1967, the Board authorized intercarrier discussions of accessorial cargo services. Numerous meetings were held and several carrier agreements were reached, filed with, and with one exception, approved by the Board.[1] The exception, Agreement CAB No. 19848, to which certain air freight forwarders objected, deals with the advancing of funds to shippers. By Order 68–10–105, dated October 18, 1968, the Board stated its tentative decision to disapprove the advance charges agreement, subject to the receipt of comments from interested persons. Subsequently, the air carriers requested and were granted a 60-day deferral in order to develop additional supporting data.

On March 14, 1969, the air carriers filed a supplementary supporting statement to their agreement, setting forth additional factual data showing the dollar volume of funds advanced, to whom advanced and for what services (forwarders, truckers, brokers fees, and customs duties), the percentage relationship of such payments to system freight revenues and number of shipments, and the estimated cost of advancing charges.

No additional protest or response has been received by the Board.

The agreement would continue the present practice of advancing funds without charge to truckers for prior or subsequent surface transportation, or for loading/unloading services performed by other than the air carriers, but would prohibit the advancing of any funds for customs duties or fees,[2] and the advancing of charges to shippers or consignees for any reason. The carriers' agreement would also subject to self-enforcement the industry agreement on advancing charges.[3]

The practice of advancing charges appears to consist of two forms. One concerns the payment of funds by the direct air carriers to their shipper customers or other persons, typically at point of origin and in advance of the performance of any actual air transportation. Such advances may represent charges for trucking, customs duties, brokers fees, and similar nonair services. In addition, airline advances to forwarders have also often represented the actual transportation charges accruing under the forwarder's own tariff, and which would normally be invoiced by the forwarder to the consignee at destination.

The second form of advance charges can be described as a point-of-destination collect-and-remit service, analogous to the existing c.o.d. (Collect-on-Delivery) service of the air carriers.[4] The data submitted by the carriers do not differentiate as between these advance charge practices at point-of-origin and at destination.

The carriers' agreement would prohibit both of the foregoing forms of advancing charges to shippers, i.e., in advance of transportation, as well as collect-and-remit service following delivery. The forwarders protest these prohibitions, as well as the fact that the direct air carriers will continue to advance charges to truckers, but will not reimburse forwarders for funds which the forwarder has advanced to a trucker.

The Board will approve the carriers' agreement, in part. Continuation of the advancement of charges to truckers is consistent with the intermodal partner-

[1] Agreement CAB 19850 concerning Assembly and Distribution services is also pending Board action.

[2] The data indicate that advances for custom duties can run into hundreds of dollars, even on minimum charge shipments.

[3] The Board has previously approved a series of cargo agreements embracing self-enforcement by the carriers (Order 69–1–54, dated Jan. 13, 1969).

[4] In c.o.d. service, an amount usually representing the invoice value of the goods is collected from the consignee at time of delivery. Credit on such amount is not extended by the air carrier. Following delivery and collection, the c.o.d. amount is remitted to the shipper. A nominal fee is assessed for this service which the carrier retains.

ship role of the two modes,[5] and is believed to foster the development of air transportation. In a similar vein, no person has opposed continuation of the advancement of charges for loading or unloading not performed by the carrier. It does not follow, however, that forwarders and shippers generally, who may have enhanced the origin value of the goods by a further investment of funds representing trucking charges, brokers fees, and customs duties, should be financed by the direct air carrier through the medium of advance reimbursement of charges at point-of-origin prior to air transportation. Such advances, as well as the advancement at point-of-origin of the forwarders' own tariff charges appear to represent an unwarranted drain on the working capital of the direct air carriers at a time when air cargo economics are marginal. The Board will therefore approve the agreement insofar as it would prohibit the advancing of any funds to shippers, including brokers fees and customs duties, at point-of-origin in advance of the performance of actual air transportation. No person has opposed the prohibition against advance charges for customs duties and brokers fees, and the Board sees no reason why an air carrier should be expected to advance these charges on behalf of the consignor.

The direct air carriers have not established, however, that there is any significant burden, financial or otherwise, which would warrant the elimination of the practice of advancing charges through the medium of collection at destination, subsequent to delivery, and remittance to the shipper. Moreover, such collection and remittance of funds would not impose the drain on the carriers' capital cited above. This service appears to be important to the forwarding industry, as forwarders cannot maintain offices at every point to which they may ship cargo. The Board will therefore disapprove the agreement insofar as it would preclude this service.

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

It is ordered, That:

1. Agreement CAB No. 19848 is approved, except to the extent that it would preclude the carriers, subsequent to the time of actual delivery at destination, from collecting funds on behalf of shippers and to remit such funds to shippers; such provisions of the agreement are disapproved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7933; Filed, July 3, 1969; 8:48 a.m.]

[5] The Board understands that payment of a large portion of the point-of-origin advances to motor carriers is in fact not made at the time of transfer of the goods, but at a later date pursuant to interline agreements between the direct air and surface carriers.

[Docket No. 21117; Order 69-6-171]

AIR SOUTH, INC.

Establishment of Final and Temporary Service Mail Rates; Order To Show Cause

JUNE 30, 1969.

Air South, Inc. (Air South), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 69-6-56, June 12, 1969, the Board approved Agreement CAB 20849 between Eastern Air Lines, Inc. (Eastern), and Air South. This agreement contemplates that Air South will discharge Eastern's certificate obligation to serve Waycross, Ga., through the operation of small aircraft between Waycross and Atlanta, Ga.

No service mail rate is currently in effect for this service by Air South. By petition filed June 24, 1969, Air South requested the establishment of final service mail rates for the transportation of priority and nonpriority mail by air between Waycross and Atlanta, Ga. Air South requests that the multielement rates established in Orders E-25610 and E-17255, which provided for payments to Eastern, be made applicable to this route. On June 27, 1969, the Postmaster General filed an answer in support of Air South's petition.[1]

The rate in Order E-25610, August 28, 1967, for the air transportation of priority mail requested by Air South was established by the Board in the Domestic Service Mail Rate Investigation. We propose to establish a service rate for the air transportation of priority mail by Air South at the level established in Order E-25610, as amended, and the terms and provisions of that order also shall be applicable to Air South in the same manner as they were applicable to Eastern in providing mail services betwen Waycross and Atlanta, Ga.

In the case of rates for the air transportation of nonpriority mail, an open-rate situation has existed since April 6, 1967, when the Post Office petitioned for the establishment of new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Eastern) for the transportation of nonpriority mail are those established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, and these rates are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is equitable that Air South receive the same compensation as Eastern for the same services, we propose to establish a temporary service rate for nonpriority mail for Air South at the level established in Order E-17255, as amended. We will also make Air South a party to the proceedings in Docket 18381 and the temporary nonpriority mail rate established herein shall be subject to such retroactive adjustment as may be ordered in that proceeding.

Under the circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Air South, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between Waycross and Atlanta, Ga. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after July 1, 1969, to Air South, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Waycross and Atlanta, Ga., shall be the rate established by the Board in Order E-25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rate to be paid on and after July 1, 1969, to Air South, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Waycross and Atlanta, Ga., shall be the rate established by the Board in Order E-17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Air South, Inc., the Postmaster General, and Eastern Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above, as the fair and reasonable rates of compensation to be paid to Air South, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be

[1] The present rates are as follows:

Priority mail by air: 24 cents per ton-mile plus 9.36 cents per pound at Waycross and 2.34 cents per pound at Atlanta.

Nonpriority mail by air: 15.115 cents per ton-mile plus 4.98 cents per pound at Waycross and 1.66 cents per pound at Atlanta.

[2] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and an answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final and temporary rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final and temporary rates shall be limited to those specifically raised by answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. Air South, Inc., is hereby made a party in Docket 18381; and

6. This order shall be served upon Air South, Inc., the Postmaster General, and Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7934; Filed, July 3, 1969; 8:48 a.m.]

[Docket No. 20246 etc.; Order 69-6-179]

CARIBBEAN-ATLANTIC AIRLINES, INC., AND TRANS CARIBBEAN AIRWAYS, INC.

Mail Rates; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of June 1969.

Service Mail Rates for Caribbean-Atlantic Airlines, Inc., and Trans Caribbean Airways, Inc., dockets Nos. 20246, 20539; Domestic Service Mail Rate Case, 16349; Nonpriority Mail Rate Case, 18381; Latin American Service Mail Rate for Priority Mail, 20415; Military Ordinary Mail, 18078; Establishment of Service Mail Rates for That Class of Mail Created by Public Law 89-725, 17909.

By petition filed September 17, 1968, the Postmaster General has requested revised service mail rates for Caribbean-Atlantic Airlines, Inc. (Caribair), for the carriage of mail over its entire system. Additionally, Trans Caribbean Airways, Inc. (Trans Caribbean), filed a petition on December 9, 1968, for the establishment of mail rates in connection with the new services it was authorized to operate in the Caribbean pursuant to Order 68-11-120, served November 27, 1968.[1] The latter order also concerned the services performed in the San Juan-Virgin Islands markets by Eastern Air Lines, Inc. (Eastern), and Pan American World Airways, Inc. (Pan American);[2] and therefore it is appropriate to establish revised service mail rates for these carriers in order that uniform service mail rates may prevail in these markets.

I. *Caribair*—(a) *Priority mail.* In this petition requesting the establishment of revised service mail rates for Caribair, the Postmaster General states that this carrier is presently transporting priority mail at the rate of $1.38 per ton-mile, pursuant to Order E-10157, dated April 3, 1956.[3] The petition states that Caribair currently utilizes DC-9 aircraft and that, with respect to the carriage of mail in the San Juan-St. Thomas-St. Croix area, the carrier's operations can be compared with those of the local-service carriers. In this regard the Postmaster General states that, if the domestic service mail rate (Order E-25610, dated Aug. 28, 1967) were made applicable to Caribair, the following ton-mile yields per segment would result: San Juan-St. Croix, 73 cents; San Juan-St. Thomas, 91 cents; and St. Croix-St. Thomas, $1.26; which compare with the average yield for fiscal 1968 of 67.9 cents per ton-mile for local-service carriers. On this basis the petitioner states that "inclusion of Caribair within the ambit of Order E-25610, as amended, would insure fair and reasonable compensation to Caribair for the transportation of airmail and air parcel post in priority service."

(b) *Nonpriority mail.* The Postmaster General states that the nonpriority service performed by Caribair includes, in addition to first-class mail, so-called bulk mail, which mail is moved by rail and highway in the United States and was moved by sea in the Caribbean prior to the inauguration of this service by Caribair.[4] It is alleged that Caribair has been experiencing increasing difficulty in providing the capacity required for the volumes of nonpriority mail over its system, although it has 36 hours after tender within which to enplane such mail. Therefore, the Postmaster General has determined that it would best serve the public interest to reinstitute sea transportation for the bulk mail, but continue to tender to Caribair for nonpriority transportation those classes of mail now subject to the domestic nonpriority rate as set forth in Order E-17255 (34 C.A.B. 143 (1961)), as amended. Since the volume of nonpriority mail carried by Caribair would be significantly decreased by the elimination of the so-called bulk mail, the Postmaster General is of the opinion that the annual rate will no longer be appropriate and that inclusion of Caribair within the ambit of the domestic nonpriority rate will be fair and reasonable compensation for the transportation of nonpriority mail.[5]

II. *Trans Caribbean*—(a) *Priority mail.* With respect to its newly acquired authority to serve the Virgin Islands,[6] Trans Caribbean has requested that the domestic priority mail rates established by Order E-25610 be made applicable to the carriage of priority mail between San Juan, P.R., St. Thomas, V.I., and St. Croix, V.I. For the carriage of priority mail between all points on Trans Caribbean's system other than services involving San Juan and the Virgin Islands, the carrier has requested that the rate established by Order E-23753, dated May 31, 1966 (Latin American Service Mail Rate Proceeding) be made applicable, subject to adjustment upon final decision in Docket 20415.[7]

(b) *Nonpriority mail.* For the carriage of nonpriority mail between the mainland and San Juan and the Virgin Islands, and between San Juan, St. Thomas, and St. Croix, Trans Caribbean requests the rates established by Order E-17255, as amended, be made applicable to this service, subject to adjustment upon final decision in Docket 18381.[8]

(c) *Military ordinary mail.* For the carriage of military ordinary mail (MOM) over its entire system, Trans Caribbean has requested the rates established by Order 68-9-8, dated September 4, 1968. The carrier states that these rates have been found fair and reasonable for the carriage of mail by other carriers and would be fair and reasonable for the carriage of mail by Trans Caribbean.[9]

The Postmaster General filed an answer in support of the rates requested by Trans Caribbean.

[1] United States-Caribbean-South America Route Investigation (United States-Caribbean Part). Certificates effective Jan. 25, 1969.

[2] Delta Air Lines is also a party to those proceedings, but the action proposed herein will not alter its present service mail rates. Delta serves San Juan, but has no service to the Virgin Islands.

[3] Caribbean-Atlantic Air., Mail Rates, 23 CAB 271 (1956).

[4] Caribair was initially paid an annual rate of $87,750 for this service, which was established by Order E-19329, dated Feb. 8, 1963 (37 C.A.B. 696). The present annual rate of $112,000 was established pursuant to Order E-21340, dated Sept. 30, 1964 (41 C.A.B. 681).

[5] According to the Postmaster General, such a charge would produce the following ton-mile yields: San Juan-St. Croix, 50 cents; San Juan-St. Thomas, 63 cents; and St. Croix-St. Thomas, 87 cents; compared with current yields of 57, 78, and 117 cents per ton-mile, respectively.

[6] By Order 68-11-120, Trans Caribbean's Route 137 was amended by extending the New York/Newark/Washington-San Juan route to Aruba and Curacao via St. Thomas and St. Croix. Also a new segment was added between the coterminal points New York-Newark and Washington, D.C., and the coterminal points Aruba and Curacao, via Port-au-Prince, Haiti.

[7] Latin American service mail rates for priority mail are presently under investigation in Docket 20415. Trans Caribbean is a party to that proceeding.

[8] Nonpriority mail rates are currently under investigation in Docket 18381. Trans Caribbean is also a party to this proceeding.

[9] Although Trans Caribbean feels application of the domestic rate structure for the carriage of airmail between San Juan, St. Croix, and St. Thomas would be adequate compensation for the service, it states that if the lower rate would adversely affect Caribair's participation in the market, the rate should be equalized to Caribair's system rate of $1.38 per ton-mile. This action is not necessary, as the rates proposed herein will enable all carriers to participate in the carriage of mail at competitive rates.

III. *Mail rates in effect and proposed for the San Juan and Virgin Islands Market*—(a) *Priority mail.* Pursuant to Order 68–11–120, *supra*, Eastern Air Lines was also certificated into the Virgin Islands.[10] In addition to mainland-San Juan service, Eastern will now be able to operate between the Virgin Islands.[11] The domestic priority mail rates established by Order E–25610 apply to Eastern for the carriage of this mail over its entire system, and will, of course, apply to the Virgin Islands service. On the other hand, the domestic priority mail rate structure does not apply to Pan American and Trans Caribbean on a system basis but applies in connection with these Caribbean points only between the mainland and San Juan, and between the mainland and the Virgin Islands. Thus, with respect to Eastern, the domestic rate structure applies for all of its services in the San Juan and Virgin Islands markets; whereas, for Pan American and Trans Caribbean, that rate only applies for services to and from the mainland, and the Latin American mail rate applies to Pan American's local Puerto Rico and Virgin Islands service. Caribair's system mail rate is applicable to its Puerto Rico and Virgin Islands service.

Since the domestic priority rate is presently in effect for all service except between Puerto Rico and the Virgin Islands and within Puerto Rico, we do not feel it would be realistic to treat these segments as separate ratemaking areas. It would be more appropriate to make the domestic rate structure applicable to this service and to extend such rate to all the carriers serving in the Puerto Rico-Virgin Islands markets. The additional services in these markets warrant the establishment of uniform rates so that each of the carriers now providing service to Puerto Rico and the Virgin Islands may share in the carriage of mail. In addition, the rates we propose to establish herein would provide reasonable compensation to the carriers for the service. As previously noted by the Postmaster General, application of the domestic rate to this service would result in yields above those experienced by the local-service carriers, whose operations are of a comparable short-haul nature. The yields would also exceed the current Latin American rate. Accordingly, the Board proposes to make the rates provided by Order E–26510 applicable to the carriage of priority mail between Puerto Rico and the Virgin Islands, between points in Puerto Rico, and between the Virgin Islands. We also propose to make the domestic rate applicable to Caribair's new mainland-San Juan service.

(b) *Nonpriority mail.* Pursuant to Order E–17255, as amended by Order E–26483, dated March 7, 1968, the domestic nonpriority rate applies between the mainland and San Juan, and between the mainland and the Virgin Islands. In view of the action taken with respect to extending the domestic priority rate to services in the Puerto Rico-Virgin Islands markets, we have also determined to extend the domestic nonpriority rate for the carriage of such mail in those markets and to make this rate applicable to Trans Caribbean and Caribair for the carriage of nonpriority mail in mainland-San Juan-Virgin Islands services. Substantially the same reasons that apply in connection with the establishment of the domestic priority rate in these markets apply equally to the domestic nonpriority rate. That rate is presently under investigation in Docket 18381, and the temporary nonpriority rates established herein will be subject to the final determination in that investigation. Eastern, Pan American, and Trans Caribbean are already parties to that proceeding, and we will make Caribair a party by this order.

IV. *Latin American mail rates.* As discussed above, Trans Caribbean has requested that the Latin American mail rate established by Order E–23753 be made applicable to the carriage of mail over the remainder of its system, i.e., except for those segments involving interstate or overseas air transportation. With regard to this service, the Postmaster General in the answer filed herein notes that an open-rate situation also exists for Latin American rates since the rates were opened on October 28, 1968, and requests that this rate be made applicable to Trans Caribbean on a temporary basis, subject to whatever adjustment is required by the final service mail rate to be established in Docket 20415. Accordingly, we will make the Latin American rate applicable to Trans Caribbean in connection with its service to foreign points on a temporary basis. Trans Caribbean is a party to the proceeding in Docket 20415 and is therefore subject to the final rates to be established therein.

In light of Caribair's new authority and the action taken with respect to Caribair's other mail rates, we will make that carrier a party to Docket 20415, and make the Latin American rate applicable to its priority mail services, other than in interstate or overseas air transportation, on a temporary basis. This rate presently applies to the other carriers providing services in the Caribbean and South America, which are parties to the proceedings in Docket 20415.[12]

V. *Military ordinary mail and space available mail.* To the extent that Trans Caribbean will transport military ordinary mail in Latin American Service, it is necessary that the rates established for this class of mail by Order 68–9–8, be made applicable to such service.[13] Finally, to the extent that Caribair may participate in the carriage of that class of mail referred to as SAM mail, the rates and conditions established by Order E–25654, dated September 8, 1967, as amended by Order E–26713, dated April 25, 1968, should be made applicable to Caribair.[14] We propose these amendments herein.

FINDINGS AND CONCLUSIONS

On the basis of the foregoing, the Board proposes to issue an order to include the following findings and conclusions:

1. There is presently in effect a final service mail rate for the transportation of priority mail by aircraft which was established by Order E–25610, as amended.

2. The fair and reasonable rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., effective September 17, 1968; Pan American Airways, Inc., effective October 28, 1968; and Trans Caribbean Airways, Inc., effective January 25, 1969, for the transportation of priority mail by aircraft between points in Puerto Rico on the one hand and points in the Virgin Islands on the other, between points in Puerto Rico, and between points in the Virgin Islands, the facilities used and useful therefor, and the services connected therewith, is the service mail rate established by Order E–25610, as amended.

3. The fair and reasonable rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., effective January 25, 1969, for the transportation of priority mail between points within the 48 contiguous States and the District of Columbia on the one hand, and San Juan, P.R., on the other hand, the facilities used and useful therefor, and the services connected therewith, is the service mail rate established by Order E–25610, as amended.

4. The findings and conclusions regarding the transportation of priority mail by aircraft and in particular as they apply to Caribbean-Atlantic Airlines, Inc., Pan American World Airways, Inc., and Trans Caribbean Airways, Inc., shall be implemented by the following amendments to Board orders:

Order E–25610, dated August 28, 1967, as amended, shall be further amended (A) by adding "Caribbean-Atlantic Airlines, Inc." to the list of carriers appearing at the top of page 2, and (B) by amending the text immediately following the list of carriers at the top of page 2 to read as follows:

For operations over their routes within the 48 contiguous States and the District of Columbia insofar as authorized under certificates for interstate air transportation; over their routes between points within the 48 contiguous States and the District of Columbia, on the one hand, and on the other, points in the State of Alaska; Hilo and Honolulu, Hawaii; Acapulco, Merida, Mexico City, and Monterrey, Mexico; San Juan, P.R.; points in the Virgin Islands; and terminal points in Canada; and between points in Puerto Rico on the one hand and

[10] A new segment was awarded to Eastern between the terminal point Miami, Fla., and the coterminal points St. Thomas and St. Croix.

[11] Eastern is prohibited from performing turnaround service between St. Thomas and St. Croix and cannot operate flights between San Juan and the Virgins.

[12] Braniff, Delta, Pan American, and Trans Caribbean are already parties to this proceeding.

[13] The MOM rate presently applies to Caribair.

[14] The SAM rate already applies to Trans Caribbean.

points in the Virgin Islands on the other; between points in Puerto Rico; and between points in the Virgin Islands, which are in effect on or subsequent to January 1, 1967 (*Provided, however,* That with respect to States-Alaska operations the effective dates shall be July 1, 1967, for Western Air Lines, Inc., and August 16, 1967, for Alaska Airlines, Inc., Northwest Airlines, Inc., and Pan American World Airways, Inc.: *And provided,* That with respect to operations between points in Puerto Rico and the Virgin Islands, between points in Puerto Rico, and between points in the Virgin Islands, the effective dates shall be September 17, 1968, for Caribbean-Atlantic Airlines, Inc., October 28, 1968, for Pan American World Airways, Inc., and January 25, 1969, for Trans Caribbean Airways, Inc.), shall be computed by obtaining the sum of (1) the linehaul charges, and (2) the terminal charges, computed as follows:

5. There is presently in effect a temporary service mail rate for the transportation of nonpriority mail which was established by Order E–17255, as amended.

6. The fair and reasonable temporary rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., effective September 17, 1968; Eastern Air Lines, Inc., effective January 25, 1968; Pan American World Airways, Inc., effective October 28, 1968; and Trans Caribbean Airways, Inc., effective January 25, 1968; for the transportation of nonpriority mail between points in Puerto Rico on the one hand and St. Croix and St. Thomas on the other, between points in Puerto Rico, and between St. Croix and St. Thomas, the facilities used and useful therefor, and the services connected therewith, is the mail rate established by Order E–17255, as amended, subject to such retroactive adjustment as may be made in Docket 18381.

7. The fair and reasonable temporary rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., and Trans Caribbean Airways, Inc., effective January 25, 1968, for the transportation of nonpriority mail between points within the 48 contiguous States and the District of Columbia, on the one hand, and San Juan, St. Thomas, and St. Croix, on the other hand, the facilities used and useful therefor, and the services connected therewith, is the mail rate established by Order E–17255, as amended, subject to such retroactive adjustment as may be made in Docket 18381.

8. The findings and conclusions regarding the temporary nonpriority mail rate and in particular as it applies to Caribbean-Atlantic Airlines, Inc., Eastern Air Lines, Inc., Pan American Airways, Inc., and Trans Caribbean Airways, Inc., shall be implemented by the following amendments to Board orders:

(A) Paragraph B of Order E–17255, dated July 31, 1961, as amended, shall be further amended to read as follows:

B. The rates fixed and determined herein shall be applicable only to the transportation by air of nonpriority mail, i.e., such first-class mail, other than airmail and air parcel post, which may be tendered from time to time by the Post Office Department and carried on a voluntary, space available basis, between any points within the 48 contiguous States and between any point within them and Agana, Anchorage, Cordova, Fairbanks, Hilo, Honolulu, Juneau, Ketchikan, Kodiak, Pago Pago, San Juan, St. Croix, St. Thomas, Wake Island, Yakutat, and points in Canada and points in Mexico for which mail rates were established in the Domestic Service Mail Rate Investigation (Order E–25610, Aug. 28, 1967, as amended), and between Honolulu, Hawaii, on the one hand, and Agana, Guam, Pago Pago, and Wake Island, on the other, and between points in Puerto Rico on the one hand and St. Croix and St. Thomas on the other, between points in Puerto Rico, and between St. Croix and St. Thomas.

(B) Paragraph C of Order E–17255, dated July 31, 1961, as amended, is further amended to include Caribbean-Atlantic Airlines, Inc., and Trans Caribbean Airways, Inc., in the list of carriers there appearing.

9. There presently is in effect a temporary service mail rate for the transportation of mail by aircraft for Latin American services which was established by Order E–23753.

10. The fair and reasonable temporary rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., effective September 17, 1968, and Trans Caribbean Airways, Inc., effective January 25, 1969, for the transportation of mail in Latin American services, the facilities used and useful therefor, and the services connected therewith, is the service mail rate established by Order E–23753, subject to such retroactive adjustment as may be made in Docket 20415.

11. The findings and conclusions regarding the transportation of mail by Caribbean-Atlantic Airlines, Inc., and Trans Caribbean Airways, Inc., in Latin American services shall be implemented by the following amendments to Board orders:

(A) Paragraph 2(b) of Order E–23753, dated May 31, 1966, shall be amended to read as follows:

(b) For the period on and after March 1, 1966, a rate of 42.09 cents per ton-mile for the Latin American services of Braniff International Airways, Inc., Caribbean-Atlantic Airlines, Inc., Delta Air Lines, Inc., Pan American World Airways, Inc., and Trans Caribbean Airways, Inc., except for service between the 48 contiguous States and the District of Columbia, on the one hand, and San Juan, P.R., the Virgin Islands, and Acapulco, Merida, Mexico City, and Monterrey, Mexico, on the other hand; and between points in Puerto Rico on the one hand and St. Croix and St. Thomas, V.I., on the other, between points in Puerto Rico, and between St. Croix and St. Thomas, V.I. This rate shall be applied in accordance with the terms and conditions set forth below.

12. There is presently in effect a final service mail rate for military ordinary mail (MOM) as established by Order 68–9–8.

13. The fair and reasonable rate to be paid Trans Caribbean Airways, Inc., effective January 25, 1969, for the transportation of military ordinary mail (MOM) in Latin American service, the facilities used and useful therefor, and the services connected therewith, is the service mail rate established by Order 68–9–8.

14. The findings and conclusions regarding the military ordinary mail (MOM) rate as it applies to Trans Caribbean Airways, Inc., shall be implemented by the following amendments to Board orders:

Order 68–9–8, dated September 4, 1968, shall be amended by adding "Trans Caribbean Airways, Inc." to the names of the carriers appearing on page 2, after "Eastern Air Lines, Inc.," at line 9, and in footnote 7 after "Pan American".

15. There is presently in effect a final service mail rate for the transportation of space available mail (SAM) as established by Order E–25654, as amended.

16. The fair and reasonable rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., effective September 17, 1968, for the transportation of space available mail (SAM), the facilities used and useful therefor, and the services connected therewith, is the service mail rate established by Order E–25654, as amended.

17. The findings and conclusions regarding the space available mail (SAM) rate as is applied to Caribbean-Atlantic Airlines, Inc., shall be implemented by the following amendments to Board orders:

The list of carriers appearing in paragraph 2(B) of Order E–25654, dated September 8, 1967, shall be amended to include after "Braniff Airways, Inc.," the name "Carribbean-Atlantic Airlines, Inc."

18. The final and temporary service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to the regulations promulgated in 14 CFR Part 302:

It is ordered, That:

1. All interested persons and particularly Caribbean-Atlantic Airlines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., Trans Caribbean Airways, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and, if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days after the date of service of this order, and if notice is filed, written answer and supporting documents shall be filed within 30 days after date of service of this order.

3. If notice of objection is not filed within 10 days, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final and temporary rates specified herein.

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307.

5. Notwithstanding the fixing and determining of the temporary rate for nonpriority mail as set forth above, this proceeding shall remain open as to such rate pending the entry of an order fixing the final rate in Docket 18381.

6. Notwithstanding the fixing and determining of the temporary rate for Latin American Services as set forth above, this proceeding shall remain open as to such rate pending the entry of an order fixing the final rate in Docket 20415.

7. Caribbean-Atlantic Airlines, Inc., is hereby made a party in Docket 18381 and Docket 20415.

8. This order shall be served upon Braniff Airways, Inc., Caribbean-Atlantic Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Panama World Airways, Inc., Trans Caribbean Airways, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7935; Filed, July 3, 1969; 8:48 a.m.]

[Docket No. 20894; Order 69-6-177]

COLUMBUS-NEW YORK

Order Providing for Further Proceedings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of June 1969.

On April 8, 1969, American Airlines, Inc. (American), filed an application, pursuant to Subpart N of Part 302 of the Board's procedural regulations, requesting amendment of its certificate of public convenience and necessity for Route 4 so as to delete condition (18), thereby removing the long-haul restriction on its Columbus-New York authority.

Trans World Airlines, Inc. (TWA), and Airlift International, Inc., have filed motions requesting the Board to dismiss American's application.

Upon consideration of the foregoing, we do not find that American's application is not in compliance with, or is inappropriate for processing under, the provisions of Subpart N. Accordingly, we order further proceedings pursuant to the provisions of Subpart N, §§ 302.1406–302.1410, with respect to American's application:

Accordingly, it is ordered:

1. That the application of American Airlines, Inc., Docket 20894, be and it hereby is set for further proceedings pursuant to Rules 1406–1410 of the Board's procedural regulations;

2. That the motions of Trans World Airlines, Inc. (TWA), and Airlift International, Inc., to dismiss American's application be and they hereby are denied; and

3. That this order shall be served upon all parties served by American Airlines in its application.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7936; Filed, July 3, 1969; 8:48 a.m.]

[Docket 21100]

PACIFIC WESTERN AIRLINES, LTD.

Notice of Postponement of Prehearing Conference

Pursuant to applicant's request, the prehearing conference scheduled for July 8, 1969, is hereby postponed and will be convened on July 15, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., July 2, 1969.

[SEAL] ROBERT M. JOHNSON,
Hearing Examiner.

[F.R. Doc. 69-7982; Filed, July 3, 1969; 8:48 a.m.]

FARM CREDIT ADMINISTRATION

CERTAIN DEPUTY GOVERNORS

Notice of Basic Compensation

As provided in section 5(d) of the Farm Credit Act of 1953, as amended (sec. 302(a), 75 Stat. 793; 12 U.S.C. 636d (d)), the Federal Farm Credit Board has fixed the per annum salary of the Deputy Governors of the Farm Credit Administration who are also Service Directors, effective July 13, 1969, as follows:

Director of Cooperative Bank Service, $33,495;
Director of Production Credit Service, $33,495;
Director of Land Bank Service, $33,495.

Notice of this is published pursuant to the provisions of 5 U.S.C. 5364.

E. A. JAENKE,
Governor,
Farm Credit Administration.

[F.R. Doc. 69-7906; Filed, July 3, 1969; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., AND LYKES BROS. STEAMSHIP CO., INC.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect 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. D. J. Morris, Manager, Rates and Conferences, American President Lines, 601 California Street, San Francisco, Calif. 94108.

Agreement No. 9800 between American President Lines, Ltd., and Lykes Bros. Steamship Co., Inc., establishes a through billing arrangement from ports of call of American President Lines in Indonesia to U.S. gulf ports of call of Lykes Bros. with transshipment at Singapore, Penang, or Port Swettenham in accordance with the terms and conditions set forth in the agreement.

Dated: July 1, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7922; Filed, July 3, 1969; 8:47 a.m.]

[Docket No. 69-10]

ATLANTIC LINES, LTD.

General Increases in Rates in the U.S. Atlantic/Virgin Islands Trade

By notice served June 5, 1969, the Commission granted a motion to postpone hearings and vacate the suspension in this proceeding, conditioned upon the agreements and stipulations by the parties to this proceeding set forth in the notice. The order vacating the suspension was held in abeyance pending the filing by the respondent of tariff pages canceling certain increased rates on basic foodstuff items.

Pursuant to Special Permission No. 5047, dated June 13, 1969, Atlantic Lines, Ltd., has canceled the increased rates on the basic foodstuff items in accordance with the agreement among the parties.

Therefore, it is ordered, That the first supplemental order in this proceeding be, and it is hereby modified to the extent necessary to vacate and set aside the suspension of remaining increased rates. The original order as amended shall otherwise remain in effect pending the outcome of the investigation instituted thereby:

It is further ordered, That a copy of this order shall be filed with the respondent's tariff in the Bureau of Domestic Regulation; be served upon all parties of

record in this proceeding; and published in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 69-7923; Filed, July 3, 1969; 8:47 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND AMERICAN PRESIDENT LINES, LTD.

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, 1405 I Street NW., Room 1202; or may inspect agreements 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. D. J. Morris, Manager, Rates and Conferences, American President Lines, 601 California Street, San Francisco, Calif. 94108.

Agreement No. 9799 between Lykes Bros. Steamship Co., Inc., and American President Lines, Ltd., establishes a through billing arrangement from ports of call of Lykes Bros. in Indonesia to U.S. Pacific and Atlantic Coast ports of call of American President Lines with transshipment at Singapore, Penang, and Port Swettenham in accordance with the terms and conditions set forth in the Agreement.

Dated: July 1, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-7924; Filed, July 3, 1969; 8:47 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND AMERICAN PRESIDENT LINES, LTD.

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, 1405 I Street NW., Room 1202; or may inspect agreements 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. D. J. Morris, Manager, Rates and Conferences, American President Lines, 601 California Street, San Francisco, Calif. 94108.

Agreement No. 9801 between Lykes Bros. Steamship Co., Inc., and American President Lines, Ltd., establishes a through billing arrangement from ports of call of Lykes Bros. in Korea, Japan, Hong Kong, Ryukyu Islands, Taiwan, and the Philippines Islands to U.S. Atlantic Coast ports of call of American President Lines with transshipment at Hong Kong, Japan, or Manila in accordance with terms and conditions set forth in the agreement.

Dated: July 1, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-7925; Filed, July 3, 1969; 8:47 a.m.]

STATES MARINE LINES, INC., ET AL.

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, 1405 I Street NW., Room 1202; or may inspect agreements 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.

States Marine Lines, Inc., Global Bulk Transport Incorporated and Isthmian Lines, Inc., notice of agreement filed for approval by:

Mrs. Amy Scupi, Galland, Kharasch, Calkins & Lippman, 1824 R Street NW., Washington, D.C. 20009.

Agreement No. 9803, between States Marine, Global Bulk and Isthmian, will upon approval cancel and supersede Agreements Nos. 7628, as amended, 9327, and 9641, as amended. It provides (1) that the parties may coordinate their services in the trades between U.S. ports and worldwide ports; (2) that in any trades in which one of the parties is a member of, or will be admitted to membership in, a conference, the other parties, if operating vessels in the trade and eligible for membership, shall join such conference; (3) that if more than one party is a party to a conference agreement, such parties shall act as a single member of such conference: *Provided, however,* That if such conference opens rates on a commodity or commodities, each of the parties may publish individual, separate and different rates on any or all such open-rated commodities, or agree upon rates on such commodities, and (4) in those conferences in which the parties act as a single conference member, they may appoint a common agent to represent them in the transaction of conference business.

Provision is also made that in any trade in which two or more parties operate services, but none are members of a conference, or the conference to which they belong does not agree upon and establish rates and charges for a commodity or commodities, or a class of cargo, the parties may agree upon and establish rates and charges and rules and regulations for the carriage of cargo, publish tariffs, agree upon amounts of brokerage and/or compensation to forwarders and conditions of payment. The parties may carry out the functions authorized herein by telephone, at meetings or through an appointed common agent with authority to bind each party.

In any trade in which two or more of the parties operate vessels, they are authorized to offer a joint service for the carriage of military cargo to the U.S. Government agency negotiating such rates, and agree upon the rates to be submitted in bids to such agency. If more than one of the parties submits bids under one invitation, such bids shall be joint and offer a joint service.

Dated: July 1, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-7926; Filed, July 3, 1969; 8:47 a.m.]

PACIFIC WESTBOUND CONFERENCE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the

Commission pursuant to the Commission's decision in Docket 65–31, Investigation of Overland/OCP Rates and Absorptions (served Feb. 24, 1969).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements 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.

Pacific Westbound Conference, Trans-Pacific Freight Conference of Japan, Trans-Pacific Freight Conference (Hong Kong), Australia, New Zealand, and South Sea Islands/Pacific Coast Conference, Pacific/Straits Conference, Pacific/Indonesian Conference, Pacific Coast-Australasian Tariff Bureau.

Notice of agreements filed for approval by:

Edward D. Ransom, Esq., Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, Calif. 94104.

The member lines of the above-listed Conferences have filed modifications to their basic agreements, 57–90, 150–41, 14–29, 7580–9, 5680–13, 6060–15, and 50–18. These modifications would clearly authorize these Conferences to establish Overland Common Point Territory (OCP) rates separate and distinct from "local" rates; and would permit the Conferences to enter into agreements with domestic connecting carriers with respect to the interchange of cargo between them. These modifications have been filed pursuant to the Commission's decision arising out of the proceedings in Docket 65–31, Investigation of Overland/OCP Rates and Absorptions (served Feb. 24, 1969) wherein the Commission directed respondents to "update their basic agreements to reflect the full structure of its ratemaking and the absorptions practiced pursuant thereto."

Dated: July 2, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–7996; Filed, July 3, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI69–835, etc.]

BETA DEVELOPMENT CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 26, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 6, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-835..	Beta Development Co., Mid-Continent Bldg., Fort Worth, Tex. 76102.	1	12	El Paso Natural Gas Co. (San Juan Field, San Juan County, N. Mex.) (San Juan Basin Area).	$140,000	6- 2-69	[2] 7- 3-69	12- 3-69	[5] [6] 14.0	[3] [4] [5] 15.0	(8).
RI69-836..	Koch Development Corp., Post Office Box 2256, Wichita, Kans. 67201.	3	4	El Paso Natural Gas Co. (acreage in San Juan County, N. Mex.) (San Juan Basin Area).	597	5-29-69	[7] 6-29-69	11-29-69	13.0	[4] [6] 14.0	
RI69-837..	Atlantic Richfield (Operator) et al., Post Office Box 521, Tulsa, Okla. 74102.	509	4	El Paso Natural Gas Co. (Boundary Butte Field, San Juan County, N. Mex.) (Aneth Area).	30,153	6- 2-69	[2] 7- 3-69	12- 3-69	[9] 17.7	[3] [4] [9] 21.0	
RI69-838..	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	138	4	South Texas Natural Gas Gathering Co. (Shepherd Field, Hidalgo County, Tex.) (RR. District No. 4).	70	5-29-69	[7] 7- 1-69	12- 1-69	17.0	[3] [10] 18.0	RI66-71.
RI69-839..	Texaco Inc., Post Office Box 430, Bellaire, Tex. 77401.	57	6	Tennessee Gas Pipeline Company, a division of Tenneco Inc. (Hagist Ranch Field, Duval County, Tex.) (RR. District No. 4).	1,750	6- 2-69	[7] 7-21-69	12-21-69	[12] 15.6	[10] [11] [12] 16.6	RI66-333.
RI69-840..	Mayfair Minerals, Inc., Post Office Box 940, McAllen, Tex. 78501.	2	10	Texas Eastern Transmission Corp., (Hidalgo County, Tex.) (RR. District No. 4).	10,450	6- 6-69	[7] 7- 7-69	12- 7-69	15.6	[3] [10] 16.6	RI64-252.

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 1 cent per Mcf minimum guarantee for liquids.
[6] Rate effective subject to refund in Docket No. RI64–70 for acreage added by Supplement No. 10 and Docket No. RI64–394 for all other acreage covered by rate schedule.
[7] The stated effective date is the effective date requested by Respondent.
[8] Periodic increase from rate inclusive of 1 cent per Mcf minimum guarantee for liquids to rate exclusive of 1 cent per Mcf minimum guarantee for liquids.
[9] Subject to proportional reduction if B.t.u. content is below 950, and to a reduction for treating sour gas.
[10] Pressure base is 14.65 p.s.i.a.
[11] Unilateral increase.
[12] Subject to a downward B.t.u. adjustment.

Atlantic Richfield Co. (Operator) et al. (Atlantic), requests waiver of the statutory notice to permit its proposed rate increase to become effective as of June 2, 1969. Beta Development Co. (Beta) requests an effective date of July 1, 1969, for its rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Atlantic and Beta's rate filings and such requests are denied.

Atlantic's proposed increased rate of 21 cents per Mcf is for a sale of gas to El Paso Natural Gas Co. from the Aneth Area of Utah where no formal guideline prices have been announced by the Commission for the Aneth Area. Consistent with prior Commission action on rate increases to 21 cents per Mcf in this area, we conclude that Atlantic's proposed rate should be suspended for 5 months from July 3, 1969, the expiration date of the statutory notice.

The basic contract related to the proposed rate increase filed by Koch Development Corp. (Koch) contains a 1 cent per Mcf minimum guarantee for liquids provision but this 1 cent has been excluded from the proposed rate. Koch is advised that a notice of change in rate will be required if it intends to collect the 1 cent minimum guarantee for liquids in the future. See the Commission's order issued December 7, 1967, in Docket No. RI64-491 et al., Union Texas Petroleum, a Division of Allied Chemical Corporation (Operator), et al.

Texaco, Inc. (Texaco), proposes a unilateral or "ex parte" rate increase to 16.6 cents from a present rate of 15.6 cents now being collected subject to refund in Docket No. RI66-333 for gas sold to Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), in Railroad District No. 4. The primary term of Texaco's contract with Tennessee expires on July 21, 1969, and Texaco is invoking its right to file unilaterally upon such expiration. Since Texaco's "ex parte" increase exceeds the 14.6 cents per Mcf increased rate ceiling for rate schedules involved in 2d amendment settlements, we conclude that it should be suspended for 5 months from July 21, 1969, the proposed effective date.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56), with the exception of the rate increase filed by Atlantic in the Aneth Area for which no formal rate ceiling has been announced by the Commission.

[F.R. Doc. 69-7834; Filed, July 3, 1969; 8:45 a.m.]

[Docket No. CS69-19 etc.]

WILLIAM V. CONOVER ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JUNE 25, 1969.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

Docket No.	Date filed	Name of applicant
CS69-19	10-25-68	William V. Conover, Suite 728, 3701 Kirby Bldg., Houston, Tex. 77006.
CS69-59	6- 2-69	John W. Wood, Jr., 610 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-60	6- 2-69	James U. Gentry, 601 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-61	6- 2-69	Walter B. Holton, Post Office Box 618, Midland, Tex. 79701.
CS69-62	6- 2-69	James W. Lacy, 2804 Marmon Dr., Midland, Tex. 79701.
CS69-63	5-20-69	Valley Investment Corp., 2306 Mercantile Bank Bldg., Dallas, Tex. 75201.
CS69-64	6-12-69	Arthur I. Ginsburg, 2010 East Lancaster St., Fort Worth, Tex. 76100.
CS69-65	6-12-69	John M. Harris, Post Office Box 1185, Houston, Tex. 77001.
CS69-66	6-12-69	Donald C. Campbell, 811 Central Bank Bldg., Denver, Colo. 80202.
CS69-67	6-12-69	Walter K. Boyd, Jr., Post Office Box 3119, Midland, Tex. 79701.
CS69-68	6-12-69	S. D. Steed, Post Office Box 964, Fort Worth, Tex. 76101.
CS69-69	6-12-69	C. M. Kestler, 1505 West Storey St., Midland, Tex. 79701.
CS69-70	6-12-69	M. D. Rogers, 610 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-71	6-12-69	C. A. Semple, 1605 Gulf St., Midland, Tex. 79701.
CS69-72	6-12-69	B. J. Pevehouse, 601 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-73	6-12-69	Adobe Ltd. No. 1, 601 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-74	6-12-69	Adobe Ltd. No. 2, 601 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-75	6-12-69	Adobe Investment Corp., 601 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-76	6-12-69	Dallas Cantwell, 4671 Southwest Freeway, Houston, Tex. 77027.
CS69-77	6- 9-69	An-Son Corp., 810 Saratoga Bldg., New Orleans, La. 70112.
CS69-78	6-16-69	T. D. Jenkins, Box 1183, Houston, Tex. 77001.
CS69-79	6-16-69	Melbourne Corp., 1075 Houston Club Bldg., Houston, Tex. 77024.
CS69-80	6-16-69	Robert F. Dwyer, 914 Executive Bldg., Portland, Oreg. 97204.
CS69-81	6-16-69	Frank Kell Cahoon, Post Office Box 127, Midland, Tex. 79701.
CS69-82	6-16-69	Samuel H. Moore, 10915 Sylvia, Northridge, Calif. 91324.
CS69-83	6-16-69	Thomas A. Read, 2301 Portsmouth, Houston, Tex. 77006.
CS69-84	6-16-69	Frederick Palmer Weber, 21 Pierrepont, Brooklyn, N.Y. 11201.
CS69-85	6-16-69	D. J. Lawson, Post Office Box 5003, Dallas, Tex. 75222.
CS69-86	6-16-69	Walter M. Ross, 12534 Old Oaks Dr., Houston, Tex. 77024.
CS69-87	6-16-69	Dr. Harry E. Rollings, 100 East Park Ave., Savannah, Ga. 31401.
CS69-88	6-16-69	Colonel C. M. Paul, 720 Park Ave., New York, N.Y. 10021.
CS69-89	6-16-69	Fred Huber, 24 Day St., Apartment Z-31, Clifton, N.J. 07011.

[F.R. Doc. 69-7835; Filed, July 3, 1969; 8:45 a.m.]

[Docket No. RI69-834]

PRODUCING ROYALTIES, INC.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JUNE 26, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 6, 1969.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-834	Producing Royalties, Inc., Post Office Box 1071, Lubbock, Tex. 79408.	1	5	El Paso Natural Gas Co. (Fulcher-Kutz (Pictured Cliffs) Field, San Juan County, N. Mex.) (San Juan Basin Area).	$13	6-2-69	[2] 7-3-69	[3] 7-4-69	13.0	[4 5] 13.05085	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] Tax reimbursement increase.
[5] Pressure base is 15.025 p.s.i.a.

Producing Royalties, Inc. (Royalties), requests a retroactive effective date of January 1, 1969, for its proposed tax reimbursement increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Royalties' rate filing and such request is denied.

Royalties has filed a proposed increase from 13 cents to 13.05085 cents per Mcf which reflects tax reimbursement. Since the proposed rate exceeds the area increased rate ceiling for the San Juan Basin Area as set forth in the Commission's statement of general policy No. 61-1, as amended, by the amount of the tax reimbursement only, we conclude that it should be suspended for 1 day from July 3, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69-7836; Filed, July 3, 1969; 8:45 a.m.]

[Docket No. RI69-813 etc.]

ROSS PRODUCTION CO. ET AL.

Order Accepting Contract Agreement, Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 25, 1969.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-813	Ross Production Co. (Operator) et al., Post Office Box 1185, Shreveport, La. 71102.	1	[2] 1	Texas Eastern Transmission Corp. (Huxley Field, Shelby County, Tex.) (R.R. District No. 6).	----------	6-2-69	[3] 7-3-69	(Accepted)	----------	----------	
		[4] 1	2		$2,160	6-2-69	[3] 7-3-69	[5] 7-4-69	[5] 13.0	[6 7] 15.0	
RI69-814	Calvert Exploration Co. (Operator) et al., 2300 Fourth National Bank Bldg., Tulsa, Okla. 74119. Attn: Mr. H. A. Nelson.	[8] 4	2	Transcontinental Gas Pipe Line Corp. (South Tilden Field, McMullen County, Tex.) (R.R. District No. 1).	633	5-21-69	[9] 6-26-69	[5] 6-27-69	14.189	[7 11] 15.0	

[2] Letter Agreement dated May 23, 1969, which provides for the proposed 15 cents per Mcf rate.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] Contract dated after Sept. 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1 and the proposed rate does not exceed the applicable area initial rate ceiling of 15 cents per Mcf.
[5] The suspension period is limited to 1 day.
[6] Renegotiated rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Subject to a downward B.t.u. adjustment.
[9] Contract executed after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and the proposed rate does not exceed the 15-cent area initial rate ceiling.
[10] The stated effective date is the effective date requested by Respondent.
[11] "Fractured" rate increase. Contractually entitled to 15.2025 cents (15-cent base plus 0.2025-cent tax reimbursement).

Ross Production Co. (Operator) et al. (Ross), requests that its proposed rate increase be permitted to become effective as of July 1, 1969. Good cause has not been shown for waving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Ross' rate filing and such request is denied.

The contracts related to the rate filings proposed by Ross and Calvert Exploration Co. (Operator) et al. (Calvert), were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61–1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Ross' and Calvert's proposed rate filings should be suspended for 1 day from July 3, 1969 (Ross), the expiration date of the statutory notice, and June 26, 1969 (Calvert), the proposed effective date.

Concurrently with the filing of its rate increase, Ross submitted a letter agreement dated May 23, 1969, designated as Supplement No. 1 to Ross' FPC Gas Rate Schedule No. 1, which provides the basis for Ross' proposed rate increase. We believe that it would be in the public interest to accept for filing Ross' proposed letter agreement to become effective as of July 3, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Ross' contract agreement dated May 23, 1969, designated as Supplement No. 1 to Ross' FPC Gas Rate Schedule No. 1, and for permitting such supplement to become effective on July 3, 1969, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that Supplement No. 2 to Ross' FPC Gas Rate Schedule No. 1 and Supplement No. 2 to Calvert's FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(a) Ross' contract agreement dated May 23, 1969, designated as Supplement No. 1 to Ross' FPC Gas Rate Schedule No. 1, is accepted for filing and permitted to become effective as of July 3, 1969, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary of the Commission concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 2 to Ross' FPC Gas Rate Schedule No. 1, and Supplement No. 2 to Calvert's FPC Gas Rate Schedule No. 4.

(C) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until the date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Ross and Calvert, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[12]

(D) Until otherwise ordered by the Commission, neither the supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension periods.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 6, 1969.

By the Commission.

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

[F.R. Doc. 69–7837; Filed, July 3, 1969; 8:45 a.m.]

[12] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COLOMBIA

Entry and Withdrawal From Warehouse for Consumption

JULY 1, 1969.

On September 18, 1968, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of Columbia concerning exports of cotton textiles and cotton textile products from Colombia to the United States over a 3-year period beginning on July 1, 1968, and extending through June 30, 1971. Among the provisions of the agreement are those establishing an aggregate limit for the 64 categories; within the aggregate limit, group limits on Categories 1–4, 5–27, and 28–64; and within both of the aforesaid limits, specific limits on certain categories for the second agreement year beginning on July 1, 1969. The categories with specific limits are Categories 5/6, 9, 16, 19, 22, and 26, with a sublimit on duck fabric (part of Category 26).

The agreement also contains a provision covering overshipments of cotton textiles from Colombia which occurred during the period beginning on July 1, 1967, and which were exported to the United States through September 30, 1967. This provision provides that these overshipments are to be charged against the aggregate, applicable group, and specific limits during each of the 3 agreement years. Implementing this provision for the second agreement year results in the adjusted levels of restraint set forth in the letter.

Accordingly, there is published below a letter of June 30, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles in Categories 1 through 27, produced or manufactured in Colombia, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning July 1, 1969, and extending through June 30, 1970, be limited to the designated adjusted levels. The letter does not establish controls on Categories 28–64, but notes that such controls may be established during the present agreement year, i.e., the 12-month period beginning July 1, 1969. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JUNE 30, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of September 18, 1968, between the Governments of the United States and Colombia, and in

accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning July 1, 1969, and extending through June 30, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 1 through 27 produced or manufactured in Colombia, in excess of the adjusted levels of restraint set forth below.

The combined adjusted level of restraint for Categories 1 through 4 shall be 3,289,255 pounds.

The overall adjusted level of restraint for Categories 5 through 27 shall be 17,200,874 square yards.

Within the overall adjusted level of restraint for Categories 5 through 27, the following adjusted specific levels of restraint shall apply:

Category	Adjusted 12-month level of restraint
5/6	1,890,000 square yards of which not more than 315,000 square yards shall be in Category 6.
9	3,298,460 square yards.
16	945,000 square yards.
19	1,050,000 square yards.
22	5,738,104 square yards.
26	3,399,465 square yards of which not more than 495,239 square yards shall be in duck fabric.[1]

[1] Only T.S.U.S.A. Nos.:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in the Government of Colombia, which have been exported to the United States from the Government of Colombia prior to July 1, 1969, shall, to the extent of any unfilled balances be charged against the level of restraint established for such goods for the 12-month period beginning July 1, 1968, and extending through June 30, 1969. In the event that the level of restraint for the 12-month period ending June 30, 1969, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 18, 1968, between the Governments of the United States and Colombia which provides in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

The bilateral agreement of September 18, 1968, also provides a group limit on Categories 28–64. Import controls on these categories at an overall level of 630,000 square yards equivalent may be established during the current agreement year. In such an event you will be advised in a further directive from me.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton textiles and cotton textile products from Colombia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69–7908; Filed, July 3, 1969; 8:46 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry and Withdrawal From Warehouse for Consumption

JULY 1, 1969.

On July 3, 1967, the Government of the United States, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of Pakistan, concerning exports of cotton textiles from Pakistan to the United States over a 4-year period beginning on July 1, 1966. Under this agreement the Government of Pakistan has undertaken to limit its exports to the United States of all cotton textiles and cotton textile products to an aggregate limit of 75,245,625 square yards equivalent for the fourth agreement year beginning July 1, 1969. Among the provisions of the agreement are those applying specific export limitations to Categories 9, 15, 18/19, 22, parts of 26, part of 31, and 41/42.

Accordingly, there is published below a letter of June 30, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that for the 12-month period beginning July 1, 1969, and extending through June 30, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in the indicated categories produced or manufactured in Pakistan and exported to the United States on or after July 1, 1969, be limited to the designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JUNE 30, 1969.

DEAR MR. COMMISSIONER: Under the terms of Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of July 3, 1967, between the Governments of the United States and Pakistan, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed, effective July 1, 1969, and for the 12-month period extending through June 30, 1970, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 15, 18/19, 22, parts of 26, part of 31, and 41/42, produced or manufactured in Pakistan, in excess of the following designated levels of restraint:

Category		12-month level of restraint
9	square yards	32,992,313
15	do	2,894,062
18/19 and parts of 26 (print cloth)[1]	do	11,576,250
22	do	3,935,925
Part of 26 (bark cloth)[2]	do	4,051,688
Part of 26 (duck)[3]	do	8,103,375
Part of 31 (Only T.S.U.S.A. No. 366.2740)	pieces	4,514,738
41/42	dozen	385,421

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 9, 15, 18/19, part of 26 (print cloth),[1] 22, part of 26 (bark cloth),[2] part of 26 (duck),[3] part of 31 (only T.S.U.S.A. No. 366.2740), and 41/42, produced or manufactured in Pakistan and exported to the United States prior to July 1, 1969, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period July 1, 1968, through June 30, 1969. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of July 3, 1967, between the Governments of the United States and Pakistan which provide in part that within the aggregate and applicable group limits of the agreement, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to

[1] In Category 26, only T.S.U.S.A. Nos.:

320.--34	322.--34	327.--34
321.--34	326.--34	328.--34

[2] Only T.S.U.S.A. Nos.:

320.--88	328.--88	324.--92
321.--88	329.--88	325.--92
322.--88	330.--88	326.--92
323.--88	331.--88	327.--92
324.--88	320.--92	328.--92
325.--88	321.--92	329.--92
326.--88	322.--92	330.--92
327.--88	323.--92	331.--92

[3] Only T.S.U.S.A. Nos.:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69–7909; Filed, July 3, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JUNE 30, 1969.

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 July 1, 1969, through July 10, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–7901; Filed, July 3, 1969; 8:45 a.m.]

[70–4765]

NATIONAL FUEL GAS CO. ET AL.

Notice of Proposed Issue and Sale of Debentures at Competitive Bidding by Holding Company and Long-Term Notes to Holding Company and Short-Term Notes to Banks by Subsidiary Companies

JUNE 30, 1969.

Notice is hereby given that National Fuel Gas Co. ("National"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and three of its gas utility subsidiary companies, Iroquois Gas Corp. ("Iroquois"), United Natural Gas Co. ("United"), and Pennsylvania Gas Co. ("Penn"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43, 45, and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

National proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $20 million principal amount of ------ percent Sinking Fund Debentures, Series due July 1994. The interest rate of the debentures (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to National (which shall be not less than 99 percent nor more than 102 percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued under an indenture dated as of August 15, 1968, between National and Manufacturers Hanover Trust Co. as trustee, as heretofore supplemented and as to be further supplemented by a second supplemental indenture, and will be issued only in registered form. The debentures will be redeemable at any time, provided, that none of the debentures may be redeemed prior to July 15, 1974, if such redemption is for the purpose or in anticipation of their refunding through the use, directly or indirectly, of funds borrowed by the company at an effective interest cost of less than the effective interest cost of the debentures.

National proposes to use the net proceeds from the sale of its debentures to acquire for cash $20 million principal amount of long-term notes from its three above-mentioned gas utility subsidiary companies. Concurrently, the subsidiary companies will prepay $4 million of their notes payable to National maturing December 31, 1970, as follows: Iroquois, $2,700,000; United, $700,000; and Penn, $600,000. National will use the proceeds of the subsidiaries' note prepayments to prepay $4 million of its notes payable to The Chase Manhattan Bank (N.A.), maturing December 31, 1970. On the date National receives the proceeds from the sale of its debentures, Iroquois, United, and Penn propose to issue and sell and National proposes to acquire unsecured long-term promissory notes in the total aggregate principal amount of $20 million. Such notes will be issued and sold to National in the respective principal amounts of $12,200,000 by Iroquois, $5,200,000 by United, and $2,600,000 by Penn. The notes will be issued in series with the first note in each series maturing on December 15, 1973, and with each succeeding note in the applicable series maturing on the following December 15. The final note of each series will be payable on July 15, 1994. The notes will bear interest at a rate per annum equal to the effective cost of money incurred by National on its proposed sale of debentures, rounded to the next one-tenth of 1 percent and such interest will be payable semiannually. Such notes will be prepayable at any time without premium. The net proceeds derived from the sale of these long-term notes, together with funds available from current operations, will be used by the subsidiary companies to make additions to utility plant and underground cushion gas storage inventories, to prepay notes to National aggregating $4 million, and to increase and replenish working capital. The total cost of the 1969 plant expansion programs of the three subsidiary companies is estimated at $18,669,000.

Iroquois, United, and Penn also propose to issue and sell from time to time to the banks named below short-term promissory notes in the respective aggregate amounts of $7 million for Iroquois, $5 million for United, and $3,200,000 for Penn. Each such note will be dated as of the date of issue, will mature not later than 9 months thereafter, will bear interest at the prime commercial rate in effect on the issue date, and will be prepayable at any time, in whole or in part, without penalty or premium. Such 9-month notes will aggregate about 5.3 percent of the principal amount and par value of Iroquois' other securities as of March 31, 1969, 10.8 percent in respect of United, and 12.3 percent in respect of Penn. The proceeds derived from the sale of such short-term note borrowings from banks will be used by Iroquois, United, and Penn to finance the cost of gas purchased and stored underground for current inventory purposes, and it is stated that such borrowings are expected to be repaid early in 1970 as gas is withdrawn from storage and sold. The maximum amount to be outstanding from each bank with respect to Iroquois is as follows:

Marine Midland Trust Co. of Western New York, Buffalo, N.Y	$3,290,000
Manufacturers & Traders Trust Co., Buffalo, N.Y	3,150,000
Liberty National Bank & Trust Co., Buffalo, N.Y	560,000
Total	7,000,000

The maximum amount to be outstanding from each bank with respect to United is as follows:

Bradford National Bank, Bradford, Pa	$200,000
Du Bois Deposit National Bank, Du Bois, Pa	270,000
Elk County Bank & Trust Co., St. Marys, Pa	300,000
Emporium Trust Co., Emporium, Pa	170,000
Exchange Bank & Trust Co., Franklin, Pa	200,000
First National Bank of Mercer County, Greenville, Pa	200,000
First Seneca Bank & Trust Co., Oil City, Pa	750,000
McDowell National Bank, Sharon, Pa	450,000
Northwest Bank & Trust Co., Oil City, Pa	500,000
The Pennsylvania Bank & Trust Co., Titusville, Pa	500,000
Producers Bank & Trust Co., Bradford, Pa	70,000
Mellon National Bank & Trust Co., Pittsburgh, Pa	1,390,000
Total	5,000,000

The maximum amount to be outstanding from each bank with respect to Penn is as follows:

Warren National Bank, Warren, Pa	$550,000
The First National Bank of Erie, Pa	1,300,000
Marine National Bank, Erie, Pa	500,000
Marine Midland Chautauqua National Bank, Jamestown, N.Y.	500,000
The Pennsylvania Bank & Trust Co., Warren, Pa	350,000
Total	3,200,000

The estimated fees and expenses to be paid by National in connection with the proposed debentures are estimated to aggregate $51,000, including accounting fees of $3,500, $10,250 for legal services, and $7,500 for management consultants. The fees and expenses of independent counsel for the underwriters, which are to be paid by the successful bidder, are estimated at $12,000. The fees and expenses in connection with the proposed notes are estimated at $1,250 for National, $3,820 for Iroquois, $510 for United, and $510 for Penn.

The proposed issue and sale of long-term notes by Iroquois are subject to the jurisdiction of the Public Service Commission of New York, the State commission of the State in which Iroquois is organized and doing business; the proposed issue and sale of long-term notes by United and Penn are subject to the jurisdiction of the Pennsylvania Public Utility Commission, the State commission of the State in which both United and Penn are organized and doing business. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 11, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing 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. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-7902; Filed, July 3, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 19, Amdt. 1]

SOUTHERN PORTS FOREIGN FREIGHT COMMITTEE

Petition for Approval of Amendments to Agreement

JULY 1, 1969.

The Commission is in receipt of a petition in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed June 16, 1969, by: L. E. Honath, Attorney-in-fact, Southern Ports Foreign Freight Committee, Room 343, Union Station, 516 West Jackson Boulevard, Chicago, Ill. 60606.

The amendments involve: Changes in the agreement consisting of Articles of Organization and Procedure so as to: (1) Establish an Executive Committee as the governing body, including power of review over the General Committee; (2) redesignate the Tariff Publishing Agent as a Tariff Publishing Officer; (3) list the current tariff publications; (4) name a new individual as chairman and attorney-in-fact for carrier parties; (5) revise the listing of carriers signatory to the agreement; (6) change the territorial applications to reflect abandonments of lines and amended concurrences; (7) substitute General Freight Traffic Committee—Eastern Railroads for abolished Central Territory Railroads—Freight Traffic Committee; (8) amend independent action provisions to cover action of the Executive Committee; and (9) make other incidental changes necessary to clarify or effectuate the foregoing changes.

The petition is docketed and may be inspected at the office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interests, and the position they intend to take with respect to the petition. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL] ANDREW ANTHONY, JR., *Acting Secretary.*

[F.R. Doc. 69-7918; Filed, July 3, 1969; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 1, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41684—*Livestock from and to points in southwestern and western trunkline territories.* Filed by Southwestern Freight Bureau, agent (No. B-51), for interested rail carriers. Rates on livestock, ordinary, in carloads, as described in the application, between points in southwestern territory; also between points in southwestern territory, on the one hand, and points in western trunkline territory, on the other.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 197 to Southwestern Freight Bureau, agent, tariff ICC 3962.

FSA No. 41685—*Phosphatic fertilizer solution from and to points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2592), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the application, between points in Wyoming, on the one hand, and points in western trunkline territory, on the other.

Grounds for relief—Modified short-line distance formula and grouping.

By the Commission.

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

[F.R. Doc. 69-7919; Filed, July 3, 1969; 8:46 a.m.]

[Notice 861]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 1, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 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 42487 (Sub-No. 723 TA), filed June 25, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concentrated sulfite spent liquor*, in bulk, in tank vehicles, from plantsites and facilities of Weyerhaeuser Co. located at Longview, Wash., to the plantsite of the Chevron-Asphalt Co. at Springdale, Pa., for 150 days. Supporting shipper: Weyerhaeuser Co., Tacoma, Wash. 98401. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 77424 (Sub-No. 37 TA), filed June 24, 1969. Applicant: WENHAM TRANSPORTATION, INC., 3200 East 79th Street, Cleveland, Ohio 44104. Applicant's representative: J. G. Bamer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc or zinc alloy anodes, ingots, pigs, slabs, or spelter*, from Josephtown, Pa., to Union City, Ind., for 150 days. Supporting shipper: St. Joseph Lead Co., 250 Park Avenue, New York, N.Y. 10017 (Mr. Leonard Smith, Assistant Traffic Manager). Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 8544 (Sub-No. 24 TA), filed June 25, 1969. Applicant GALVESTON TRUCK LINE CORPORATION, 7415 Wingate, Houston, Tex. 77011. Applicant's representative: Desmond Barry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, caps, covers, cartons, and related commodities*, from Waco, Tex., to points in Oklahoma, for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: Owens-Illinois, Inc. (Mr. Noley B. Pauley, Manager), Glass Container Division, Post Office Box 1035, Toledo, Ohio 43601. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 121533 (Sub-No. 4 TA), filed June 17, 1969. Applicant: WESTERN HAULING, INC., Post Office Box 3001, Seattle, Wash. 98114. Applicant's representative: George Kargianis, 609-11 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over irregular routes, between Seattle, Wash., on the one hand, and, on the other, points in Washington; (1) *grain*, over irregular routes, from points in Washington east of the Cascade Range to Seattle, Tacoma, and Everett, Wash.; (2) *feed*, over irregular routes, from Seattle, and Tacoma, Wash., to Walla Walla, Spokane, Moses Lake, Yakima, Quincy, and Ephrata, Wash.; (3) *fertilizer*, over irregular routes, from Seattle and Tacoma, Wash., to Spokane, Moses Lake, and Quincy, Wash., and points within 5-mile radius of said cities; (4) *scrap metal*, over irregular routes, (a) from points in Grant, Okanogan, Chelan, Spokane, Pierce, Kipsap, Whatcom, Clark, and Snohomish Counties, Wash., to Seattle, Wash.; (b) from Seattle, Wash., to Spokane, Wash.; (5) *heavy machinery*, over irregular routes, between points in Washington; (6) *hay, straw, grain, and seed*, over irregular routes, between points in Washington; (7) *building materials*, except cement in bulk, in tank or bottom dump vehicles or similar specialized equipment, over irregular routes, between points in Washington; (8) *building hardware supplies*, over irregular routes, between points in Washington; (9) *fruits and vegetables*, over irregular routes, between points in Yakima and Kittitas Counties, Wash., on the one hand, and, on the other, points in King, Pierce, Yakima, Spokane, and Chelan Counties, Wash.; (10) *peat and/or peat moss*, in bags, bales, and cartons and/or boxes, over irregular routes, between points in Washington west of the Cascade Range; from points in Washington west of the Cascade Range to points in Washington east of the Cascade Range; (11) *box shook*, over irregular routes, (a) between points in Yakima County, Wash., on the one hand, and, on the other, points in Benton County, Wash.; (b) between Spokane, Wash., and points in Benton County, Wash., for 180 days. Supporting shippers: There are approximately 17 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 126853 (Sub-No. 2 TA), filed June 25, 1969. Applicant: ARNOLD PRINCL, doing business as PRINCL TRANSFER LINES, Mishicot, Wis. 54228. Applicant's representative: Frank M. Coyne, Bank of Madison Building, 1 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road asphalts and residual fuel oils*, from Superior, Wis., to points in Minnesota on and north of U.S. 12, and all points in Upper Peninsula of Michigan, for 180 days. Supporting shipper: Murphy Oil Corp., Marketing Division, Post Office Box 2066, Superior, Wis. 54880 (William E. Zachau, Terminal Superintendent). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 133106 (Sub-No. 1 TA), filed June 25, 1969. Applicant: NATIONAL CARRIERS, INC., 301 Central Avenue, Box 18071, Kansas City, Kans. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. 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 as described in sections A and C of Appendix I to the *Descriptions case*, 61 M.C.C. 209 and 766, from the plantsite, warehouses, and storage facilities used by National Beef Packing Co. at Kansas City, Kans., to points in Nevada, Utah, Colorado, Ohio, West Virginia, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, District of Columbia, Alabama, Georgia, and Florida; from the plantsite, warehouses, and storage facilities used by National Beef Packing Co. at or near Liberal, Kans., to points in Washington, Oregon, Idaho, Nevada, Utah, Colorado, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky, Ohio, West Virginia, Virginia, Maryland, Delaware, District of Columbia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, for 180 days. Supporting shipper: National Beef Packing Co., Inc., 300 Central Avenue, Kansas City, Kans. 66118. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 133631 (Sub-No. 1 TA), filed June 25, 1969. Applicant: AAA DELIVERY SYSTEMS, INC., Box 1148, Flint, Mich. 48501. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, commodities requiring special equipment, commodities of unusual value, household goods, and classes A and B explosives), from Flint, Mich., to points within 75 miles thereof, restricted to merchandise sold by retail catalog sale, for 180 days. Supporting shipper: J. C. Penney Co., Inc., 11800 West Burleigh Street, Milwaukee, Wis. 53213. Send protests to: Gerald J. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 133738 (Sub-No. 1 TA), filed June 25, 1969. Applicant: KEN STONE TRUCK LINES, INC., Post Office Box 261, Johnsonville, S.C. 29555. Applicant's representative: Louis E. Condon, 42 Broad Street, Charleston, S.C. 29401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Charleston, S.C., to points in North Carolina and Georgia, for 150 days. Supporting shipper: Planters Fertilizer, Division of Columbia Nitrogen Corp., Augusta, Ga. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

By the Commission.

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

[F.R. Doc. 69-7920; Filed, July 3, 1969; 8:47 a.m.]

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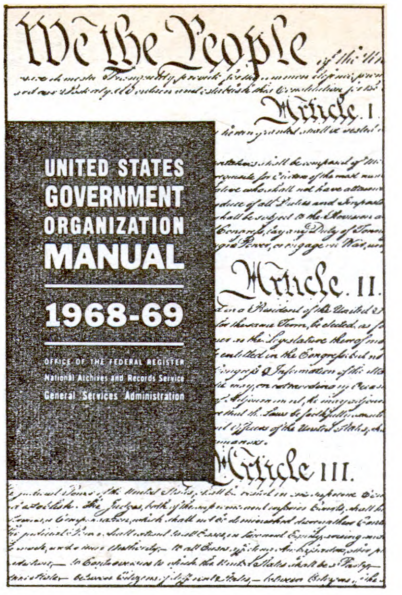

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FEDERAL REGISTER

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Tuesday, July 8, 1969 • Washington, D.C.
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NOTICE

New Location of Federal Register Office.

The Office of the Federal Register is now located at 633 Indiana Ave. NW., Washington, D.C. Documents transmitted by messenger should be delivered to Room 405, 633 Indiana Ave. NW. Other material should be delivered to Room 400.

Mail Address.

Mail address remains unchanged: Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

Public Inspection of Documents.

Documents filed with the Office of the Federal Register are available for public inspection in Room 405, 633 Indiana Ave. NW., Washington, D.C., on working days between the hours of 9 a.m. and 5 p.m.

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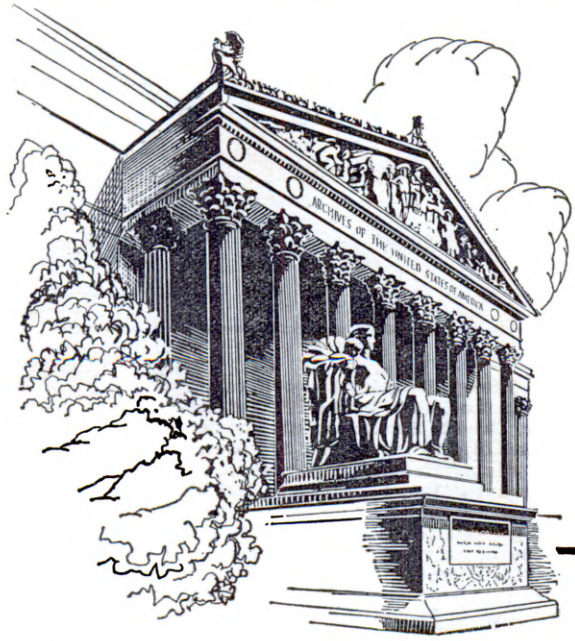

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Title 7—AGRICULTURE

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

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

Changes in Approved Laboratory Charges

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading and Inspection of Egg Products (7 CFR Part 55) as set forth below:

Statement of considerations. In the amendments published in the FEDERAL REGISTER (34 F.R. 8229–8233) on May 28, 1969, a new § 55.65 was added to the Regulations Governing the Grading and Inspection of Egg Products (7 CFR Part 55), to provide for an approval charge and an annual renewal charge for non-USDA laboratories performing Salmonella tests. The charges as stated in the amendment are $400 at the time the approval is requested, and a $400 renewal charge each July 1st.

Upon further examination of factors involved in the costs of furnishing supervision to these approved laboratories, it has been determined that a part of the costs could be derived from the administrative charges. This can be achieved without any change being made in supervision or adjustments in other fees or charges. Therefore, based on these determinations, it is found that these charges can be reduced to $200.

The amendment is as follows:

Section 55.65 is amended by deleting the figures $400 where they appear in the text of this section and substituting in lieu thereof the figures $200.

The facts upon which are based the determination as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department. Therefore, public rule making would not result in the Department receiving additional information on this matter. Accordingly, pursuant to 5 U.S.C. 553 it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary.

Issued at Washington, D.C., this 1st day of July 1969, to become effective on July 1, 1969.

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

[F.R. Doc. 69-7972; Filed, July 7, 1969; 8:47 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[Interpretation 27]

PART 362—REGULATIONS FOR ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Labeling Claims Involving Use of Term "Germ Proof" and Related Terms in Labeling of Economic Poisons

There was published in the FEDERAL REGISTER on April 5, 1969 (34 F.R. 5537), a notice of proposed interpretation under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135–135k) regarding labeling claims involving the use of the term "Germ Proof" and related terms in labeling of economic poisons.

Forty-five days were permitted for interested persons to submit written data, views, or arguments in connection with this matter. After thorough consideration of all relevant matters, Interpretation 27 is issued to read as follows:

§ 362.125 Interpretation with respect to the term "germ proof" and related terms used in labeling of economic poisons.

For the purposes of the Act, the following terms shall have the meanings stated below:

(a) The terms "germ proof" and "germ proofed", referring to any surfaces, materials or articles, indicate the existence of actively germicidal or self disinfecting properties.

(b) The terms "germ proofs" and "germ proofer" mean that, when applied as directed, the economic poison will provide a germicidal or disinfecting result, and also provide treated surfaces, articles or materials with germ proof or germ proofed properties.

(c) The term "germ proofing" means a process that will, when followed, disinfect and provide germ proof and germ proofed surfaces, materials and articles.

(Sec. 6, 61 Stat. 168, 7 U.S.C. 135d; 29 F.R. 16210, as amended; 7 CFR 362.3)

Effective date. This interpretation shall become effective 30 days after publication in the FEDERAL REGISTER on which date procedures set forth in section 4 of the Act (7 U.S.C. 135b) shall be instituted for cancellation of the registration of any product failing to comply with this interpretation.

Done at Washington, D.C., this 1st day of July 1969.

HARRY W. HAYS,
Director,
Pesticides Regulation Division.

[F.R. Doc. 69-7970; Filed, July 7, 1969; 8:47 a.m.]

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

[Orange Reg. 62, Amdt. 6]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

Order. In § 905.512 (Orange Reg. 62; 33 F.R. 18227; 34 F.R. 246, 925, 5374, 5481, 6277), the provisions of subdivisions (i) through (vi) of paragraph (a)(2) are amended to read as follows:

§ 905.512 Orange Regulation 62.

(a) * * *
(2) * * *

(i) Any oranges, except Temple and Murcott Honey oranges, grown in Regulation Area I, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, except Temple and Murcott Honey oranges, grown in Regulation Area II, which do not grade at least U.S. No. 2 Russet;

(iii) Any oranges, except Temple and Murcott Honey oranges, grown in the production area, which are of a size smaller than 2^{16}/$_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2^{4}/$_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2^{10}/$_{16}$ inches in diameter and smaller;

(iv) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(v) Any Temple oranges, grown in the production area, which are of a size smaller than 2^{4}/$_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos;

(vi) Any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

* * * * *

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

Dated, July 2, 1969, to become effective July 7, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–7973; Filed, July 7, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1539]

PART 13—PROHIBITED TRADE PRACTICES

Blair's Television & Music Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.125 *Limited offers or supply;* § 13.155 *Prices:* 13.155–10 Bait; 13.155–100 Usual as reduced, special, etc. Subpart—Misrepresenting oneself and goods—Goods: § 13.1747 *Special or limited offers;* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait;* § 13.1825 *Usual as reduced or to be increased.*

(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, Blair's Television & Music Co., Inc., et al., Chevy Chase, Md., Docket C–1539, June 4, 1969]

In the Matter of Blair's Television & Music Co., Inc., a Corporation, Blair's T.V.—Chevy Chase, Inc., a Corporation, and C. Kemp Devereux, Individually and as an Officer of Said Corporations

Consent order requiring a Chevy Chase, Md., appliance dealer to cease using bait and switch tactics, misrepresenting that offers to sell are limited, and using deceptive pricing in the sale of its T.V. sets.

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

It is ordered, That respondents Blair's Television & Music Co., Inc., a corporation, Blairs T.V.—Chevy Chase, Inc., a corporation, and their officers, and C. Kemp Devereux, individually and as an officer of said corporations, 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 any other merchandise or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services at the prices and on the terms and conditions stated.

2. Using any advertising, sales plan or procedure wherein false, misleading, or deceptive representations are made to attract prospective purchasers to respondents' place of business or to induce the sale of merchandise or services.

3. Disparaging, in any manner, or discouraging the purchase of any merchandise advertised.

4. Advertising merchandise for sale which is not available in quantities sufficient to meet reasonably anticipated demand, unless such advertising clearly and conspicuously discloses the number of units in stock, the location of such units, and the duration of the offer.

5. Representing, directly or by implication, through the use of terms such as "Television Sale," or in any other manner, that any price is reduced from respondents' former price unless respondents' business records establish and show that such price constitutes a significant reduction from the price at which such merchandise has been sold in substantial quantities or offered for sale in good faith for a reasonably substantial period of time, by respondents in the recent, regular course of their business.

6. Falsely representing, in any manner, that savings are available to purchasers or prospective purchasers of respondents' merchandise, or misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise.

7. Representing, directly or by implication, that respondents' merchandise is being offered for sale at a stated price for a limited period of time when such merchandise is being offered at the same or substantially the same price for a period of time different from that represented.

8. Representing, directly or by implication, that any offer of respondents is limited or restricted in any manner unless such offer is in fact limited or restricted in the manner represented and unless such limitation or restriction is in good faith adhered to by respondents.

9. 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 respondents' merchandise or services, 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 corporations shall forthwith distribute a copy of this order to each of their 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: June 4, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–7956; Filed, July 7, 1969; 8:46 a.m.]

[Docket No. C–1540]

PART 13—PROHIBITED TRADE PRACTICES

Waverly Fashions, Inc., et al.

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:* 13.1852–80 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; 15 U.S.C. 45, 68) [Cease and desist order, Waverly Fashions, Inc., et al., New York, N.Y., Docket C–1540, June 4, 1969]

In the Matter of Waverly Fashions, Inc., a Corporation, Petite Town, Inc., a Corporation, Lady Janet, Inc., a Corporation, Miss Janet, Inc., a Corporation, and Samuel Sosne, Jacob Sosne, and Philip Sosne, Individually and as Officers of Waverly Fashions, Inc., and Petite Town, Inc.

Consent order requiring four affiliated New York City manufacturers of ladies'

coats to cease misbranding the fiber content of its wool products.

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

It is ordered, That respondents Waverly Fashions, Inc., a corporation, and its officers, Petite Town, Inc., a corporation, and its officers, Lady Janet, Inc., a corporation, and its officers, Miss Janet, Inc., a corporation, and its officers, and Samuel Sosne, Jacob Sosne, and Philip Sosne, individually and as officers of Waverly Fashions, Inc., and Petite Town, Inc., and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the 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 such 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 affix labels to samples, swatches or specimens of wool products used to promote or effect the sale of wool products, showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(a)(2) of the Wool Products Labeling Act of 1939.

4. Failing to set forth separately the fiber content of interlining as part of the required information on stamps, tags, labels or other marks of identification on such garments.

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

It is further ordered, That 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: June 4, 1969.

By the Commission.

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

[F.R. Doc. 69-7957; Filed, July 7, 1969; 8:46 a.m.]

[Docket No. C-1542]

PART 13—PROHIBITED TRADE PRACTICES

Young Heritage, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-90 Wool 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:* 13.1852-80 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; 15 U.S.C. 45, 68) [Cease and desist order, Young Heritage, Inc., et al., New York, N.Y., Docket C-1542, June 10, 1969]

In the Matter of Young Heritage, Inc., a Corporation, and David Freedman, Harold Steinberg, and Sheldon Raywood, Individually and as Officers of Said Corporation

Consent order requiring a New York City clothing manufacturer to cease misbranding and falsely guaranteeing its wool products.

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

It is ordered, That respondents Young Heritage, Inc., a corporation, and its officers, and David Freedman, Harold Steinberg, and Sheldon Raywood, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the 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 such 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 content, 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 Young Heritage, Inc., a corporation, and its officers, and David Freedman, Harold Steinberg, and Sheldon Raywood, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any wool product is not misbranded under the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder when there is reason to believe that any wool product so guaranteed may be introduced, sold, transported or distributed in commerce, as the term "commerce" is defined in the aforesaid Act.

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

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

Issued: June 10, 1969.

By the Commission.

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

[F.R. Doc. 69-7958; Filed, July 7, 1969; 8:46 a.m.]

Title 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 201—CLASSIFICATION OF PUBLIC COAL LANDS

Part 201 of Chapter II of Title 30 of the Code of Federal Regulations is revoked.

WALTER J. HICKEL, *Secretary of the Interior.*

JUNE 27, 1969.

[F.R. Doc. 69-7962; Filed, July 7, 1969; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 62—ILLEGAL OR IMPROPER USE OF DRUGS BY MEMBERS OF THE ARMED FORCES

Miscellaneous Amendments

Sections 62.3(c), 62.5(a)(4), and 62.6 are amended as follows:

1. Paragraph (c) of § 62.3 is revised to read as follows:

§ 62.3 Definitions.

* * * * *

(c) *Dangerous drugs.* Those nonnarcotic drugs that are habit-forming or have a potential for abuse because of their stimulant, depressant, or hallucinogenic effect, as determined by the Secretary of Health, Education, and Welfare or the Attorney General of the United States.

* * * * *

2. New subdivision (iv) is added to § 62.5(a)(4) as follows:

§ 62.5 Responsibilities.

(a) *Overall program.* * * *

(4) The Secretaries of the Military Departments and Directors of Defense Agencies shall:

* * * * *

(iv) Insure that military commanders take action for making proper notations in each individual's appropriate personnel record at the time of attending the initial and the preoverseas departure drug orientation programs.

* * * * *

3. Section 62.6, as amended, now reads as follows:

§ 62.6 Films on drugs and narcotics.

The following is a list of motion picture films currently available and being produced:

NAVY

MN 10507 "LSD"
MC 7962 "Drug Addiction, Trip to Where"

AIR FORCE

SFP "The Hang-up"
SFP "Narcotics, Why Not"
SFP "LSD" (Navy adaption)

ARMY

"Narcotics"
Narcotics—A Challenge to Youth
Monkey on the Back
CBS Reports—The Business of HEROIN
The Dangerous Drugs
Investigation of Narcotics Offense

DOD

"People vs Pot" (being produced)

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-7941; Filed, July 7, 1969; 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER C—PUBLIC RELATIONS

PART 826—GIFTS FROM FOREIGN GOVERNMENTS TO MEMBERS AND CIVILIAN EMPLOYEES OF THE UNITED STATES AIR FORCE

Part 826 is revised as follows:

Sec.
826.0 Purpose.
826.2 Gifts not covered by this part.
826.4 Definitions.
826.6 Constitutional and statutory provisions.
826.8 General policy and procedure.
826.10 Special policy on gifts tendered to members of Military Assistance Programs.

AUTHORITY: The provisions of this Part 826 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 11-27, Mar. 19, 1968.

§ 826.0 Purpose.

This part sets forth the rules relating to the acceptance of gifts from foreign governments by Air Force personnel. It applies to all members and civilian employees of the U.S. Air Force, and to each person who is a member of their family and household.

§ 826.2 Gifts not covered by this part.

This part applies only to gifts from foreign governments to members and civilian employees of the U.S. Air Force and to members of their family and household. It does not apply to:

(a) Gifts to the Department of the Air Force, or gifts for distribution to individual members or employees of the Air Force.

(b) Gifts to nonappropriated fund activities.

(c) Gifts to superiors and gifts which constitute a conflict of interest.

(d) Purely personal gifts from family and friends to Air Force personnel and not specifically prohibited by law or regulation.

(e) Awards and decorations.

§ 826.4 Definitions.

For the purpose of this part, the following apply:

(a) *Foreign government.* Every foreign government and every official, agent, or representative thereof.

(b) *Gift.* Any present or thing (other than any decoration, order, device, medal, badge, insignia, or emblem) tendered by or received from a foreign government.

(c) *Gift of minimal value.* Any present or thing (other than a decoration, order, device, medal, badge, insignia, or emblem) tendered or received from a foreign government which has a retail value not in excess of $50 in the United States.

(d) *Member of the United States Air Force.* All members of the Air Force on active duty, retired members of the regular component of the Air Force who are entitled to pay, and all members of the reserve components of the Air Force, whether or not on active duty.

(e) *Person.* Every person who occupies an office or a position in the Department of the Air Force, or is a member of the U.S. Air Force, or is a member of the family and household of any such person. For the purpose of this definition "member of the family and household" means a relative by blood, marriage, or adoption, who is a resident of the household.

§ 826.6 Constitutional and statutory provisions.

(a) *Constitutional prohibition.* The Constitution of the United States prohibits any person holding any office of profit or trust under the United States from accepting a gift from foreign personages and governments without the consent of Congress (U.S. Const., Art. 1, cl. 8).

(b) *Statutory authority to accept gifts from a foreign government.* Under Public Law 89-673, October 15, 1966, Congress gave its consent to the acceptance and retention of a gift of minimal value which has been presented to a person by a foreign government as a souvenir or mark of courtesy.

§ 826.8 General policy and procedure.

No person shall request or otherwise encourage the tender of a gift from a foreign government.

(a) *Acceptance and retention of gifts of minimal value.* Except as provided in § 826.10, a person may physically assume possession of a gift of minimal value presented by a foreign government, but the recipient will ask for approval to retain the gift. The burden of proof is on the recipient, to establish that the retail value of the gift does not exceed $50 in the United States.

(1) *Letter requesting approval to retain gift.* The letter of request will include the name, grade/title, and the organization to which the recipient is assigned; a description of the gift, and a statement of its U.S. retail value; a summary of the circumstances surrounding the presentation of the gift, including the name, grade/title of the person who presented it; and a statement as to whether the recipient was assigned duties in connection with the Military Assistance Program.

(2) *Approval authority.* The above letter request must be submitted to the following approval authority:

(i) An active duty member of the U.S. Air Force, or Department of the Air Force civilian, who is assigned/employed in CONUS will send the request to the commander of the major command of assignment/employment.

(ii) An active duty member of the U.S. Air Force, or Department of the Air Force civilian who is assigned/employed outside CONUS, will send the request to the commander of the oversea major command in which the recipient is located.

(iii) Any other member of the U.S. Air Force, or Department of the Air Force civilian, who is not covered by the above procedure will send the request to USAFMPC (AFPMSAM), Randolph AFB TX 78148.

(iv) Any member of the family and household of a member/civilian in subdivision (i), (ii), or (iii) of this subparagraph, will send the request to the same approval authority as is established for the sponsor.

(3) *Action by the approval authority.* The approval authority, under such procedures as he may prescribe, will review each request for the retention of a gift of minimal value which the recipient has accepted from a foreign government, to insure that its retention is not prohibited under this part or any other Federal policy, directive, or provision of law.

(i) The approval authority will advise the recipient by letter if the request is approved, for retention of the gift item. If he determines that the recipient may not retain the gift, he will notify the recipient by letter that the gift may not be retained, but is to be treated as a gift to the United States. A copy of the letter disapproving the request will be forwarded by the approval authority to USAFMPC (AFPMSAM).

(ii) The recipient will then forward the gift, together with all of the above correspondence, to USAFMPC (AFPMSAM) as explained below.

(b) *Disposition of gifts of more than* a minimal value. If a gift of more than minimal value is tendered, the donor should be advised that it is contrary to the policy of the U.S. Government for persons in the service thereof to accept substantial gifts. If, however, the refusal of such a gift would be likely to cause offense or embarrassment to the donor, or would adversely affect the foreign relations of the United States, the gift may be accepted and shall become the property of the United States and be deposited with the Air Force for use or disposition.

(1) *Action by the recipient.* Upon receiving a gift item of more than minimal value from a foreign government, the recipient will forward the gift item to USAFMPC (AFPMSAM) with a letter. This letter will give the recipient's name, grade/title, and organization of assignment; the circumstances under which the gift was tendered, including the date and place of the presentation, the estimated retail value of the gift in the United States; and the name, grade/title of the foreign official making the presentation.

(2) *Action by USAFMPC (AFPMSAM).* Upon receipt of a gift item which has become the property of the United States, the USAFMPC (AFPMSAM) will dispose of the gift, as prescribed by the DoD (reference: paragraph VI B, DoD Directives 1005.3, September 16, 1967).

§ 826.10 Special policy on gifts tendered to members of Military Assistance Programs.

(a) *Prohibition of acceptance of gifts and participation in ceremonies.* Any person performing any duty whatsoever in connection with the Military Assistance Program, regardless of assignment, may not accept the tender of any gift from a foreign government for duty of this nature. Accordingly, participation in ceremonies involving such tender is not authorized. In order to avoid embarrassment, the appropriate foreign officials should be acquainted with this prohibition.

(b) *Exceptions for gifts whose retail value does not exceed $10 in the United States.* The prohibition in paragraph (a) of this section does not apply to the receipt of a table favor, memento, remembrance, souvenir, or mark of courtesy from a foreign government if the retail value of the gift item is not more than $10 in the United States. (In this case, however, the recipient must write a letter, as required by § 826.8 requesting permission to retain the gift.)

(c) *Exceptions for certain officials.* The prohibition in paragraph (a) of this section does not apply to the receipt of a gift by the Vice Chief of Staff of the Air Force; the Commander-in-Chief of a unified/specified command; the Under Secretary of the Department of the Air Force; the Chief of Staff of the Air Force; or a higher ranking Air Force official.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-7939; Filed, July 7, 1969; 8:45 a.m.]

PART 830—PROFESSIONAL ENTERTAINMENT PROGRAM IN OVERSEAS AREAS

Miscellaneous Amendments

Subchapter C of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 830.2(c) is amended to read as follows:

§ 830.2 Air Force oversea entertainment policy.

* * * * *

(c) Entertainment units that exceed the maximum criteria for type, size, and number indicated by the oversea commanders will not be furnished without prior approval of the commander concerned.

* * * * *

2. Section 830.3 is revised to read as follows:

§ 830.3 Program responsibilities.

(a) As directed by the Secretary of Defense, the Secretary of the Army is responsible for determining, coordinating, and administering the Armed Forces Professional Entertainment Program.

(b) Under the supervision of the Deputy Chief of Staff/Personnel, Department of the Army, a joint activity has been established in the Office of The Adjutant General, known as the Armed Forces Professional Entertainment Office (AFPEO), to coordinate and administer the professional entertainment program. This activity will:

(1) Determine the extent and scope of the program annually in conjunction with representatives of the other military departments and the Office of the Assistant Secretary of Defense (Manpower).

(2) Provide all services relative to accepting, rejecting, processing for travel, and otherwise making units available for oversea commands. Strict compliance with this provision is necessary to avoid embarrassment to the Department of Defense.

(3) Arrange for transportation within the United States and for military air transportation from the aerial port of embarkation to the oversea command and return. No military transportation will be provided to or from an oversea area for troop entertainment except as authorized by the AFPEO.

3. A new § 830.3a is added to read as follows:

§ 830.3a Financial support.

(a) The extent and scope of the Armed Forces Professional Entertainment Program are established annually by the Department of the Army with the advice of the other services. The mutually approved budget covering continuing costs (actual travel and subsistence costs of entertainers while touring Armed Forces installations and salaries of clerical personnel of the AFPEO to administer this program) is supported by the services as follows:

(1) Air Force	43.5 percent.
(2) Army	43.5 percent.
(3) Navy	6.5 percent.
(4) Marine Corps	6.5 percent.

(b) The Air Force representative assigned to the AFPEO will advise the Directorate of Personnel Services—USAFMPC (AFPMS), Randolph AFB TX 78148—of the Air Force's pro rata share of the annual costs in support of this program.

(c) The Directorate of Personnel Services will budget annually for the Air Force portion of the mutually approved budget.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)
[AFR 215-10, Aug. 7, 1968]

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-7940; Filed, July 7, 1969; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Glen Canyon National Recreation Area, Utah-Ariz.; Boat Sanitary Equipment

A proposal was published on page 5743 of the FEDERAL REGISTER of March 27, 1969, to amend § 7.70 of the Code of Federal Regulations. The purpose of the amendment is to establish boat sanitation equipment requirements to insure

conformity with § 3.17 of Title 36, Code of Federal Regulations, which deals with water sanitation.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. Consideration having been given to all relevant matters presented, it has been determined that the amendment should be and is hereby adopted without change and it is set forth below. This amendment shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

Paragraph (c) of § 7.70 is added to read as follows:

§ 7.70 Glen Canyon National Recreation Area.

* * * * *

(c) *Water sanitation.* All vessels with marine toilets so constructed as to permit wastes to be discharged directly into the water shall have such facility sealed to prevent discharge. Chemical or other type marine toilets with approved holding tanks or storage containers shall be permitted but will be discharged or emptied only at designated sanitary pumping stations.

WILLIAM J. BRIGGLE,
Superintendent, Glen Canyon National Recreation Area.

[F.R. Doc. 69-7967; Filed, July 7, 1969; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 234—FINANCIAL ASSISTANCE TO INDIVIDUALS

Institutional Services in Intermediate Care Facilities

Correction

In F.R. Doc. 69-7400, appearing at page 9782, in the issue for Tuesday, June 24, 1969, in the second line of § 234.130(d)(2)(i), the word "situation" should read "institution".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

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

Treaties and Other International Agreements Relating to Radio

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

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

3. *It is ordered,* Effective July 10, 1969, that Part 2 of the rules and regulations is amended as set forth below.

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

Adopted: July 1, 1969.

Released: July 2, 1969.

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

1. Section 2.601 is amended to read as follows:

§ 2.601 General.

This subpart is corrected to July 1, 1969. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.

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

§ 2.603 Treaties and other international agreements relating to radio.

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

Date	Citations	Subject
1925	IV Trenwith 4248, 4250 and 4251. TS 724-A.	US-UK (also for Canada and Newfoundland) Bilateral Arrangements providing for the Prevention of Interference by Ships off the Coasts of these Countries with Radio Broadcasting. Effected by exchange of notes Sept. and Oct., 1925. Entered into force Oct. 1, 1925.
1928 and 1929	102 LNTS 143 TS 767-A.	US-Canada Arrangement governing Radio Communications between Private Experimental Stations. Effected by exchange of notes at Washington Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. Continued by the arrangement contained in EAS 62.
1929	IV Trenwith 4787 TS 777-A.	US-Canada (including Newfoundland) Arrangement relating to Assignment of High Frequencies of the North American Continent. Effected by exchange of notes at Ottawa Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Originally, Cuba was also a party to this arrangement, but by virtue of notice to the Canadian Government, it ceased to be a party effective Oct. 5, 1933.)
1934	49 Stat. 3555 EAS 66.	US-Peru Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Lima Feb. 16, and May 23, 1934. Entered into force May 23, 1934.
1934	48 Stat. 1876 EAS 62.	US-Canada Arrangement relative to Radio Communications between Private Experimental Stations and between Amateur Stations. Continues the arrangement contained in TS 767-A. Effected by exchange of notes at Ottawa Apr. 23, and May 2 and 4, 1934. Entered into force May 4, 1934.
1934	49 Stat. 3667 EAS 72.	US-Chile Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santiago Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.
1937	53 Stat. 1576 TS 938.	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 21, 1938, for Parts I, III and IV; Apr. 17, 1939, for Part II. Part II of the Convention (Inter-American Radio Office) terminated for all parties Dec. 20, 1958 (TIAS 4079).
1938	54 Stat. 1675 TS 949.	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City Dec. 8, 1938. Entered into force Oct. 8, 1939.
1939	53 Stat. 2157 EAS 143.	US-Canada Arrangement governing the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes at Washington Feb. 20, 1939. Entered into force Feb. 20, 1939.
1946	60 Stat. 1696 TIAS 1527.	US-USSR Agreement on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow May 24, 1946. Entered into force May 24, 1946.
1947	61 Stat. (4) 3800 TIAS 1726.	US-Canada Agreement providing for Frequency Modulation Broadcasting in Channels in the Radio Frequency Band 88-108 Mc/s. Effected by exchange of notes at Washington Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947.
1947	61 Stat. (4) 3416 TIAS 1676.	US-UN Agreement relative to Headquarters of the United Nations. Signed at Lake Success June 26, 1947. Entered into force Nov. 21, 1947. Supplemented by the agreement contained in TIAS 5961 which was signed Feb. 9, 1966.
1947	61 Stat. (3) 3131 TIAS 1652.	US-UK Agreement regarding Standardization of Distance Measuring Equipment. Signed at Washington Oct. 13, 1947. Entered into force Oct. 13, 1947.
1948	9 UST 621 TIAS 4044.	Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva Mar. 6, 1948. Entered into force Mar. 17, 1958. Modified by the amendments contained in TIAS 6285 and in TIAS 6490 adopted by the IMCO Assembly Sept. 15, 1964, and Sept. 28, 1965, respectively.
1949	3 UST (3) 3064 TIAS 2489.	Inter-American Radio Agreement between the United States and Canada and Other American Republics. Signed at Washington July 9, 1949. (Fourth Inter-American Radio Conference.) Entered into force Apr. 13, 1952, subject to the provisions of Article 13.
1949	3 UST (2) 2686 TIAS 2435.	London Telecommunications Agreement between the United States and Certain British Commonwealth Governments. Signed at London Aug. 12, 1949. Entered into force Feb. 24, 1950. Amended by the agreement contained in TIAS 2705 which was signed Oct. 1, 1952.
1950	3 UST (2) 2672 TIAS 2493.	US-Ecuador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Quito Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1950 and 1951	2 UST (1) 683 TIAS 2223.	US-Liberia Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Monrovia Nov. 9, 1950, and Jan. 8, 9 and 10, 1951. Entered into force Jan. 11, 1951.

Date	Citations	Subject
1950	11 UST 413 TIAS 4460.	North American Regional Broadcasting Agreement (NARBA). Signed at Washington Nov. 15, 1950. Entered into force Apr. 19, 1960. Effective between United States, Canada, Cuba, Dominican Republic, and the United Kingdom of Great Britain and Northern Ireland for the Bahama Islands. Ratification on behalf of Jamaica pending.
1951	3 UST (3) 3787 TIAS 2508.	US-Canada Convention relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country. Signed at Ottawa Feb. 8, 1951. Entered into force May 15, 1952.
1951 and 1952	3 UST (3) 3892 TIAS 2520.	US-Cuba Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Havana Sept. 17, 1951, and Feb. 27, 1952. Entered into force Feb. 27, 1952.
1951	3 UST (2) 2860 TIAS 2459.	US-Cuba Agreement concerning the Control of Electromagnetic Radiation. Effected by exchange of notes at Havana Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1952	3 UST (4) 4926 TIAS 2666.	US-Canada Agreement for the Promotion of Safety on the Great Lakes by Means of Radio. The agreement applies to vessels of all countries as provided for in Article 3. Signed at Ottawa Feb. 21, 1952. Entered into force Nov. 13, 1954.
1952	3 UST (3) 4443 TIAS 2594.	US-Canada Agreement relating to the Assignment of Television Frequency Channels along United States-Canadian Border. Effected by exchange of notes at Ottawa Apr. 23 and June 23, 1952. Entered into force June 23, 1952.
1952	3 UST (4) 5140 TIAS 2705.	London Revision (1952) of the London Telecommunications Agreement (1949) between the United States and Certain British Commonwealth Governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed Aug. 12, 1949.
1953	5 UST (3) 2840 TIAS 3138.	US-Canada Understanding relating to the Sealing of Mobile Radio Transmitting Equipment. Effected by exchange of notes at Washington Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953.
1956	7 UST 2179 TIAS 3617.	US-Panama Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Panama July 19 and Aug. 1, 1956. Entered into force Sept. 1, 1956.
1956	7 UST 2839 TIAS 3665.	US-Costa Rica Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington Aug. 13 and Oct. 19, 1956. Entered into force Oct. 19, 1956.
1956	7 UST 3159 TIAS 3694.	US-Nicaragua Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Managua Oct. 8 and 16, 1956. Entered into force Oct. 16, 1956.
1957	12 UST 734 TIAS 4777.	US-Mexico Agreement regarding Radio Broadcasting in the Standard Broadcast Band. Signed at Mexico Jan. 29, 1957. Entered into force June 9, 1961. Amended by the protocol contained in TIAS 6210 signed Apr. 13, 1966.
1957	9 UST 1037 TIAS 4079.	Multilateral Declaration between the United States and other Powers terminating Part II (Inter-American Radio Office) of the Inter-American Radio Communications Convention of Dec. 13, 1937 (TS–938). Signed at Washington Dec. 20, 1957. Entered into force Dec. 20, 1957. Additionally, a Contract on the Exchange of Notifications of Radio Broadcasting Frequencies between the Pan American Union, the United States and Other Powers was signed at Washington Dec. 20, 1957. Entered into force Jan. 1, 1958.
1958	9 UST 1091 TIAS 4089.	US-Mexico Agreement regarding Allocation of Ultra High Frequency Channels to Land Border Television Stations. Effected by exchange of notes at Mexico July 16, 1958. Entered into force July 16, 1958.
1958	10 UST 2423 TIAS 4390.	Telegraph Regulations (Geneva Revision, 1958). Annexed to the International Telecommunication Convention. Signed at Geneva Nov. 29, 1958. Entered into force Jan. 1, 1960.
1959	10 UST 1449 TIAS 4295.	US-Mexico Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Mexico July 31, 1959. Entered into force Aug. 30, 1959.
1959 and 1960	11 UST 257 TIAS 4442.	US-Honduras Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Tegucigalpa Oct. 26, 1959, and Feb. 17, 1960, and related note of Feb. 19, 1960. Entered into force Mar. 17, 1960.
1959	10 UST 3019 TIAS 4394.	US-Venezuela Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Caracas Nov. 12, 1959. Entered into force Dec. 12, 1959.
1959	12 UST 2377 TIAS 4893.	International Radio Regulations Annexed to the International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961. Revised by the Partial Revisions of the Radio Regulations, Geneva 1959, contained in TIAS 5603, TIAS 6332, and TIAS 6590 signed Nov. 8, 1963, Apr. 29, 1966, and Nov. 3, 1967, respectively.
1960	11 UST 1 TIAS 4399.	US-Haiti Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Port-au-Prince Jan. 4 and 6, 1960. Entered into force Feb. 5, 1960.
1960	16 UST 185 TIAS 5780.	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 17, 1960. Entered into force May 26, 1965. Corrections to certain annexes contained in TIAS 6284 signed Feb. 15, 1966.
1960	11 UST 2229 TIAS 4596.	US-Paraguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Asuncion Aug. 31, and Oct. 6, 1960. Entered into force Nov. 5, 1960.
1961	17 UST 1574 TIAS 6115.	US-Uruguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Montevideo Sept. 12, 1961. Entered into force Sept. 26, 1966.
1961	12 UST 1695 TIAS 4888.	US-Bolivia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at La Paz Oct. 23, 1961. Entered into force Nov. 22, 1961.
1962	13 UST 411 TIAS 5001.	US-El Salvador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at San Salvador Apr. 5, 1962. Entered into force May 5, 1962.
1962	13 UST 997 TIAS 5043.	US-Mexico Agreement relating to the Assignment of VHF Television Channels along United States-Mexican Border. Effected by exchange of notes at Mexico Apr. 18, 1962. Entered into force Apr. 18, 1962.
1962	13 UST 2418 TIAS 5205.	US-Canada Agreement relating to the Coordination and Use of Radio Frequencies above 30 Mc/s. Effected by exchange of notes at Ottawa Oct. 24, 1962. Entered into force Oct. 24, 1962. The technical annex to this agreement was revised by the agreement contained in TIAS 5833 signed June 16 and 24, 1965.
1963	14 UST 817 TIAS 5360.	US-Dominican Republic Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santo Domingo Apr. 18 and 22, 1963. Entered into force May 22, 1963.
1963	15 UST 887 TIAS 5603.	Partial Revision of the Radio Regulations, Geneva, 1959, Final Acts of the EARC to Allocate Frequency Bands for Space Radiocommunication Purposes. Signed at Geneva Nov. 8, 1963. Entered into force Jan. 1, 1965.
1963	14 UST 1751 TIAS 5483.	US-Colombia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Bogota Nov. 16 and 29, 1963. Entered into force Dec. 29, 1963.
1964	15 UST 1705 TIAS 5646.	US-Other Governments Agreement Establishing Interim Arrangements for a Global Commercial Communications Satellite System and Special Agreement. Done at Washington Aug. 20, 1964. Entered into force Aug. 20, 1964. Additionally, a Supplementary Agreement on Arbitration was done at Washington June 4, 1965. Entered into force Nov. 21, 1966.
1964	18 UST 1299 TIAS 6285.	Amendments to Articles 17 and 18 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at London Sept. 15, 1964. Entered into force Oct. 6, 1967.
1965	16 UST 821 TIAS 5816.	US-Brazil Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington June 1, 1965. Entered into force June 1, 1965.
1965	16 UST 923 TIAS 5833.	US-Canada Agreement regarding Coordination and Use of Radio Frequencies above 30 Mc/s Revising the Technical Annex to the Agreement of Oct. 24, 1962 (TIAS 5205). Effected by exchange of notes at Ottawa June 16 and 24, 1965. Entered into force June 24, 1965.
1965	16 UST 883 TIAS 5827.	US-Israel Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington July 7, 1965. Entered into force Aug. 6, 1965.
1965	TIAS 6490.	Amendment to Article 28 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at Paris Sept. 28, 1965. Entered into force Nov. 3, 1968.
1965	18 UST 575 TIAS 6267.	International Telecommunication Convention. Signed at Montreux Nov. 12, 1965. Entered into force with respect to the United States May 29, 1967.

Date	Citations	Subject
1966	17 UST 74 TIAS 5961.	US-UN Agreement regarding Headquarters of the United Nations Supplementing the Agreement of June 26, 1947 (TIAS 1676). Signed at New York Feb. 9, 1966. Entered into force Feb. 9, 1966. Amended by the agreement contained in TIAS 6176 signed Dec. 8, 1966.
1966	18 UST 1289 TIAS 6284.	Proces-Verbal of Rectification to Certain Annexes to the International Convention for the Safety of Life at Sea of June 17, 1960 (TIAS 5780). Done at London Feb. 15, 1966.
1966	18 UST 141 TIAS 6210.	US-Mexico Protocol regarding Radio Broadcasting in the Standard Broadcast Band Amending the Agreement of Jan. 29, 1957 (TIAS 4777). Signed at Mexico Apr. 13, 1966. Entered into Force Jan. 12, 1967.
1966	18 UST 2091 TIAS 6332.	Partial Revision of the Radio Regulations, Geneva, 1959, Final Acts of the EARC for the Preparation of a Revised Allotment Plan for the Aeronautical Mobile (R) Service. Signed at Geneva Apr. 29, 1966. Entered into force for the United States Aug. 23, 1967, except for the frequency allotment plan contained in Appendix 27 which shall enter into force Apr. 10, 1970.
1966	17 UST 2319 TIAS 6176.	US-UN Agreement regarding Headquarters of the United Nations Amending the Supplemental Agreement of Feb. 9, 1966 (TIAS 5961). Effected by exchange of notes at New York Dec. 8, 1966. Entered into force Dec. 8, 1966.
1967	18 UST 365 TIAS 6244	US-Argentina Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1967	18 UST 1201 TIAS 6268.	US-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations. Effected by exchange of notes at Ottawa Mar. 31 and June 12, 1967. Entered into force June 12, 1967. Amended by the agreement contained in TIAS 6626 signed Apr. 18, 1968, and Jan. 31, 1969.
1967	TIAS 6590.	Partial Revision of the Radio Regulations, 1959, Final Acts of the WARC to deal with Matters relating to the Maritime Mobile Service. Signed at Geneva Nov. 3, 1967. Entered into force Apr. 1, 1969.
1968 and 1969	TIAS 6626.	US-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations Amending the Agreement of Mar. 31 and June 12, 1967 (TIAS 6268). Effected by exchange of notes at Ottawa Apr. 18, 1968, and Jan. 31, 1969. Entered into force Jan. 31, 1969.

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

Date	Citations	Subject
1964	15 UST 1787 TIAS 5649.	US-Costa Rica Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Jose Aug. 17 and 24, 1964. Entered into force Aug. 24, 1964.
1965	16 UST 93 TIAS 5766.	US-Dominican Republic Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Santo Domingo Jan. 28 and Feb. 2, 1965. Entered into force Feb. 2, 1965.
1965	16 UST 165 TIAS 5777.	US-Bolivia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at La Paz Mar. 16, 1965. Entered into force Apr. 15, 1965.
1965	16 UST 181 TIAS 5779.	US-Ecuador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Quito Mar. 26, 1965. Entered into force Mar. 26, 1965.
1965	16 UST 817 TIAS 5815.	US-Portugal Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lisbon May 17 and 26, 1965. Entered into force May 26, 1965.
1965	16 UST 869 TIAS 5824.	US-Belgium Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Brussels June 15 and 18, 1965. Entered into force June 18, 1965.
1965	16 UST 973 TIAS 5836.	US-Australia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Canberra June 25, 1965. Entered into force June 25, 1965.
1965	16 UST 1160 TIAS 5860.	US-Peru Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lima June 28 and Aug. 11, 1965. Entered into force Aug. 11, 1965.
1965	16 UST 1746 TIAS 5900.	US-Luxembourg Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Luxembourg July 7 and 29, 1965. Entered into force July 29, 1965.
1965	16 UST 1131 TIAS 5856.	US-Sierra Leone Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Freetown Aug. 14 and 16, 1965. Entered into force Aug. 16, 1965.
1965	16 UST 1742 TIAS 5899.	US-Colombia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bogota Oct. 19 and 28, 1965. Entered into force Nov. 28, 1965.
1965	16 UST 2047 TIAS 5941.	US-UK Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at London Nov. 26, 1965. Entered into force Nov. 26, 1965.
1966	17 UST 328 TIAS 5978.	US-Paraguay Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Asuncion Mar. 18, 1966. Entered into force Mar. 18, 1966.
1966	17 UST 719 TIAS 6022.	US-France Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Paris May 5, 1966, with related notes of June 29 and July 6, 1966. Entered into force July 1, 1966.
1966	17 UST 813 TIAS 6038.	US-India Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at New Delhi May 16 and 25, 1966. Entered into force May 25, 1966.
1966	17 UST 760 TIAS 6028.	US-Israel Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington June 15, 1966. Entered into force June 15, 1966.
1966	17 UST 2426 TIAS 6189.	US-Netherlands Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at The Hague June 22, 1966. Entered into force Dec. 21, 1966.
1966	17 UST 1120 TIAS 6068.	US-Federal Republic of Germany Arrangement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bonn June 23 and 30, 1966. Entered into force June 30, 1966.
1966	17 UST 1039 TIAS 6061.	US-Kuwait Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Kuwait July 19 and 24, 1966. Entered into force July 19, 1966.
1966	17 UST 1560 TIAS 6112.	US-Nicaragua Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Managua Sept. 3 and 20, 1966. Entered into force Sept. 20, 1966.
1966	17 UST 2215 TIAS 6159.	US-Panama Agreement regarding Alien Amateur Radio Operators. Effected by exchange of note at Panama Nov. 16, 1966. Entered into force Nov. 16, 1966.
1966 and 1967	18 UST 525 TIAS 6259.	US-Honduras Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Tegucigalpa Dec. 29, 1966, Jan. 24 and Apr. 17, 1967. Entered into force Apr. 17, 1967.
1967	18 UST 554 TIAS 6264.	US-Switzerland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bern Jan. 12 and May 16, 1967. Entered into force May 16, 1967.
1967	18 UST 543 TIAS 6261.	US-Trinidad and Tobago Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at St. Ann's and Port of Spain Jan. 14 and Mar. 16, 1967. Entered into force Mar. 16, 1967.
1967	18 UST 361 TIAS 6243.	US-Argentina Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1967	18 UST 1661 TIAS 6309.	US-El Salvador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Salvador May 24 and June 5, 1967. Entered into force June 5, 1967.
1967	18 UST 1241 TIAS 6273.	US-Norway Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Oslo May 27 and June 1, 1967. Entered into force June 1, 1967.
1967	18 UST 1272 TIAS 6281.	US-New Zealand Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Wellington June 21, 1967. Entered into force June 21, 1967.
1967	18 UST 2499 TIAS 6348.	US-Venezuela Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Caracas Sept. 18, 1967. Entered into force Oct. 3, 1967.
1967	18 UST 2878 TIAS 6378.	US-Austria Agreement regarding Alien Amateur Radio Operators. Done at Vienna Nov. 21, 1967. Entered into force Dec. 21, 1967.
1967	18 UST 2882 TIAS 6380.	US-Chile Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington Nov. 30, 1967. Entered into force Dec. 30, 1967.
1967	18 UST 3153 TIAS 6406.	US-Finland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Helsinki Dec. 15 and 27, 1967. Entered into force Dec. 27, 1967.
1968	TIAS 6622.	US-Monaco Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Nice and Paris Mar. 29, and Oct. 16, 1968. Entered into force Dec. 1, 1968.
1968	TIAS 6494.	US-Guyana Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Georgetown May 6 and 13, 1968. Entered into force May 13, 1968.
1968	TIAS 6553.	US-Barbados Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bridgetown Sept. 10 and 12, 1968. Entered into force Sept. 12, 1968.

Date	Citations	Subject
1968	TIAS 6566.	US-Ireland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Dublin Oct. 10, 1968. Entered into force Oct. 10, 1968.
1968	TIAS 6654.	US-Indonesia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Djakarta Dec. 10, 1968. Entered into force Dec. 10, 1968.
1969		US-Sweden Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Stockholm May 27, and June 2, 1969. Entered into force June 2, 1969.

* * * * * * *

[F.R. Doc. 69-7927; Filed, July 7, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

LAKE MEAD NATIONAL RECREATION AREA, ARIZONA-NEVADA

Boat Sanitary Equipment

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), 245 DM–I (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4225), Regional Director, Southwest Regional Order No. 4 (31 F.R. 8134), as amended, it is proposed to amend § 7.48 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to establish boat sanitation equipment requirements to insure conformity with § 3.17 of Title 36, Code of Federal Regulations, which deals with water sanitation.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Lake Mead National Recreation Area, Post Office Box 127, 601 Nevada Highway, Boulder City, Nev. 89005, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Paragraph (d) of § 7.48 is added to read as follows:

§ 7.48 Lake Mead National Recreation Area.

* * * * *

(d) *Water sanitation.* (1) No person shall launch, operate, or maintain in or upon any waters within the boundary of Lake Mead National Recreation Area, any vessel so constructed and/or equipped as to allow or be capable of allowing the discharge from toilets, holding tanks, sinks, or other similar facilities into the said waters through the vessel hull.

(2) Depositing by any direct or indirect means of any waste or refuse in or upon said waters or in or upon any lands adjacent to such waters is prohibited.

(3) All wastes and refuse, regardless of kind, will only be disposed of, or emptied into, designated sanitary dumping stations, or other appropriate collection facilities provided at docks, marinas or other specified places.

C. E. JOHNSON,
Acting Superintendent,
Lake Mead National Recreation Area.

[F.R. Doc. 69–7961; Filed, July 7, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 301]

CEREAL LEAF BEETLE

Supplemental Notice of Public Hearing Regarding Proposed Quarantine in Certain States

On June 4, 1969, there was published in the FEDERAL REGISTER (34 F.R. 8923) a notice of public hearing in accordance with sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), to consider quarantining the States of Kentucky, New York, and West Virginia, and regulating, under the cereal leaf beetle quarantine and supplemental regulations (7 CFR 301.84, 301.84–1, et seq.), the interstate movement from these States into or through any other State, territory, or district of the United States of: (1) Small grains, such as barley, oats, and wheat, except grain sorghum; (2) soybeans; (3) ear corn (shelled corn is not regulated); (4) straw and hay, including marsh hay, except pelletized hay; (5) grass sod; (6) grass and forage seed; (7) fodder and plant litter; (8) used harvesting machinery; and (9) any other products, articles, or means of conveyance of any character whatsoever, when it is determined by an inspector that they present a hazard of spread of cereal leaf beetle, and the person in possession thereof has been so notified.

Since publication of this notice, information has been received that the cereal leaf beetle has been discovered in Maryland and Virginia.

Accordingly, the scope of the public hearing is enlarged to include the States of Maryland and Virginia among the States being considered for quarantining as specified in the original notice. Officials of these States have been consulted in the matter and indicate that they can be represented at the hearing.

A public hearing to consider the above proposals will be held before a representative of the Agricultural Research Service at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky. 40508, at 10 a.m., e.d.t., on July 15, 1969, at which hearing any interested person may appear and be heard, either in person or by attorney, on the proposals.

Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, on or before July 11, 1969, or with the presiding officer at the hearing. All written submissions received pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 1st day of July 1969.

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

[F.R. Doc. 69–7971; Filed, July 7, 1969; 8:47 a.m.]

Consumer and Marketing Service

[7 CFR Part 51]

GRAPEFRUIT (TEXAS AND STATES OTHER THAN FLORIDA, CALIFORNIA, AND ARIZONA)

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Grapefruit (Texas and States Other Than Florida, California, and Arizona) (7 CFR 51.620–51.658). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than July 30, 1969, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b)).

Statement of considerations leading to the proposed revision of the grade standards. Trends in marketing practices, over the past few years, have prompted a revision of the U.S. Standards for Grapefruit (Texas and States Other Than Florida, California and Arizona), which have been in effect since 1955.

In proposing this revision, the U.S. Department of Agriculture is introducing a new concept in the application of the grade standards. This concept involves the use of statistical principles and procedures in determining compliance with

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

the standards. This approach was first used successfully in the 1967 revision of the Florida citrus standards.

During the 1968–69 harvest season experimental studies were conducted in a few Texas fresh fruit packinghouses which made use of a quality control master note sheet. This note sheet was developed and used under an inplant continuous inspection operation. The note sheet graphically presents the quality level being packed during any given period in the day. This proposal would involve the use of the quality control aid during the packing process as well as in determining grade on a lot basis. This would bring about more uniformity and better industry understanding of the standards. The Texas citrus industry has requested that this concept be adopted and incorporated in the grade standards which would require the following changes in the presentation of tolerances:

(1) Each sample selected for grade determination would consist of 33 grapefruit. When individual packages contain at least 33 grapefruit, the sample is drawn from one package; when individual packages contain less than 33 grapefruit a sufficient number of adjoining packages would be combined to form a 33 grapefruit sample. The individual sample size would be constant regardless of the size of the container.

(2) Tolerances would be specified as acceptance numbers. The total minimum or maximum number of defective or off-size grapefruit would be specified for the number of samples selected for grade determination.

(3) Individual 33-count samples would be limited to the maximum number of defective, discolored, or off-size grapefruit for all grades except for the Bronze and Russet grades. A minimum number of discolored grapefruit is set for these two grades. This limitation would be in the tolerance tables under the Absolute Limit (AL) heading and would replace the Application of Tolerances section in the existing standards.

A new format is proposed in an effort to arrange in logical order the various requirements for the particular grade. Also a new Classification of Defects Section would be provided which lists limitations for various defects under the injury, damage, serious damage and very serious damage headings. Both would bring about and promote greater uniformity and better understanding of the standards.

Representatives of the U.S. Department of Agriculture will be available upon appointment to discuss and demonstrate the proposed revision to interested persons during the period provided for submitting comments. Requests for such appointments should be made in writing to: Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, Washington, D.C. 20250.

The proposed standards, as revised, are as follows:

GRADES

Sec.

TOLERANCES

SAMPLE FOR GRADE OR SIZE DETERMINATION

STANDARD PACK

DEFINITIONS

METRIC CONVERSION TABLE

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.620 U.S. Fancy.

"U.S. Fancy" consists of grapefruit which meet the following requirements:
(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.638.)
(2) Firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Smooth texture;
(6) Well formed; and,
(7) Well colored.
(b) Free from:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Cuts not healed;
(5) Skin breakdown;
(6) Decay;
(7) Growth cracks;
(8) Scab;
(9) Sprayburn; and,
(10) Wormy fruit.
(c) Not injured by:
(1) Green spots;
(2) Oil spots;
(3) Scale;
(4) Scars; and,
(5) Thorn scratches.
(d) Not damaged by any other cause.
(e) For tolerances see § 51.628.

§ 51.621 U.S. No. 1.

"U.S. No. 1" consists of grapefruit which meet the following requirements:
(a) Basic requirement:
(1) Discoloration:
(i) Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.638.)
(2) Firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Fairly well colored;
(6) Fairly smooth texture; and,
(7) Fairly well formed.
(b) Free from:
(1) Bruises;
(2) Cuts not healed;
(3) Caked melanose;
(4) Growth cracks;
(5) Sprayburn;
(6) Decay; and,
(7) Wormy fruit.
(c) Not damaged by any other cause.
(d) For tolerances see § 51.628.

§ 51.622 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.628.

§ 51.623 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration. Not less than the number of fruits required in § 51.628, Tables I and II, shall have more than one-half of their surface, in the aggregate, affected by discoloration. The predominating discoloration on these fruits shall be of rust mite type.
(a) For tolerances see § 51.628.

§ 51.624 U.S. Combination.

"U.S. Combination" consists of a combination of U.S. No. 1 and U.S. No. 2 grapefruit: *Provided*, That the number of U.S. No. 2 fruits specified in § 51.628, Tables I and II, are not exceeded.

§ 51.625 U.S. No. 2.

"U.S. No. 2" consists of grapefruit which meet the following requirements:
(a) Basic requirements:
(1) Discoloration:
(i) Not more than two-thirds of the surface, in the aggregate, may be affected by discoloration. (See § 51.638.)
(2) Fairly firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) May be slightly colored;
(6) Not more than slightly misshapen; and,
(7) Not more than slightly rough texture.
(b) Free from:
(1) Bruises;
(2) Cuts not healed;
(3) Growth cracks;
(4) Decay; and,

(5) Wormy fruit.

(c) Not seriously damaged by any other cause.

(d) For tolerances see § 51.628.

§ 51.626 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that not less than the number of fruits required in § 51.628, Tables I and II, shall have more than two-thirds of their surface, in the aggregate, affected by discoloration.

(a) For tolerances see § 51.628.

§ 51.627 U.S. No. 3.

"U.S. No. 3" consists of grapefruit which meet the following requirements:

(a) Basic requirements:

(1) Mature;

(2) Similar varietal characteristics;

(3) May be misshapen;

(4) May be slightly spongy;

(5) May have rough texture;

(6) Not seriously lumpy or cracked; and,

(7) May be poorly colored.

(i) Not more than 25 percent of the surface may be of a solid dark green color.

(b) Free from:

(1) Cuts not healed;

(2) Decay; and,

(3) Wormy fruit.

(c) Not very seriously damaged by any other cause.

(d) For tolerances see § 51.628.

TOLERANCES

§ 51.628 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or off-size specimens in the individual sample, and the number of defective or off-size specimens in the lot, shall be within the limitations specified in Tables I and II. No tolerance shall apply to wormy fruit.

TABLE I—SHIPPING POINT [1]

(A) FOR 1 THROUGH 20 SAMPLES

Factor	Grades	AL [2]	Number of 33-count samples [3]																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers (maximum permitted) [4]																			
Decay	U.S. Fancy, U.S. No. 1, U.S. Combination, U.S. No. 2	1	0	0	0	1	[5] 1	2	2	2	2	[5] 2	2	2	3	3	3	[5] 3	3	4	4	4
	U.S. No. 3	1	0	1	[5] 1	1	2	[5] 2	2	3	3	[5] 3	3	4	4	4	[5] 4	5	5	5	[5] 5	5
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. Combination, U.S. No. 2	4	3	5	7	8	10	11	13	14	16	17	18	20	21	23	24	25	27	28	30	31
Total defects including decay and very serious damage.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. No. 3	5	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
	U.S. Combination (U.S. No. 2's permitted).	21	18	33	47	62	76	90	104	119	133	147	161	174	188	202	216	230	244	257	271	285
Off-size		7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. Combination	7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
			Acceptance numbers (minimum required) [4]																			
	U.S. No. 1 Bronze, U.S. No. 2 Russet	0	2	4	8	11	14	18	21	25	28	32	36	39	43	47	50	53	57	61	64	68

(B) FOR 21 THROUGH 40 SAMPLES

Factor	Grades	AL [2]	Number of 33-count samples [3]																			
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
			Acceptance numbers (maximum permitted) [4]																			
Decay	U.S. Fancy, U.S. No. 1, U.S. Combination, U.S. No. 2	1	4	4	[5] 4	4	4	5	5	5	5	5	[5] 5	5	5	6	6	6	6	6	[5] 6	6
	U.S. No. 3	1	5	6	6	6	[5] 6	6	7	7	7	[5] 7	7	8	8	8	[5] 8	8	9	9	9	9
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. Combination, U.S. No. 2	4	32	34	35	36	38	39	40	42	43	44	45	47	48	49	51	52	53	54	56	57
Total defects including decay and very serious damage.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. No. 3	5	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
	U.S. Combination (U.S. No. 2's permitted).	21	298	312	326	339	353	367	380	394	408	421	435	449	462	476	489	503	517	530	544	557
Off-size		7	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. Combination	7	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
			Acceptance numbers (minimum required) [4]																			
	U.S. No. 1 Bronze, U.S. No. 2 Russet	0	72	76	80	84	88	92	96	99	103	107	110	114	118	122	126	130	134	137	141	145

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at port of loading for ship stores or overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.

[2] AL—Absolute limit permitted in individual 33-count sample.

[3] Same size 33-count.

[4] Acceptance number—maximum or minimum number of defective or off-size fruit permitted.

[5] Preferred number of samples for this acceptance number.

TABLE II—EN ROUTE OR AT DESTINATION

Factor	Grades	AL[1]	Number of 33-count samples[2]																		
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
		Acceptance numbers (maximum permitted)[3]																				
Decay	All	3	2	3	4	5	6	7	8	9	10	11	12	13	[4] 13	14	15	16	17	18	[4] 18	19
Very serious damage other than decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. Combination	4	3	5	7	8	10	11	13	14	16	17	18	20	21	23	24	25	27	28	30	31
Total defects including very serious damage other than decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. No. 3	5	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
	U.S. Combination (U.S. No. 2's permitted).	21	18	33	47	62	76	90	104	119	133	147	161	174	188	202	216	230	244	257	271	285
Off-Size		7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. Combination	7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
		Acceptance numbers (minimum required)[3]																				
	U.S. No. 1 Bronze, U.S. No. 2 Russet	0	2	4	8	11	14	18	21	25	28	32	36	39	53	47	50	53	57	61	64	68

[1] Absolute limit permitted in individual 33-count sample.
[2] Sample size—33-count.
[3] Acceptance number—maximum or minimum number of defective or off-size fruit permitted.
[4] Preferred number of samples for this acceptance number.

SAMPLE FOR GRADE OR SIZE DETERMINATION

§ 51.629 Sample for grade or size determination.

Each sample shall consist of 33 grapefruit. When individual packages contain at least 33 grapefruit, the sample is drawn from one package; when individual packages contain less than 33 grapefruit, a sufficient number of adjoining packages are opened to form a 33-count sample. When practicable, at point of packaging, the sample may be obtained from the grading belt or bins after sorting has been completed.

STANDARD PACK

§ 51.630 Standard pack.

(a) Fruits shall be fairly uniform in size, unless specified as uniform in size. When packed in boxes or cartons, fruit shall be arranged according to the approved and recognized methods.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages. When grapefruits are packed in cartons or in wire-bound boxes, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that not more than the number of fruits permitted in § 51.628, Tables I and II, are outside the ranges of diameters given in the following table:

TABLE III—1⅗ BUSHEL BOX
(Diameter in inches)

Pack size	Minimum	Maximum
46's	4 5/16	5
54's or 56's	4 2/16	4 12/16
64's	3 15/16	4 5/16
70's or 72's	3 13/16	4 5/16
80's	3 10/16	4 2/16
96's	3 5/16	3 14/16
112's or 113's	3 2/16	3 10/16
125's or 126's	3	3 5/16

(d) "Uniform in size" means that not more than the number of fruits permitted in § 51.628, Tables I and II, vary more than the following amounts:

(1) 64 size and smaller—not more than six-sixteenths inch in diameter; and,

(2) 54 size and larger—not more than nine-sixteenths inch in diameter.

(e) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

DEFINITIONS

§ 51.631 Mature.

"Mature" shall have the same meaning currently assigned that term in the laws and regulations of the State in which the grapefruit is grown; or as the definition of such term may hereafter be amended.

§ 51.632 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.633 Well colored.

"Well colored" means that the fruit is yellow in color with practically no trace of green color.

§ 51.634 Firm.

"Firm" means that the fruit is not soft, or noticeably wilted or flabby, and the skin is not spongy or puffy.

§ 51.635 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.636 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.637 Injury.

"Injury" means any specific defect described in § 51.652, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.638 Discoloration.

"Discoloration" means russeting of light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth, superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by speck type melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed in the grade.

§ 51.639 Fairly well colored.

"Fairly well colored" means that except for a 1-inch circle in the aggregate of green color, the yellow color predominates over the green color on that part of the fruit which is not discolored.

§ 51.640 Fairly well formed.

"Fairly well formed" means that the fruit may not have the shape characteristic of the variety but is not elongated or pointed or otherwise deformed.

§ 51.641 Fairly smooth texture.

"Fairly smooth texture" means that the skin is not materially rough or coarse and that the skin is not thick for the variety.

§ 51.642 Damage.

"Damage" means any specific defect described in § 51.652, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.643 Fairly firm.

"Fairly firm" means that the fruit may be slightly soft, but not bruised, and the skin is not spongy or puffy.

§ 51.644 Slightly misshapen.

"Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.645 Slightly rough texture.

"Slightly rough texture" means that the skin is not smooth or fairly smooth but is not excessively rough or excessively thick, or materially ridged, grooved or wrinkled.

§ 51.646 Serious damage.

"Serious damage" means any specific defect described in § 51.652, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.647 Slightly colored.

"Slightly colored" means that, except for a 2-inch circle in the aggregate of green color, the portion of the fruit surface which is not discolored shows some yellow color.

§ 51.648 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed or flat sided.

§ 51.649 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.650 Very serious damage.

"Very serious damage" means any specific defect described in § 51.652, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.651 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

§ 51.652 Classification of defects.

TABLE V

Factor	Injury	Damage	Serious damage	Very serious damage
Ammoniation		Not occurring as light speck type	Scars are cracked or dark and aggregating more than a circle ¾ inch in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Buckskin		Aggregating more than a circle 1¼ inches in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Cake melanose			Aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Dryness or mushy condition.		Affecting all segments more than ¼ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portion of the fruit.	Affecting all segments more than ½ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ¾ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots or oil spots.	More than slightly affecting appearance.	Aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.	Aggregating more than a circle 1½ inches in diameter on a 70 size grapefruit.	
Hail	Not well healed, or aggregating more than a circle ⅜ inch in diameter on a 70 size grapefruit.	Not well healed, or aggregating more than a circle ½ inch in diameter on a 70 size grapefruit.	Not well healed, or aggregating more than a circle ⅝ inch in diameter on a 70 size grapefruit.	Not well healed, or aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.
Scab		Materially detracts from the shape or texture, or aggregating more than a circle ¾ inch in diameter on a 70 size grapefruit.	Seriously detracts from the shape or texture, or aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Scale	More than a few adjacent to the "botton" at the stem end, or more than 6 scattered on other portions of the fruit.	Blotch aggregating more than a circle ¾ inch in diameter, or occurring as a ring more than a circle 1¼ inches in diameter on a 70 size grapefruit.	Blotch aggregating more than a circle 1 inch in diameter, or occurring as a ring more than a circle 1½ inches in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Skin breakdown		Aggregating more than a circle ⅜ inch in diameter on a 70 size grapefruit.	Aggregating more than a circle ⅝ inch in diameter on a 70 size grapefruit.	Aggregating more than a circle 1¼ inches in diameter on a 70 size grapefruit.
Scars	Depressed, not smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Very deep or very rough aggregating more than a circle ⅓ inch in diameter; deep or rough aggregating more than 1 inch in diameter; slightly rough or of slight depth aggregating more than 10 percent of fruit surface. All areas based on a 70 size grapefruit.	Very deep or very rough aggregating more than a circle 1 inch in diameter; deep or rough aggregating more than 5 percent of fruit surface; slight depth or slightly rough aggregating more than 15 percent of fruit surface. Area based on a 70 size grapefruit.	Very deep or very rough or unsightly that appearance is very seriously affected.
Sprayburn			Hard or aggregating more than a circle 1¼ inches in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Sunburn		Skin is flattened, dry, darkened, or hard, aggregating more than 25 percent of fruit surface.	Skin is hard, fruit is decidedly one-sided, aggregating more than one-third of fruit surface.	Aggregating more than 50 percent of fruit surface.
Sprouting		More than 6 seeds are sprouted, including not more than 1 sprout extending to the rind, remainder average not over ¼ inch in length.	More than 6 seeds are sprouted, including not more than 2 sprouts extending to the rind, remainder average not over ½ inch in length.	More than 6 seeds are sprouted, including not more than 3 sprouts extending to the rind, remainder average not over ¾ inch in length.
Thorn scratches	Not well healed, or more unsightly than discoloration permitted in the grade.	Not well healed, hard concentrated thorn injury aggregating more than a circle ¾ inch in diameter, or slight scratches aggregating more than a circle 1 inch in diameter. All areas based on a 70 size grapefruit.	Not well healed, hard concentrated thorn injury aggregating more than a circle ⅞ inch in diameter, or slight scratches aggregating more than a circle 1¼ inches in diameter. All areas based on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.

METRIC CONVERSION TABLE

§ 51.653 Metric conversion table.

Inches	Millimeters (mm)
¼ equals	6.4
⅜ equals	9.5
½ equals	12.7
⅝ equals	14.3
⅝ equals	15.9
¾ equals	19.1
⅞ equals	22.2
1 equals	25.4
1¼ equals	31.8
1½ equals	38.1
3 equals	76.2
3 2/16 equals	79.4
3 6/16 equals	85.7
3 8/16 equals	88.9
3 10/16 equals	92.1
3 12/16 equals	96.8
3 14/16 equals	98.4
3 15/16 equals	100.0
4 2/16 equals	104.8
4 5/16 equals	109.5
4 8/16 equals	114.3
4 12/16 equals	120.7
5 equals	127.0

Dated: June 30, 1969.

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

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[7 CFR Part 51]

ORANGES (TEXAS AND STATES OTHER THAN FLORIDA, CALIFORNIA AND ARIZONA)

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Oranges (Texas and States Other Than Florida, California and Arizona) (7 CFR 51.680–51.712). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than July 30, 1969, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR § 1.27 (b).)

Statement of considerations leading to the proposed revision of the grade standards. Trends in marketing practices, over the past few years, have prompted a revision of the U.S. Standards for Oranges (Texas and States Other Than Florida, California and Arizona), which have been in effect since 1959.

In proposing this revision, the U.S. Department of Agriculture is introducing a new concept in the application of the grade standards. This concept involves the use of statistical principles and procedures in determining compliance with the standards. This approach was first used successfully in the 1967 revision of the Florida citrus standards.

During the 1968–69 harvest season experimental studies were conducted in a few Texas fresh fruit packinghouses which made use of a quality control master note sheet. This note sheet was developed and used under an inplant continuous inspection operation. This note sheet graphically presents the quality level being packed during any given period in the day. This proposal would involve the use of the quality control aid during the packing process as well as in determining grade on a lot basis. This would bring about more uniformity and better industry understanding of the standards. The Texas citrus industry has requested that this concept be adopted and incorporated in the grade standards which would require the following changes in the presentation of tolerances:

(1) Each sample selected for grade determination would consist of 50 oranges. When individual packages contain at least 50 oranges, the sample is drawn from one package; when individual packages contain less than 50 oranges a sufficient number of adjoining packages would be combined to form a 50-fruit sample. The individual sample size would be constant regardless of the size of the container.

(2) Tolerances would be specified as acceptance numbers. The total minimum or maximum number of defective or off-size oranges would be specified for the number of samples selected for grade determination.

(3) Individual 50-count samples would be limited to the maximum number of defective, discolored, or off-size oranges for all grades except for the Bronze and Russet grades. A minimum number of discolored oranges is set for these grades. This limitation would be in the tolerance tables under the Absolute Limit (AL) heading and would replace the Application of Tolerances section in the existing standards.

A new format is proposed in an effort to arrange in logical order the various requirements for the particular grade. Also a new Classification of Defects Section would be provided which lists limitations for various defects under the injury, damage, serious damage and very serious damage headings. Both would bring about and promote greater uniformity and better understanding of the standards.

Representatives of the U.S. Department of Agriculture will be available upon appointment to discuss and demonstrate the proposed revision to interested persons during the period provided for submitting comments. Requests for such appointments should be made in writing to: Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The proposed standards, as revised, are as follows:

GRADES

Sec.
51.681 U.S. Fancy.
51.682 U.S. No. 1.
51.683 U.S. No. 1 Bright.
51.684 U.S. No. 1 Bronze.
51.685 U.S. Combination.
51.686 U.S. No. 2.
51.687 U.S. No. 2 Russet.
51.688 U.S. No. 3.

TOLERANCES

51.689 Tolerances.

SAMPLE FOR GRADE OR SIZE DETERMINATION

51.690 Sample for grade or size determination.

STANDARD PACK

51.691 Standard pack for oranges except Temple variety.

STANDARD SIZING

51.692 Standard sizing.

DEFINITIONS

51.693 Mature.
51.694 Similar varietal characteristics.
51.695 Well colored.
51.696 Firm.
51.697 Well formed.
51.698 Smooth texture.
51.699 Injury.
51.700 Discoloration.
51.701 Fairly smooth texture.
51.702 Damage.
51.703 Fairly well colored.
51.704 Reasonably well colored.
51.705 Fairly firm.
51.706 Slightly misshapen.
51.707 Slightly rough texture.
51.708 Serious damage.
51.709 Misshappen.
51.710 Slightly spongy.
51.711 Very serious damage.
51.712 Diameter.
51.713 Classification of defects.

METRIC CONVERSION TABLE

51.714 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.681 U.S. Fancy.

"U.S. Fancy" consists of oranges which meet the following requirements:

(a) Basic requirements:

(1) Discoloration:

(i) Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.700.)

(2) Firm;

(3) Mature;

(4) Similar varietal characteristics;

(5) Well colored;

(6) Well formed; and,

(7) Smooth texture.

(b) Free from:

(1) Ammoniation;

(2) Bruises;

(3) Buckskin;

(4) Caked melanose;

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

(5) Creasing;
(6) Cuts not healed;
(7) Decay;
(8) Growth cracks;
(9) Scab;
(10) Skin breakdown;
(11) Sprayburn;
(12) Undeveloped segments; and,
(13) Wormy fruit.
(c) Not injured by:
(1) Green spots;
(2) Oil spots;
(3) Split navels;
(4) Rough, wide or protruding navels;
(5) Scale;
(6) Scars; and,
(7) Thorn scratches.
(d) Not damaged by any other cause.
(e) For tolerances see § 51.689.

§ 51.682 U.S. No. 1.

"U.S. No. 1" consists of oranges which meet the following requirements:
(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-third of the surface, in the aggregate, may be affected by discoloration. (See § 51.700.)
(2) Firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Well formed;
(6) Fairly smooth texture; and,
(7) Color:
(i) Early and midseason varieties shall be fairly well colored.
(ii) For Valencia and other late varieties, not less than 50 percent, by count, shall be fairly well colored and the remainder reasonably well colored.
(b) Free from:
(1) Bruises;
(2) Cuts not healed;
(3) Caked melanose;
(4) Decay;
(5) Growth cracks;
(6) Sprayburn;
(7) Undeveloped segments; and,
(8) Wormy fruit.
(c) Not damaged by any other cause.
(d) For tolerances see § 51.689.

§ 51.683 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.689.

§ 51.684 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration. Not less than the number of fruits required in § 51.689, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by discoloration. The predominating discoloration on these fruits shall be of rust mite type.

§ 51.685 U.S. Combination.

"U.S. Combination" consists of a combination of U.S. No. 1 and U.S. No. 2 oranges: *Provided*, That the number of U.S. No. 2 fruits specified in § 51.689, Tables I and II, are not exceeded.

§ 51.686 U.S. No. 2.

"U.S. No. 2" consists of oranges which meet the following requirements:
(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.700.)
(2) Fairly firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Reasonably well colored;
(6) Not more than slightly misshapen; and,
(7) Not more than slightly rough.
(b) Free from:
(1) Bruises;
(2) Cuts not healed;
(3) Decay;
(4) Growth cracks; and,
(5) Wormy fruit.
(c) Not seriously damaged by any other cause.
(d) For tolerances see § 51.689.

§ 51.687 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that not less than the number of fruits required in § 51.689, Tables I and II, shall have more than one-half of their surface, in the aggregate, affected by discoloration.

§ 51.688 U.S. No. 3.

"U.S. No. 3" consists of oranges which meet the following requirements:
(a) Basic requirements:
(1) Mature;
(2) Similar varietal characteristics;
(3) May be misshapen;
(4) May be slightly spongy;
(5) May have rough texture;
(6) Not seriously lumpy or cracked; and,
(7) May be poorly colored.
(i) Not more than 25 percent of the surface may be of a solid dark green color.
(b) Free from:
(1) Cuts not healed;
(2) Decay; and,
(3) Wormy fruit.
(c) Not very seriously damaged by any other cause.
(d) For tolerances see § 51.689.

TOLERANCES

§ 51.689 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or off-size specimens in the individual sample, and the number of defective or off-size specimens in the lot, shall be within the limitations specified in Tables I and II. No tolerance shall apply to wormy fruit.

TABLE I—SHIPPING POINT [1]

(A) FOR 1 THROUGH 20 SAMPLES

Factor	Grades	AL [2]	Number of 33-count samples [3]																		
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance number (maximum permitted) [4]																		
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. Combination	1	0	1	[5]1	1	2	[5]2	2	3	3	3	[5]3	3	4	4	[5]4	4	5	5	5	5
	U.S. No. 3	2	0	1	2	[5]2	2	[5]3	3	4	4	[5]4	5	5	[5]5	6	6	[5]6	6	7	7	7
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. Combination	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
Total defects including decay and very serious damage.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. No. 3	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
	U.S. Combination (U.S. No. 2's permitted).	29	26	48	70	91	112	134	155	176	197	218	239	260	281	301	322	343	364	384	405	425
Off-size		10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. Combination	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
			Acceptance number (minimum required) [4]																		
	U.S. No. 1 Bronze, U.S. No. 2 Russet	1	3	8	12	18	23	29	34	40	45	51	56	62	68	74	79	85	91	97	102	108

(B) FOR 21 THROUGH 40 SAMPLES

Factor	Grades	AL [2]	Number of 50-count samples [3]																		
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
			Acceptance numbers (maximum permitted) [4]																		
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. Combination	1	[5]5	6	6	6	6	[5]6	6	7	7	7	7	[5]7	7	8	8	8	[5]8	8	9	9
	U.S. No. 3	2	8	8	[5]8	8	9	9	[5]9	9	10	10	[5]10	11	11	[5]11	11	12	12	[5]12	12	13
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. Combination	6	47	49	51	53	54	56	58	60	62	64	66	68	70	72	74	76	78	80	81	83
Total defects including decay and very serious damage.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. No. 3	8	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
	U.S. Combination (U.S. No. 2's permitted).	29	446	467	487	508	529	549	570	590	611	631	652	672	693	713	734	754	775	795	816	836
Off-size		10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. Combination	10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
			Acceptance number (minimum required) [4]																		
	U.S. No. 1 Bronze, U.S. No. 2 Russett	1	114	119	125	131	137	143	149	155	161	166	172	178	184	190	196	202	208	214	220	226

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at port of loading for ship stores or overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.

[2] AL—Absolute limit permitted in individual 50-count sample.

[3] Sample size—50-count.

[4] Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.

[5] Preferred number of samples for this acceptance number.

TABLE II—EN ROUTE OR AT DESTINATION

Factor	Grades	AL [1]	Number of 50-count samples [2]																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers (maximum permitted)																			
Decay	All		4	3	4	6	7	9	10	11	13	14	15	16	18	19	20	21	23	24	25	26	27
Very serious damage other than decay.	U.S. Fancy U.S. No. 1 U.S. No. 2 U.S. Combination		6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
Total defects including very serious damage other than decay.	U.S. Fancy U.S. No. 1 U.S. No. 2 U.S. No. 3		8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
	U.S. Combination (U.S. No. 2's permitted).		29	26	48	70	91	112	134	155	176	197	218	239	260	281	301	322	343	364	384	405	425
Off-size			10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Discoloration	U.S. No. 1 U.S. No. 1 Bright U.S. No. 2 U.S. Combination		10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
			Acceptance number (minimum required) [3]																			
	U.S. No. 1 Bronze U.S. No. 2 Russet		1	3	8	12	18	23	29	34	40	45	51	56	62	68	74	79	85	91	97	102	108

[1] AL—Absolute limit permitted in individual 50-count sample.
[2] Sample size—50-count.
[3] Acceptance number—maximum or minimum number of defective or off-size fruit permitted.

SAMPLE FOR GRADE OR SIZE DETERMINATION

§ 51.690 Sample for grade or size determination.

Each sample shall consist of 50 oranges. When individual packages contain at least 50 oranges, the sample is drawn from one package; when individual packages contain less than 50 oranges, a sufficient number of adjoining packages are opened to form a 50-count sample. When practicable, at point of packaging, the sample may be obtained from the grading belt or bins after sorting has been completed.

STANDARD PACK

§ 51.691 Standard pack for oranges except Temple variety.

(a) Fruit shall be fairly uniform in size, unless specified as uniform in size, and shall be place packed in boxes or cartons and arranged according to the approved and recognized methods.

(b) All containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled containers. When oranges are packed in wire-bound boxes or cartons, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that not more than the number of fruits permitted in § 51.689, Tables I and II, are outside the ranges of diameters given in the following table.

TABLE III
(When packed in 1⅗ bushel or 7/10 bushel containers)

Size and count in 1⅗ bushel	Count in 7/10 bushel	Diameter in inches	
		Minimum	Maximum
100's	48 or 50	3 7/16	3 13/16
125's	64	3 3/16	3 9/16
163's	80	2 15/16	3 5/16
200's	100	2 11/16	3 1/16
252's	125	2 7/16	2 13/16
288's	144	2 4/16	2 9/16
324's	162	2 3/16	2 8/16

(d) "Uniform in size" means that not more than the number of fruits permitted in § 51.689, Tables I and II, vary more than the following amounts:

(1) 163 size or smaller—not more than four-sixteenths inch in diameter; and,

(2) 125 size or larger—not more than five-sixteenths inch in diameter.

(e) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

STANDARD SIZING

§ 51.692 Standard sizing.

(a) Boxes, cartons, bag packs, or bulk loads in which oranges are not packed according to a definite pattern do not meet the requirements of standard pack, but may be certified as meeting the requirements of standard sizing: *Provided*, That the ranges are fairly uniform in size as defined in § 51.691: *And provided further*, That when packed in boxes or cartons the contents have been properly shaken down and the container is at least level full at time of packing.

(b) In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may fail to meet the requirements of standard sizing.

DEFINITIONS

§ 51.693 Mature.

"Mature" shall have the same meaning currently assigned that term in the laws and regulations of the State in which the orange is grown; or as the definition of such term may hereafter be amended.

§ 51.694 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.695 Well colored.

"Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

§ 51.696 Firm.

"Firm" as applied to common oranges, means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsuma, King, Mandarin), means that the fruit is not extremely puffy, although the skin may be slightly loose.

§ 51.697 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.698 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.699 Injury.

"Injury" means any specific defect described in § 51.713, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.700 Discoloration.

"Discoloration" means russeting of light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth, superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.701 Fairly smooth texture.

"Fairly smooth texture" means that the skin is not materially rough or coarse and that the skin is not thick for the variety.

§ 51.702 Damage.

"Damage" means any specific defect described in § 51.713, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or

the edible or marketing quality of the fruit.

§ 51.703 Fairly well colored.

"Fairly well colored" means that except for a one inch circle in the aggregate of green color, the yellow or orange color predominates over the green color on that part of the fruit which is not discolored.

§ 51.704 Reasonably well colored.

"Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface in the aggregate which is not discolored.

§ 51.705 Fairly firm.

"Fairly firm" as applied to common oranges, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsuma, King, Mandarin) means that the fruit is not extremely puffy or the skin extremely loose.

§ 51.706 Slightly misshapen.

"Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.707 Slightly rough texture.

"Slightly rough texture" means that the skin is not smooth or fairly smooth but is not excessively rough or excessively thick, or materially ridged, grooved or wrinkled.

§ 51.708 Serious damage.

"Serious damage" means any specific defect described in § 51.713, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.709 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed or flat-sided.

§ 51.710 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.711 Very serious damage.

"Very serious damage" means any specific defect described in § 51.713, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.712 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

§ 51.713 Classification of defects.

TABLE IV

Factor	Injury	Damage	Serious damage	Very serious damage
Ammoniation		Not occurring as light speck type	Scars are cracked or dark and aggregating more than a circle ¾ inch in diameter or light colored and aggregating more than a circle 1¼ inches in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Buckskin		Aggregating more than a circle 1 inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melanose			Aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Creasing		Materially weakens the skin, or extends over more than one-third of the surface.	Seriously weakens the skin or extends over more than one-half of the surface.	Very seriously weakens the skin, or is distributed over practically the entire surface.
Dryness or mushy condition.		Affecting all segments more than ¼ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ½ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ¾ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots or oil spots.	More than slightly affecting appearance.	Aggregating more than a circle ⅞ inch in diameter on a 200 size orange.	Aggregating more than a circle 1¼ inches in diameter on a 200 size orange.	
Hail	Not well healed, or aggregating more than a circle ¼ inch in diameter on a 200 size orange.	Not well healed, or aggregating more than a circle ⅜ inch in diameter on a 200 size orange.	Not well healed, or aggregating more than a circle ½ inch in diameter on a 200 size orange.	Not well healed, or aggregating more than a circle ¾ inch in diameter on a 200 size orange.
Scab		Materially detracts from the shape or texture, or aggregating more than a circle ⅝ inch in diameter on a 200 size orange.	Seriously detracts from the shape or texture, or aggregating more than a circle ¾ inch in diameter on a 200 orange.	Aggregating more than 25 percent of the surface.
Scale	More than a few adjacent to the "button" at the stem end or more than 6 scattered on other portions of the fruit.	Aggregating more than a circle ⅝ inch in diameter on a 200 size orange.	Aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Scars	Depressed, not smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Deep, rough or hard aggregating more than a circle ¼ inch in diameter; slightly rough with slight depth aggregating more than a circle ⅞ inch in diameter; smooth or fairly smooth with slight depth aggregation more than a circle 1¼ inches in diameter. All areas based on a 200 size orange.	Deep, rough aggregating more than a circle ½ inch in diameter; slightly rough with slight depth aggregating more than a circle 1¼ inches in diameter. All areas based on a 200 size orange.	Deep, rough or unsightly that appearance is very seriously affected.
Skin breakdown		Aggregating more than a circle ¼ inch in diameter on a 200 size orange.	Aggregating more than a circle ⅝ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Sunburn		Skin is flattened, dry, darkened or hard, aggregating more than 25 percent of the surface.	Affecting more than ⅓ of the surface, hard, decidely one sided, or light brown and aggregating more than a circle 1¼ inches in diameter on a 200 size orange.	Aggregating more than 50 percent of the surface.
Sprayburn			Hard, or aggregating more than a circle 1¼ inches in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Split, rough or protruding navels.	Split is unhealed; navel protrudes beyond general contour; opening is so wide, growth so folded and ridged that it detracts noticeably from appearance.	Split is unhealed, or more than ¼ inch in length, or more than 3 well healed splits, or navel protrudes beyond the general contour, and opening is so wide, folded or ridged that it detracts materially from appearance.	Split is unhealed, or more than ½ inch in length, or aggregate length of all splits exceed 1 inch, or navel protrudes beyond general contour, and opening is so wide, folded and ridged that it seriously detracts from appearance.	Split is unhealed or fruit is seriously weakened.
Thorn scratches	Not slight, not well healed, or more unsightly than discoloration permitted in the grade.	Not well healed, or hard concentrated thorn injury aggregating more than a circle ⅜ inch in diameter on a 200 size orange.	Not well healed, or hard concentrated thorn injury aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.

METRIC CONVERSION TABLE

§ 51.714 Metric conversion table.

Inches	Millimeters (mm)
1/4 equals	6.4
5/16 equals	7.9
3/8 equals	9.5
1/2 equals	12.7
5/8 equals	15.9
3/4 equals	19.1
7/8 equals	22.2
1 equals	25.4
1 1/4 equals	31.8
2 3/16 equals	55.6
2 1/16 equals	57.2
2 7/16 equals	61.9
2 9/16 equals	63.5
2 9/16 equals	65.1
2 11/16 equals	68.3
2 13/16 equals	69.9
2 15/16 equals	74.6
3 1/16 equals	77.8
3 3/16 equals	81.0
3 5/16 equals	84.1
3 7/16 equals	87.3
3 9/16 equals	90.5
3 13/16 equals	96.8

Dated: June 30, 1969.

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

[F.R. Doc. 69-7860; Filed, July 7, 1969; 8:45 a.m.]

[7 CFR Part 919]

[Docket No. AO-102-A5]

PEACHES GROWN IN MESA COUNTY, COLO.

Decision and Referendum Order With Respect to Proposed Amendment of Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), a public hearing was held in the Veterans Memorial Building, Palisade, Colo., on April 10, 1969, after notice thereof published in the FEDERAL REGISTER (34 F.R. 5301) on proposed amendment of the amended marketing agreement and order (7 CFR Part 919), hereinafter referred to collectively as the "order", regulating the handling of peaches grown in the county of Mesa, Colo., to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On the basis of evidence adduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, Consumer and Marketing Service, on June 2, 1969, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 69-6633; 34 F.R. 8969). No exception was filed.

The material issues, findings, and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 69-6633; 34 F.R. 8969) are hereby approved and adopted as the material issues, findings, of this decision as if set forth in full herein.

Amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Peaches Grown in Mesa County, Colo." and "Order Amending the Order Regulating the Handling of Peaches Grown in the County of Mesa, Colo." which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the producers who, during the period March 1, 1968, through February 28, 1969 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the county of Mesa, Colo., in the production of peaches for market to ascertain whether such producers favor the issuance of said annexed order amending the order regulating the handling of such peaches.

Robert B. Case, Fruit and Vegetable Division, Consumer and Marketing Service, U. S. Department of Agriculture, Denver, Colo. 80203, is hereby designated referendum agent of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to such referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 et seq.).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed amendment of the order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from the referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order, as amended by the annexed order which will be published with this decision.

Dated: July 2, 1969.

RICHARD LYNG,
Assistant Secretary.

Order[1] Amending the Amended Order Regulating the Handling of Peaches Grown in the County of Mesa, Colo.

§ 919.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at the Veterans Memorial Building, Palisade, Colo., on April 10, 1969, upon a proposed amendment of the amended marketing agreement and Order No. 919 (7 CFR Part 919) regulating the handling of peaches grown in the county of Mesa, Colo. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The order, as amended, and as hereby further amended, regulates the handling of peaches grown in the county of Mesa, Colo., in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The order, as amended, and as hereby further amended, is limited in application to the smallest regional production area which is practicable consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of peaches grown in the county of Mesa, Colo., which make necessary different terms and provisions applicable to different parts of such area.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of peaches grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order, as amended, and as hereby further amended, as follows:

1. Section 919.10 *Fiscal year* is revised to read as follows:

§ 919.10 Fiscal period.

"Fiscal period" is synonymous with "fiscal year" and means the 12-month

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreement and orders have been met.

period beginning on November 1 and ending on October 31 of the following year, or such other period that may be approved by the Secretary pursuant to recommendations by the committee: *Provided,* That the fiscal year which began on March 1, 1969, shall end on October 31, 1969.

2. Section 919.11 *District* is revised to read as follows:

§ 919.11 District.

"District" means the applicable one of any of the following described subdivisions of the county of Mesa in the State of Colorado:

(a) "District No. 1" shall include all that portion of Mesa County lying north of the Colorado River and east of 37.3 Road and an extension thereof to the Mesa County line.

(b) "District No. 2" shall include all that portion of Mesa County lying south of the Colorado River and east of 36⅝ Road and an extension thereof to the Mesa County line.

(c) "District No. 3" shall include all that portion of Mesa County lying south of the Colorado River bordered on the east by 36⅝ Road, and an extension thereof to the Mesa County line, and bordered on the west by 35 Road, and an extension thereof to the Mesa County line.

(d) "District No. 4" shall be all that portion of Mesa County lying south of the Colorado River bordered on the west by the Gunnison River and bordered on the east by 35 Road, and an extension thereof to the Mesa County line.

(e) "District No. 5" shall be all that portion of Mesa County west of 37.3 Road and an extension thereof to the Mesa County line, north of the Colorado River to the junction of the Colorado River and the Gunnison River, and all the rest of Mesa County west and north of the junction of the Colorado and Gunnison Rivers.

3. Section 919.20 *Establishment and membership* is amended by revising the third sentence thereof to read as follows:

§ 919.20 Establishment and membership.

* * * The members of the committee and their respective alternates shall be nominated, in accordance with the provisions of §§ 919.21 through 919.24, at least 30 days prior to the beginning of the term of office for which nominations are being made.

§§ 919.21, 919.22 [Amended]

4. The parenthetical phrase "(on or before February 1 of each year)" is deleted from §§ 919.21(a) and 912.22(a).

5. Section 919.23 *Nomination and selection of cooperative handler members* is amended by deleting from paragraph (a) the words "beginning March 1, 1956" wherever they appear, and revising paragraph (b) to read as follows:

§ 919.23 Nomination and selection of cooperative handler members.

* * * * *

(b) Nomination of cooperative members and their respective alternates shall be made by such cooperative associations in such manner as the members of the respective associations may designate.

§ 919.25 [Amended]

6. Section 919.25 *Failure to nominate* is amended by deleting therefrom "on or before February 15 of any year" and substituting therefor "not later than 15 days prior to the beginning of the term of office."

7. Section 919.27 *Term of office* is revised to read as follows:

§ 919.27 Term of office.

(a) The term of office of producer members and their alternates shall be for two (2) years: *Provided,* That, for the term beginning January 1, 1970, the term of office of two producer members and their alternates shall be for 1 year. (Determination of which of the inital producer members and their alternates shall serve for 1 year, or 2 years, shall be by lot.) The term of office of the independent member and cooperative handler members, and of their alternates, shall be one (1) year. The term of office of each member and alternate member shall be for the period beginning on January 1 of 1 year and ending on December 31 of the same year, or the following year in the case of producer members and their alternates, both dates inclusive, or such other period as the committee, with the approval of the Secretary, may prescribe: *Provided,* That the term of office which began March 1, 1969, shall end December 31, 1969.

(b) Members and alternates shall serve during the term of office for which they have been selected and have qualified and until their successors are selected and have qualified.

8. Section 919.32 *Duties* is amended by adding a paragraph (l) to read as follows:

§ 919.32 Duties.

* * * * *

(l) With the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the committee: *Provided,* That any such changes shall reflect, insofar as practicable, shifts in peach production within the districts and the production area.

9. Section 919.42 *Handler accounts* is revised to read as follows:

§ 919.42 Accounting.

If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not exceed approximately two fiscal periods' expenses. Such reserve funds may be used (a) to cover any expenses authorized by this part, and (b) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately, if practicable, to the handlers from whom the excess was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

[F.R. Doc. 69-7974; Filed, July 7, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

METROPOLITAN MILWAUKEE INTRASTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and of Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Milwaukee Intrastate Air Quality Control Region (Wisconsin) as set forth in the following new § 81.30 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

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

Interested authorities of the State of Wisconsin and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the Federal Office Building, Room 390, 517 East Wisconsin Avenue, Milwaukee, Wis., beginning at 10 a.m., July 21, 1969.

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

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room

905, 801 North Randolph Street, Arlington, Va. 22203 of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.30 is proposed to be added to read as follows:

§ 81.30 Metropolitan Milwaukee Intrastate Air Quality Control Region.

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

In the State of Wisconsin:

Kenosha County.	Walworth County.
Milwaukee County.	Washington County.
Ozaukee County.	Waukesha County.
Racine County.	

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

Dated: July 3, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69-8031; Filed, July 7, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-200]

CERTIFICATE APPLICATIONS, RATE FILINGS, PIPELINE QUALITY GAS STANDARDS, DELIVERY CONDITIONS AND CERTAIN PRICE ADJUSTMENTS

Order Terminating Proceeding

JUNE 27, 1969.

The Commission has under consideration in this proceeding a proposed standard for "pipeline quality" gas relating to all certificate and rate proceedings before the Commission which would prescribe the minimum quality, pressure and delivery provisions for determining natural gas to be of pipeline quality as that term is used in our Statement of General Policy No. 61-1, issued September 28, 1960 (18 CFR 2.56) and the price adjustments for natural gas which does not comply with these minimum requirements.

General public notice of the proposed rule making in the above-entitled proceeding was given by publication of notice in the FEDERAL REGISTER on May 26, 1961 (26 F.R. 4614), and by mailing of notice to natural gas pipeline companies, State regulatory commissions, independent producers, Federal agencies and others whom it was considered would have an interest in the matter. In giving notice of the proposed rule making, the Commission invited all interested parties to submit data, views, and comments in writing concerning such rulemaking.[1] In response to such notice, approximately 175 parties representing principally independent producers but including pipeline companies, distributors, various natural gas associations, municipalities, a Federal agency, and seven State commissions filed comments.

While the proposed rule making was pending, we established separate area pipeline quality gas standards in the Permian area rate case, Docket No. AR61-1, and in the South Louisiana area rate case, Docket No. AR61-2. Issues relating to applicable pipeline quality gas standards in other areas will come before us for decision in other area proceedings now in progress. Aside from the foregoing, in view of the staleness of the record, we would not want to decide the matters involved here without giving interested parties further notice and an opportunity to submit comments. We therefore believe it appropriate to terminate this proposed rule-making proceeding.

The Commission finds: For the foregoing reasons, the proceeding in Docket No. R-200 should be terminated.

The Commission orders: The proceeding in Docket No. R-200 is terminated.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7946; Filed, July 7, 1969; 8:45 a.m.]

[1] An amendment to the proposed rule making was given by publication of notice in the FEDERAL REGISTER on June 24, 1961 (26 F.R. 5689) to the effect that standards proposed would be applied consistent with and not at variance to applicable conservation orders of State commissions.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Billings Area Office Redelegation Order 1, Revision]

SUPERINTENDENTS AND PROJECT ENGINEER, BILLINGS AREA OFFICE, MONT.

Redelegations of Authority; Corrections

JULY 1, 1969.

In F.R. Doc. 69-6822 appearing at page 9219 in the issue of Wednesday, June 11, 1969, paragraphs (e) and (f) of section 2.80 should be corrected to read as follows:

(e) Approve cooperative and reciprocal agreements involving fire protection facilities, action, and suppression pursuant to 25 CFR 141.21.

(f) Accept payment of damages in full in settlement of civil trespass cases in excess of $2,000 pursuant to 25 CFR 141.22(4)(b).

JAMES F. CANAN,
Area Director.

Approved:

J. L. NORWOOD,
Acting Deputy Commissioner of Indian Affairs.

[F.R. Doc. 69-7960; Filed, July 7, 1969; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service

CERTAIN OFFICIALS

Order of Succession To Act as Commissioner of Accounts and Delegation of Authority Under Emergent Conditions

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 F.R. 2875), it is hereby ordered that the following officials of the Bureau of Accounts, in the order of succession enumerated herein, shall have the authority to act as Commissioner of Accounts and to perform all the functions of that office, during the absence or disability of the Commissioner of Accounts or when there is a vacancy in such office:

1. Deputy Commissioner of Accounts.
2. Heads of Divisions, in the order of incumbency (currently: Chief Disbursing Officer; Comptroller; Director, Government Financial Operations).
3. Deputy Heads of Divisions, in the order of incumbency.

In the event of an enemy attack on the continental United States, the Chief Disbursing Officer, each officer in charge of a Bureau of Accounts regional office, or, in his absence, the officer authorized to act in his place, is authorized to make such provisions as are necessary to insure continuous performance of all the functions of the Bureau of Accounts now or hereafter assigned to such regional office. This authority, under the conditions specified, will authorize the Chief Disbursing Officer, each regional office head, or in his absence the officer authorized to act in his place, to take any action with respect to the functions performed in his office that the Secretary of the Treasury, the Commissioner of Accounts, or any of their subordinate officers would be authorized to take.

This order supersedes the previous order of this Bureau, dated March 16, 1966 (31 F.R. 5148).

Dated: July 1, 1969.

[SEAL] S. S. SOKOL,
Commissioner of Accounts.

[F.R. Doc. 69-7988; Filed, July 7, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 393]

PRODUITS CHIMIQUES INDUSTRIELS ET AGRICOLES S.A. (PROCIDA)

Order Denying Export Privileges

In the matter of Produits Chimiques Industriels et Agricoles S.A. (Procida), 5 Rue Bellini, 92 Puteaux, France, respondent, case no. 393.

On June 28, 1968, a charging letter was issued against the above firm by the Director of the Investigations Division. The charging letter was duly served and the respondent, represented by counsel, filed an answer and also requested a hearing. The hearing was held, one session in New York on February 4, 1969, and another session in Washington, D.C., on February 6, 1969. The respondent submitted additional evidence after the hearing which was received into the record. The respondent filed a brief and the Government filed a brief and a reply brief.

The charging letter alleges in substance that early in 1967 respondent in France obtained U.S.-origin chlordane technical insecticide from a U.S. supplier, mixed 155,000 kilograms of the material with other ingredients and reexported the mixture from France to Cuba without first obtaining U.S. authorization. It is alleged that this was contrary to the prohibitions in the destination control statement on the invoices which respondent received, and also contrary to notice given by a U.S. Government employee to the respondent. It was charged that respondent violated § 381.6 of the Export Regulations in that it reexported U.S.-origin material with knowledge that such reexportation was in violation of said regulations.

The respondent's answer admitted receiving the technical chlordane in question and using the material in conjunction with other ingredients to manufacture an insecticide which it exported to Cuba. The respondent admitted that the destination control statements containing the prohibition against reexportation were on the invoices, but, in effect, claimed that such statements did not come to the attention of individuals in the company who were in charge of reexportation. The respondent denied having received notice from a U.S. Government employee of the reexport restrictions, denied knowledge of the prohibition against reexportation, and also denied any violation of the U.S. Export Regulations.

The respondent also alleged that the destination control statements by their terms did not prohibit use of the material in manufacturing other products and their sale to Cuba. In defense respondent also relies on the fact that a specific statement by the Office of Export Control to avoid misunderstanding as to the use of components, and a regulation relative thereto was not published in the FEDERAL REGISTER until July 8, 1967 (32 F.R. 10078-9) and that its purchase of the material and most of its manufacturing and sale took place before that date and that respondent could not have been sufficiently informed that its conduct would be in violation of the statute and regulations.

The Compliance Commissioner has submitted to the undersigned a report which summarizes the essential evidence, considers the various defenses raised by respondents, and evaluates the mitigating circumstances presented. His report contains findings of fact, conclusions, and recommendation as to sanction.

The Compliance Commissioner found that respondent was not given specific notice by an employee of the U.S. Government that the reexportations would be in violation of the U.S. Export Regulations.

The Compliance Commissioner made the following findings of fact which I adopt and confirm:

1. The respondent, Produits Chimiques Industriels et Agricoles, S.A., known as Procida, is a French corporation with offices in Puteaux, a suburb of Paris, France. The company, a subsidiary of Roussel-Uclaf a prominent French corporation, is engaged in the production and distribution of agricultural pesticides including insecticides, herbicides, and fungicides. The company has factories in Marseilles and close-by Beaucaire.

2. On January 31, 1967, Procida entered into a contract with Quimimport,

Havana, Cuba, to sell to said firm approximately 300 metric tons of an insecticide containing 800 grams of chlordane per liter.

3. In January and March 1967 Procida ordered from a U.S. supplier 190 metric tons of chlordane to be used in the insecticide for Cuba. Between February 10, 1967, and April 29, 1967, the U.S. supplier made four exportations of chlordane, totaling 418,610 pounds, from the United States to Procida in Marseilles, France. Each of the invoices from the U.S. supplier to Procida bore a destination control statement in pertinent part as follows: "United States law prohibits distribution of these commodities to Cuba * * * unless otherwise authorized by the United States".

4. Early in February 1967, before any of the chlordane was exported from the United States, the U.S. supplier had reason to question and did question Procida as to the countries of ultimate destination of the chlordane or of the product to be formulated therefrom. The inquiry from the supplier was by cable. The respondent replied, also by cable, that the final destination of the chlordane after formulation would be France and West Africa. The individual who sent this cable was a responsible employee of respondent, acting within the scope of his employment. This individual knew that Cuba was in fact the ultimate destination of the formulated product and he knowingly furnished false information that the countries of ultimate destination were France and West Africa.

5. On arrival of the chlordane in France it was mixed by respondent in its factory at Beaucaire with other ingredients to manufacture the insecticides ordered. Chlordane was the active and principal ingredient of which there was 800 grams per liter. The other ingredients were solvents and also wetting, dispersing, and stabilizing agents. The chlordane represented almost 93 percent of the value of the ingredients.

6. The respondent reexported the chlordane in the above mixture to its customer in Cuba without obtaining authorization from the Office of Export Control or any other branch of the U.S. Government.

7. The destination control statements on the invoices was adequate notice to respondent that U.S. law prohibited reexportation of the chlordane to Cuba. Aside from this notice respondent knew that U.S. law prohibited such reexportation to Cuba.

8. On the situation presented in this case the prohibition against reexportation applied not only to the chlordane as such but also to the chlordane in the formulated product. This was because of the quantity, importance, and relative value of the chlordane in said product.

Based on the foregoing I have concluded that respondent violated § 381.6 of the Export Regulations in that without obtaining authorization from the Office of Export Control or any other branch of the U.S. Government it knowingly reexported to Cuba chlordane received from the United States contrary to the terms of export control documents and to notification of prohibition against such action.

With regard to certain defenses and mitigating circumstances presented by respondent the Compliance Commissioner stated as follows:

By way of defense the respondent claims that Procida did not in fact violate the then existing Export Regulations. In support of this position it points to the statement that was published in the FEDERAL REGISTER on July 8, 1967 and to § 370.11 that was added at that time. The respondent concedes that the regulations now cover the type of activity in which Procida engaged "but that was not the case when these purchases were made". Procida is not charged with violations for making purchases but rather with violations for unauthorized reexportations.

In support of this defense respondent relies on section 3 of the Administrative Procedure Act, formerly 5 U.S.C. 1002, now 5 U.S.C. 552. The provisions quoted by respondent were part of the so-called Freedom of Information Act, enacted July 4, 1966 and which became effective on July 4, 1967. See Public Law 89-487, 89th Cong., subsection (h). The provisions relied on, in pertinent part, are to the effect that a statement of policy or interpretation by a Government agency may be relied on, used, or cited as precedent only if it has been published in the FEDERAL REGISTER or the party affected has actual notice thereof.

The statutory provisions relied on by respondent are not applicable to the first three shipments to Cuba inasmuch as those shipments were made prior to the effective date of said provisions. The provisions were in effect at the time of the last shipment to Cuba (Sept. 4, 1967) and the Office of Export Control was in compliance with the provisions since it had published on July 8, 1967, the statement regarding use of materials in foreign made products and § 370.11 of the Export Regulations.

It is to be noted that § 370.11 was not a new policy or a new interpretation of the scope of export controls. This regulation was published as a specific statement "to avoid any misunderstanding of the scope of export controls". It is quite apparent that the individual connected with Procida who gave the false information early in February as to the ultimate destination of the chlordane after formulation was aware of the U.S. restrictions on the use of the material in a formulated product to be reexported to Cuba.

By way of mitigation the respondent alleges that by reason of the organiaztion of Procida and the way these transactions were handled the invoices with their prohibitory clauses did not come to the attention of either the personnel who entered into the contract with Cuba nor those charged with fulfilling the contract.

The invoices from (the U.S. supplier) with the destination control notice came to the attention of the Purchasing Department but the head of this department "never paid any attention" to this notice on the invoices. The invoices were also seen by personnel in the Accounting Department, and here the destination control notices apparently made no impression. While this may explain to some extent how the destination control notices were disregarded it does not excuse such conduct. The fact still remains that the destination control notices were on the invoices and with reasonable care and attention the prohibitions would have come to the attention of responsible individuals.

The respondent asserts that even if the notice had come to the attention of Procida personnel with authority to control the use of the material it would not have been unreasonable for them to conclude that the clause did not apply to newly formulated material. I cannot agree. If the notice had come to the attention of such personnel they would have been aware of the fact that the chlordane was the active and the principal ingredient in the finished product, that the formula called for 800 grams of chlordane per liter, and that the finished product without the chlordane would be worthless. It would have been more reasonable for such personnel to conclude that the prohibition applied not only to the chlordane as such but also to the formulated product.

As to the sanction that should be imposed the Compliance Commissioner said:

In deciding what sanction should be imposed in this case there are a number of factors that should be considered. These include the nature and seriousness of the violation, whether this was an isolated transaction or whether it reflected company policy, the degree of involvement of top officials of the company, the attitude and degree of cooperation of the respondent after the violation was uncovered, and the steps taken by respondent to prevent recurrence of similar violations.

The transaction involved the reexportation of 300 metric tons of an insecticide having a value of $335,000 of which about 93 percent in value represented U.S. origin material. While this was not a commodity to be used for military purposes it was one that could make a significant contribution to the economic potential of Cuba. It does not appear that it was the policy of Procida to reexport U.S.-origin material to Cuba or that top company officials were aware of this violation. It appears that this violation was committed by a responsible employee of the company without the knowledge or approval of high level officials.

Following the first interview with (the General Manager of respondent company) by a representative of the (U.S. Government) he acknowledged that U.S.-origin chlordane had been used in formulating an insecticide that Procida shipped to Cuba. Although he did not furnish documentation * * * he gave information as to three of the four shipments to Cuba. (The General Manager) admitted that an error had been made in his company and gave assurances as to future compliance. He gave verbal instructions to the heads of the various departments in Procida so as to avoid future violations and on November 21, 1967, issued written instructions for this purpose.

At the hearing (the General Manager) demonstrated a cooperative attitude and a desire to have Procida comply with the provisions of the U.S. Export Regulations.

* * * * *

I believe that an appropriate sanction, and one consistent with sanctions imposed in other cases where there were mitigating factors of a similar degree and where respondent was cooperative, would be to deny respondent export privileges for 5 months and thereafter place it on probation for the balance of 5 years and I recommend that an order incorporating such a sanction be issued.

Now, after considering the record in the case and the report and recommendation of the Compliance Commissioner and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in Part IV hereof, the respondent for a period of 3 years from the effective date of this order is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its representatives, agents, and employees, and also to any person, firm, corporation, or other business organization with which it now or hereafter may be related by affiliation, ownership, control position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. Five months after the effective date hereof, without further order of the Bureau of International Commerce, the respondent shall have its export privileges restored conditionally and thereafter for the remainder of the denial period the respondent shall be on probation. The conditions of probation are that the respondent shall fully comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

V. Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that the respondent has knowingly failed to comply with the requirements and conditions of this order or with any of the conditions of probation, said official at any time, with or without prior notice to said respondent, by supplemental order, may revoke the probation of said respondent, revoke all outstanding validated export licenses to which said respondent may be a party and deny to said respondent all export privileges for a period up to 3 years. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as shall be warranted. On the entry of a supplemental order revoking respondent's probation without notice, it may file objections and request that such order be set aside, and may request an oral hearing, as provided in § 382.16 of the Export Regulations, but pending such further proceedings, the order of revocation shall remain in effect.

VI. During the time when the respondent or other persons within the scope of this order are prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondent or other persons denied export privileges within the scope of this order, or whereby said respondent or such other persons may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly; (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent or other persons denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on July 7, 1969.

Dated: June 25, 1969.

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

[F.R. Doc. 69-7966; Filed, July 7, 1969; 8:47 a.m.]

Maritime Administration

[Docket No. S-166 (Reopened)]

AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Notice of Section 605(c) Aspect of Title VI Application for Operating-Differential Subsidy

On April 1, 1964, a notice on the section 605(c) aspect of a Title VI application under the Merchant Marine Act, 1936, as amended (the "Act"), was published in the FEDERAL REGISTER (29 F.R. 4686) pertaining to the proposal of American Export Lines, Inc. (which company's name was subsequently changed to American Export Isbrandtsen Lines, Inc., and is herein referred to as "Export"), to inaugurate a subsidized cargo service on Trade Route No. 5-7-8-9 (U.S. North Atlantic/United Kingdom and Continent) with two older cargo vessels then operating on said trade route on a nonsubsidized basis.

In accordance with section 605(c) of the Act, said notice invited any person, firm or corporation having any interest in the matter and desiring a hearing under section 605(c) of the Act to notify the Secretary of the Maritime Subsidy Board (the "Board") in writing, in triplicate, by the close of business on April 15, 1964, and to file a petition for leave to intervene in accordance with the Board's rules of practice and procedure on the statutory issues as follows:

(1) whether the application is one with respect to vessels to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so whether the service already provided by vessels of U.S. registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

The only petition to intervene was that filed by Waterman Steamship Corp., a wholly-owned subsidiary of McLean Industries, Inc. (the parent company of Sea-Land Service, Inc.). The matter was referred for hearing under section 605(c) as docket No. S-166, with the prehearing conference being scheduled for May 21, 1964. Prior thereto, however, on May 18, 1964, Waterman Steamship Corp., withdrew its petition to intervene—thereby obviating the necessity for a hearing on the question of existing adequacy/inadequacy of U.S.-flag cargo service under section 605(c).

On April 7, 1965, Export filed a submission (which was supplemented by letters dated May 5, 1965, and June 2, 1965) proposing that the subsidized cargo service on Trade Route No. 5-7-8-9 which was the subject of the April 1, 1964, notice, be conducted with two containerships instead of the ships originally proposed. Since, for the purposes of section 605(c), such proposed cargo type vessel service was not considered to involve such change as to warrant further publication in the FEDERAL REGISTER and hearings on the question of adequacy/inadequacy of existing U.S.-flag cargo service on Trade Route No. 5-7-8-9, no publication or hearing was ordered by the Board. On August 12, 1965, based upon a finding that inadequate U.S.-flag cargo service obtained on Trade Route No. 5-7-8-9, Operating-Differential Subsidy for a minimum of 18 and a maximum of 26 sailings on Trade Route No. 5-7-8-9 with suitable cargo containerships was awarded to Export by the Board in the exercise of its discretionary authority under other sections of the Act which do not require hearings.

The U.S. Court of Appeals for the District of Columbia Circuit, in its decision rendered on June 4, 1969, in Sea-Land Service, Inc. v. Connor, et al. (No. 22,140), reversed a ruling by the U.S. District Court for the District of Columbia and indicated that, in the circumstances of this case, the Board failed to comply with the section 605(c) hearing requirements of the Act, and directed that upon

remand the case be returned to the Secretary of Commerce "in order to permit Sea-Land a full and fair opportunity to be heard."

In conformity with the foregoing directive of the U.S. Court of Appeals for the District of Columbia Circuit, notice is hereby given that a prehearing conference will be held on August 5, 1969, at 10 a.m., in Room 4519, G.A.O. Building, 441 G Street NW., on the section 605(c) aspect of Export's April 7, 1965, title VI application (as supplemented May 5, 1965, and June 2, 1965), pertaining to U.S.-flag cargo service with containerships on Trade Route No. 5–7–8–9 as of April 7, 1965.

In the circumstances of this case, the purpose of this section 605(c) hearing will be to receive evidence relevant to (1) whether said application pertaining to U.S.-flag cargo service with containerships on Trade Route No. 5–7–8–9 was one with respect to vessels to be operated on a service, route or line served by citizens of the United States which would be in addition to the containership cargo service or services existing on April 7, 1965, the date on which the application was filed, and, if so, whether the service already provided at that time by cargo containership vessels of U.S. registry in said geographical area was inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act such additional cargo containership vessels were required to be operated thereon.

Any person, firm, or corporation, including Sea-Land, having any interest in the hearing here ordered should, by the close of business on July 24, 1969, notify the Secretary of the Board in writing, in triplicate, and file a petition for leave to intervene in accordance with the rules of practice and procedure of the Board. If no petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant the conduct of a hearing, the Board will take such action as may be deemed appropriate.

Dated: July 7, 1969.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69–8089; Filed, July 7, 1969; 11:47 a.m.]

National Bureau of Standards

AMERICAN LUMBER STANDARDS FOR SOFTWOOD LUMBER

Distribution of Recommended Revision of Simplified Practice Recommendation

Notice of distribution of recommended revision of Simplified Practice Recommendation 16–53 American Lumber Standards for Softwood Lumber.

In accordance with the "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as amended May 11, 1968), the National Bureau of Standards has reviewed the recommended revision of Simplified Practice Recommendation 16–53, "American Lumber Standards for Softwood Lumber," as submitted by the American Lumber Standards Committee under § 10.4 (a) and (b) and the report submitted by the Committee under § 10.4(c). The Bureau has now determined that all criteria set forth in the published Procedures have been satisfactorily met.

Public notice is hereby given that the recommended revision is being distributed to representative producers, distributors, and users and consumers of softwood lumber.

The National Bureau of Standards has obtained the assistance of the Bureau of the Census in determining the acceptability of this recommended revision to the lumber industry. The Bureau of the Census has developed a statistically representative sample of all segments of the industry.

The National Bureau of Standards, additionally, will provide a copy of the proposal to any interested party who requests same by letter, on his business or personal letterhead, addressed to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234. The responses to the National Bureau of Standards will not be tabulated as part of the Census Bureau sample. Any objection to the recommended revision received on or before July 31, 1969, will be carefully evaluated in the National Bureau of Standards.

All responses will be analyzed to determine whether the recommended revision is supported by a consensus as defined in the published Procedures. If the proposal is published by the National Bureau of Standards, it becomes a recommended, voluntary standard of the industry.

Dated: June 30, 1969.

LAWRENCE M. KUSHNER,
Acting Director.

[F.R. Doc. 69–7983; Filed, July 7, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

CERTAIN OFFICIALS IN CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

Delegation of Authority Regarding Certification of True Copies of Documents, Records, Extracts From Records, or Nonexistence of Records

By the authority vested in me by the Assistant Secretary for Administration (34 F.R. 5858), I hereby:

(1) Redelegate to the officials listed below the authority to certify true copies of any books, records, papers, or other documents, extracts from such, or to certify the nonexistence of records within the Service in the area of authority set forth after their title. These same officials are authorized to cause the Seal of the Department to be affixed to such certifications.

To whom delegated	*Area of authority*
Deputy Administrator, Associate Administrator, Assistant Administrator and Deputy Assistant Administrator for Administration, and CPE Information Center Officer.	Servicewide.
Certifying Officer for Federal Register Material, Office of the Administrator.	Servicewide.
Commissioners, Deputy Commissioners, Associate Commissioners, Executive Officers, and Deputy Executive Officers of Administrations.	Respective Administration.
Director, Associate Directors, and Deputy Associate Directors, Bureau of Compliance, FDA.	Food and Drug Administration.
Director, and Deputy Director, Division of Case Guidance, Bureau of Compliance, FDA.	Food and Drug Administration.
Certifying Officer for Federal Register Material, FDA.	Food and Drug Administration.
Directors of Bureaus, Environmental Control Administration.	Respective Bureau.
Director, ECA Cincinnati Laboratories	ECA Cincinnati Laboratories.
Certifying Officer for Federal Register Material, ECA.	Environmental Control Administration.
Certifying Officer for Federal Register Material, NAPCA.	National Air Pollution Control Administration.

(2) Redelegate to the officials listed below the authority to cause the Seal of the Department to be affixed to agreements, awards, citations, diplomas, and similar documents in the area of authority set forth after their titles.

To whom delegated	*Area of authority*
Deputy Administrator, Associate Administrator, and Assistant Administrator and Deputy Assistant Administrator for Administration.	Servicewide.
Director, Division of Personnal Office of Administration.	Servicewide.

To whom delegated	*Area of authority*
Commissioners, Deputy Commissioners, Associate Commissioners, Executive Officers, and Deputy Executive Officers of Administrations.	Respective Administration.
Director, FDA Training Institute	Food and Drug Administration.
Assistant Commissioner for Training and Manpower Development.	Environmental Control Administration.
Director, ECA Cincinnati Laboratories	ECA Cincinnati Laboratories.
Director, Office of Manpower Development	National Air Pollution Control Administration.

These authorities may not be redelegated; supersede all previous delegations and redelegations to officials in the Service; and are effective this date.

Dated: June 26, 1969.

CHARLES C. JOHNSON, JR.,
Administrator.

[F.R. Doc. 69-7959; Filed, July 7, 1969; 8:46 a.m.]

Office of the Secretary

PUBLIC HEALTH SERVICE; HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 5 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, Oct. 30, 1968), is hereby amended with regard to section 5-C, Delegations of Authority, as follows:

After the subparagraph numbered (2) of the paragraph entitled *Specific delegations*, add two new subparagraphs reading:

(3) Authority to make the required arrangements and determinations and enter into appropriate agreements with respect to each of the following:

a. The detail, under section 214(a) of the Public Health Service Act (42 U.S.C. 215(a)) of civil service personnel to other Federal departments and agencies when the detail of a specific individual, or individuals, is requested as opposed to a general request for personnel.

b. The detail, under section 214 (b) or (c) of the Public Health Service Act (42 U.S.C. 215 (b) or (c) of civil service personnel to a State, political subdivision thereof, or nonprofit institution engaged in health activities. If the detail involves the reduction of grant funds, under section 314(g) of the Public Health Service Act, to cover the cost of the detail, the arrangement must also be approved by an official who is authorized to make such reduction.

c. Leave without pay, under section 214(d) of the Public Health Service Act (42 U.S.C. 215(d)), for civil service personnel for employment with a nonprofit institution.

(4) Authority to make the required arrangements and determinations and enter into appropriate agreements with respect to the authority in section 314(f) of the Public Health Service Act (42 U.S.C. 246(f)) to:

a. Place civil service personnel on leave without pay for employment with States;

b. Assign a State employee, either with or without appointment, to a position in this agency; or

c. Detail civil service personnel to States. If the detail involves a reduction in grant funds, under section 314(g) of the Public Health Service Act, to cover the cost of the detail, the arrangement must also be approved by an official who is authorized to make such reduction.

Dated: June 26, 1969.

BERNARD SISCO,
Acting Assistant Secretary for Administration.

[F.R. Doc. 69-7984; Filed, July 7, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-3139]

DELTEC INTERNATIONAL, LTD.

Application for Unlisted Trading Privileges and Opportunity for Hearing

JULY 1, 1969.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Deltec International Limited, File No. 7-3139.

Upon receipt of a request, on or before July 16, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7963; Filed, July 7, 1969; 8:47 a.m.]

[Files Nos. 7-3140—7-3142]

J. P. MORGAN & CO., INC., ET AL.

Applications for Unlisted Trading Privileges and Opportunity for Hearing

JULY 1, 1969.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
J. P. Morgan & Co., Inc.	7-3140
Levin-Townsend Computer Corp.	7-3141
Rapid-American Corp.	7-3142

Upon receipt of a request, on or before July 16, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7964; Filed, July 7, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF SOUTH CAROLINA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of South Carolina for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of South Carolina and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. The appendix referenced in the résumé is included in the complete text of the program. A copy of the program, including proposed South Carolina regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 25th day of June 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF SOUTH CAROLINA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of South Carolina is authorized under section 1-400.15 of the 1962 Code of Laws of South Carolina and cumulative supplement thereto to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of South Carolina certified on June 4, 1969, that the State of South Carolina (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on _____ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use it best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulations of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on September 15, 1969, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at _____, in triplicate, this _____ day of _____.

For the United States Atomic Energy Commission.

_____

Done at Columbia, S.C., in triplicate, this _____ day of _____.

For the State of South Carolina.

_____
Governor.

FOREWORD

South Carolina is dedicated to the purpose of protecting and improving the lot of its citizens. This dedication is realized, in part, by its full participation in the age of atoms, in due recognition of the many benefits to be derived from the peaceful uses of nuclear energy and its byproducts.

To discharge its responsibility to the citizens of this State to protect them from possible harmful effects of ionizing radiation, the 1967 General Assembly enacted the Atomic Energy and Radiation Control Act, which at one time recognizes the partnership that must exist between the fostering of nuclear enterprise and the protection against potential radiation hazards.

This Act authorizes the Governor to enter into an agreement with the Federal Government whereby certain regulatory functions now exercised by the Federal Government in the licensing and control of byproduct material, source material and special nuclear material in quantities not sufficient to create a critical mass will be transferred to the State.

The Act also designates the South Carolina State Board of Health as the agency which shall be responsible for the control of radiation sources. A complete regulatory program consistent with that conducted by the U.S. Atomic Energy Commission is authorized.

The following pages will present a description of past, present, and future activities of the State Board of Health in the field of Radiological Health, including the organization, procedures, and resources which will be brought to bear on the new responsibility assumed as a result of the aforementioned agreement.

History

As early as 1947 the South Carolina State Board of Health became aware of and concerned about the occupational exposure of workers to static eliminators. Over fifty of these devices were located, surveyed, and recommendations for shielding and access control were made. No leak-testing was performed as equipment was not available at the time.

Also at this time a program designed to reduce occupational exposure of shoe salesmen to X-rays from fluoroscopic shoe-fitting machines was instituted. This was later followed by more complete regulations covering all aspects of the use of these devices, and finally they were outlawed altogether. Ninety-six shoe-fitting machines in all were eliminated.

A voluntary X-ray program was begun in 1953, whereby services of the South Carolina State Board of Health were made available for the purpose of inspecting X-ray installations and recommending corrective actions where needed. This program received very good response, and during the period 1953–1966, 965 machines were inspected and 38 percent were found to be deficient in some respect. Eighty percent of these deficiencies were corrected as a result of recommendations and followup inspections. This included 662 dental SurPak examinations, resulting in the installation of 63 aluminum filters and 135 collimators. More recently, during the period in which more comprehensive radiation control regulations were being developed, a program of voluntary registration of X-ray machines was begun. By December 31, 1968, 1,269 X-ray machines were registered.

A radium management program was begun in 1965 when it was discovered that the radium storage facility in a large hospital was contaminated by a leaking source, which the hospital no longer possessed. The services of the South Carolina State Board of Health were offered in this area of concern, and this voluntary service resulted in the registration of 331 radium sources in 23 facilities totaling 2,352 milligrams. Of these sources, 254 have been leak-tested and 29 leaking sources have been detected. All owners of leaking sources of radium voluntarily disposed of the leaking radium sources or had them reencapsulated. The Agency provides assistance to radium users in the proper disposal of unwanted or leaking sources. Inspections were based on recommendations in NBS Handbook 73. A written report with recommendations was left with the users after each inspection. The degree of compliance with recommendations was 90 percent. Followup visits were made when indicated.

Another activity in the area of radioactive materials has been the accompanying of AEC Inspectors on the occasion of inspection visits to South Carolina. Within the last 8 years, South Carolina personnel have accompanied Atomic Energy Commission Inspectors on 75 percent of the inspections within the State. This has served the valuable purpose of familiarizing the staff with the inspection of licenses of radioactive materials, as well as the investigation of incidents involving licensed material.

In 1956, as a result of recommendations made by the Savannah River Advisory Board, the South Carolina Water Pollution Control Authority conservatively entered into an environmental monitoring program to determine the effect, if any, of the Savannah River Plant of the Atomic Energy Commission on the aquatic environment. Initially, this program consisted of one sampling point on the Savannah River below the plant effluent, which was subjected to gross alpha and beta analysis. Continuous paddlewheel samplers were later added at three locations, and more rigorous analytical procedures were employed, including specific isotope analysis and gamma spectroscopy when indicated by gross measurements.

The location of the Carolinas-Virginia Nuclear Power Associates' small power reactor at Parr, S.C., as well as the nuclear submarine repair facility at the Charleston Naval Shipyard prompted considerable expansion and sophistication of the environmental program to include over 150 sampling points, sampling air, water, precipitation, bottom muds and silt, vegetation, and milk. These samples were subjected to gross alpha and beta analysis, specific isotope analysis and gamma scans. Approximately 1,200 analyses per year were performed. The number of sampling points, as well as items sampled and analyzed underwent change as new nuclear installations were announced. Modern, well equipped laboratory facilities were provided for this work.

During the past year the responsibility for the environmental program was transferred to the South Carolina State Board of Health, in close cooperation with the South Carolina Pollution Control Authority.

Also during the past year regulations governing radioactive materials, X-ray machines and particle accelerators were adopted, after several meetings of the Technical Advisory Radiation Control Council, which met to consider in detail proposed regulations, and after public hearings to air the recommendations before the public. The Technical Advisory Radiation Control Council is a committee authorized by the Atomic Energy and Radiation Control Act to advise the State Board of Health on policy matters, including regulations.

Present Program

The present program of the Division of Radiological Health consists of initiating the activities authorized by the Atomic Energy and Radiation Control Act, and continuing environmental monitoring, expanding the scope of this operation to take care of the burgeoning nuclear industries announced for South Carolina.

Licensing of radium is now mandatory. All X-ray machines and particle accelerators were required to be registered by March 31, 1969. The portions of the program dealing with these requirements have begun.

The radium management inspection determines compliance with regulations and terms of the license. Items checked are shielding, storage, access control, posting of signs, records, leak-testing, survey meters, personnel monitoring, and transport equipment. Again, other recommendations of a helpful nature are made.

The environmental program consists of sampling the environment in the vicinity of nuclear installations existing, under construction or announced. Preoperational surveillance activities consist of determining radioactivity levels in environmental samples as a baseline against which to compare those levels found after operations commence. Surveillance around existing facilities is conducted to determine if there is any impact on the environment as a result of release of radioactivity. If gross alpha and beta determinations show an increase, gamma and alpha spectrometry or specific isotope analysis is used to determine the source. An experimental program to determine the efficacy of using thermo-luminescent dosimetry as an environmental monitor is being conducted.

Future Plans

Future plans will include extending the regulatory program to licensing and regulating the use of those radioactive materials presently under the purview of the U.S. Atomic Energy Commission, dependent upon signing an agreement with the Atomic Energy Commission. Details of the regulatory procedures and policies to be followed are given in a later section.

An in-house formal training program in radiological health will be conducted for new staff personnel on a scheduled basis, and will utilize outside instructors where they are available.

Scope of Problem

There are an estimated 2,000 X-ray units in South Carolina, approximately 600 of these being dental units. The number of Atomic Energy Commission licenses for byproduct material, source material and special nuclear material in quantities not sufficient to form a critical mass currently in effect is 142. There are 331 known radium sources in use at 23 facilities totaling 2,352 milligrams. Numerous particle accelerators exist in this State.

Four large commercial nuclear power reactors are under construction, three of them being at one location. Also under construction is a nuclear fuels fabrication plant. Announcements have been made by two separate companies of their intentions to construct a nuclear fuels reprocessing plant. Other installations which indicate the need for environmental surveillance activities are the Savannah River Plant of the Atomic Energy Commission and the nuclear submarine repair base at Charleston, S.C.

Organization and Staff

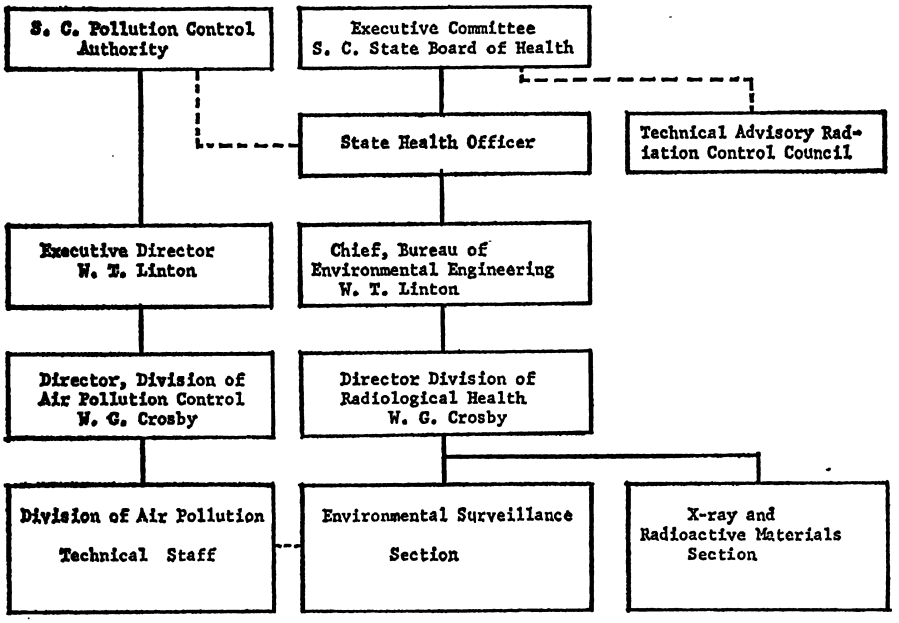
Under the provisions of the Atomic Energy and Radiation Control Act, the South Carolina State Board of Health is designated as the agency to exercise regulatory functions in radiological health. The organization of the State Board of Health is shown in Appendix, Chart 1. A Technical Advisory Radiation Control Council, appointed by the Governor, is also established. The purpose of this Council is to advise the State Board of Health on matters pertaining to ionizing radiation including standards, rules and regulations to be adopted, modified, promulgated or repealed by the Agency. Present membership of the Council is given in Table 1 of the appendix.

To assist the State Board of Health and staff in judging applications for nonroutine medical use of radioactive materials a Medical Advisory Committee has been appointed, the membership of which is shown in Table 2 of the appendix.

The functional radiological health program is operated by the Division of Radiological Health which, in turn, is a division of the Bureau of Environmental Engineering. The director of this division is also the director of the Division of Air Pollution Control, and spends his time equally divided between the

two divisions. In addition to State Board of Health staff members, experienced technicians are assigned to the Division of Radiological Health from the Bureau of Pollution Control to do work in environmental surveillance.

The line of authority and responsibility is shown on the accompanying diagram. The dotted line shown between the State Health Officer and the Pollution Control Authority indicates that he is, ex officio, Chairman of the Pollution Control Authority. There is also the statutory requirement that two additional members of the Authority be appointed from the Executive Committee of the State Board of Health. The dotted line between the Technical Staff of the Division of Air Pollution Control and the Environmental Surveillance Section of the Division of Radiological Health is intended to show the assignment of personnel and technical services by the Pollution Control Authority to the Division of Radiological Health.



REGULATORY PROCEDURES AND POLICY

Licensing and registration. The South Carolina State Board of Health has been designated the State Agency with the responsibility to develop an all-encompassing radiological health program in accordance with sections 1-400.11 through 1-400.16 of the 1962 Code of Laws of South Carolina and supplement thereto, the Atomic Energy and Radiation Control Act of South Carolina. The Division of Radiological Health has the responsibility for the operational phases of this program.

This program will regulate the safe use of all sources of ionizing radiation in the State including radium and accelerator produced nuclides, X-ray producing machines and particle accelerators. Certain small quantities of radionuclides as well as electronic devices which produce X-rays incidental to their operations in intensities insufficient to constitute a health hazard will be exempt. Licensing of all radionuclides including radium, and registration of X-ray machines and particle accelerators are features of this program. All regulations governing these sources are substantially in accord with the suggested State regulations as published by the Council of State Governments in cooperation with the Atomic Energy Commission and the U.S. Public Health Service. Every effort will be made to conduct the program in a fashion that is compatible with those operated by other agreement States and the Atomic Energy Commission.

The licensing program will be patterned after the one established by the Atomic Energy Commission and will use applicable criteria contained in regulations as published by the Atomic Energy Commission. The director and key staff members will evaluate each radioactive material license application, including prelicensing visits if this is indicated. When applications are received for unusual uses, additional advice will be sought. When applications for nonroutine medical uses are received the Medical Advisory Committee will be consulted. When applications for specific licenses are approved, licenses will be signed by the State Health Officer for the South Carolina State Board of Health.

Inspection. Inspection to determine radiation safety and compliance with pertinent regulations, and provisions of license or registration will be conducted as needed by division staff members. These members consist of the Director, the Radiological Health Specialist, Radiological Health Inspector and the Laboratory Technician III, who are or will be qualified by training and experience to conduct the inspections. Inspections will be either by prearrangement or unannounced during reasonable hours.

Licenses will be inspected on a priority basis determined by type of use, quantity of radioactive material, physical and chemical form, training, and experience of user, frequency of use and other factors in keeping with the experience gained by others including the Atomic Energy Commission and other agreement States. The initially planned frequencies are categorized as follows:

Classification of use	*Usual inspection frequency*
Industrial radiography:	
Fixed installations	Once each 12 months.
Mobile operations	Once each 6 months.
Operations involving waste disposal.	Once each 6 months.
Broad licenses—industrial, medical, or academic.	Once each 6-12 months.
Other specific licenses — industrial, medical, or academic.	Once each 12-24 months.

These frequencies are subject to alteration and are presented as a depiction of the general policy at this time. Individual licenses will be judged on the particular circumstances associated with the terms of the license.

Inspections will include the observation of pertinent facilities and equipment; a review of use procedures and radiation safety practices; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials; and instrument surveys to assess radiation levels incident to the operation—all as appropriate to the scope and conditions of the license and applicable regulations.

At the start and conclusion of an inspection, personal contact will be at management level whenever possible. Following the inspections, results will be discussed with the license management, appropriate tentative recommendations will be made and questions answered.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities, and recommendations for area security and cleanup will be available from the Agency on the occasion of incidents.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by a senior staff member and submitted to the Director of the Division of Radiological Health.

All inspectors will keep abreast of changes and developments in the field of radioactive materials by attending training courses, seminars and symposia, as well as in-house training which will be required.

Compliance and enforcement. The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

Where there are items of noncompliance, the licensee shall be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed, or expected to be completed. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

The terms and conditions of a license, upon request by the licensee, may be amended, consistent with the Act or regulations, to meet changing conditions in operations or to remedy minor items of noncompliance. The Agency may amend, suspend or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act, or regulations or failure to take adequate action concerning items of noncompliance. Prior to such action,

the Agency shall notify the licensee of its intent to amend, suspend or revoke the license and provide the opportunity for a hearing.

Whenever the Agency finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may, in accordance with the Act, without notice of hearing, issue a regulation or order reciting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Agency, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon findings that the possessor is unable to observe or is not observing the provisions of the Act or regulations issued thereunder. After these actions the licensee still has right to a hearing.

A court order directing a person to comply, or enjoining practices in violation of the Act or regulations, may be sought by the Attorney General in the appropriate court upon request of the Agency, after notice to such persons and ample opportunity to comply has been afforded.

The Agency will use its best efforts to obtain compliance through cooperation and education. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, will the full legal procedures normally be employed.

Effective date of license transfer. Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued by the Agency which shall expire either 90 days after the receipt from the Agency of a notice of expiration of such license or on the date of expiration specified in the federal license, whichever is earlier.

Compatibility and reciprocity. In promulgating rules and regulations, the Agency has, insofar as practicable, avoided requiring dual licensing and has provided for reciprocal recognition of other state and federal licenses.

Radiological emergency capability. The Division of Radiological Health has maintained the capability for handling radiological emergencies since 1959. This capability includes training of personnel, proper monitoring instruments, and liaison with other agencies such as State Highway Patrol, Atomic Energy Commission, Savannah River Plant, and U.S. Public Health Service.

As a result of our Radium Management Program, additional capability was formulated in 1965 to handle other radiological emergencies such as lost or damaged radium sources, overexposures, contamination, or transportation incidents. Additional personnel were trained, better instruments purchased and maintained, "emergency kits" put together for immediate use, and a system for telephone communications instituted. Emergency plans of other groups and agencies involving radiological incidents were reviewed by our Division.

Future plans for emergency procedures involve first of all a thorough review of our existing plan in light of the new role as an agreement state. A more formal plan will be instituted delineating the responsibility of each group or agency. Radiological Emergency Assistance Teams will be organized and trained in areas of major radiological activity. The Division of Radiological Health, which will be responsible for the program, will coordinate the new plan so that when and if an emergency does occur a systematic procedure will be followed.

[F.R. Doc. 69-7644; Filed, June 30, 1969; 8:45 a.m.]

[Docket No. 50-89]

GULF GENERAL ATOMIC, INC.

Notice of Issuance of Amendment to Facility License

The Atomic Energy Commission has issued Amendment No. 17, as set forth below, to Facility License No. R-38. The license authorizes Gulf General Atomic, Inc., to operate its TRIGA nuclear reactor on the company's Torrey Pines Mesa site, San Diego, Calif. This amendment, effective as of the date of issuance, increases the total quantity of uranium-235 which the licensee may receive, possess, and use under this license from 2.6 kilograms to 5.0 kilograms.

By application dated May 23, 1969, as amended June 12, 1969, Gulf General Atomic, Inc., requested authorization to receive, possess, and use additional uranium-235 in the form of TRIGA fuel elements in connection with the operation of the facility. The additional fuel elements will provide recycling capabilities and will be stored in the in-pool storage racks until needed in accordance with procedures which have previously been reviewed and approved by the Commission. Therefore, there is reasonable assurance that the health and safety of the public will not be endangered.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the application dated May 23, 1969, and amendment thereto dated June 12, 1969, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 26th day of June 1969.

For the Atomic Energy Commission.

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

[License No. R-38, Amdt. 17]

The Atomic Energy Commission has found that:

1. The application for amendment dated May 23, 1969, as amended June 12, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. Operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

3. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Accordingly, Facility License No. R-38, as amended, is hereby further amended by revising subparagraph 2.B. to read as follows:

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Materials", to receive, possess and use up to 5.0 kilograms of contained uranium-235 in connection with operation of the facility;

This amendment is effective as of the date of issuance.

Date of issuance: June 26, 1969.

For the Atomic Energy Commission.

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

[F.R. Doc. 69-7938; Filed, July 7, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20012 etc.]

ALLEGHENY AIRLINES, INC.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 23, 1969, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., July 1, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-7980; Filed, July 7, 1969; 8:48 a.m.]

[Docket No. 20486 etc.]

MOHAWK AIRLINES, INC.

Notice of Hearing

Mohawk Airlines, Inc. (Rochester-Pittsburgh—Subpart M).

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 29, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Robert M. Johnson.

Notice is given that the Bureau of Operating Rights will participate in this proceeding. Exhibits of the Bureau shall be submitted to the examiner and all parties on or before July 14, 1969, and any rebuttal exhibits thereto shall be submitted on or before July 24, 1969.

Dated at Washington, D.C., July 2, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-7981; Filed, July 7, 1969; 8:48 a.m.]

[Docket No. 10920, etc.; Order 69-7-12]

NONPRIORITY AND DOMESTIC MAIL RATES

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of July 1969.

Nonpriority Mail Rate Case, Docket No. 10920; Nonpriority Mail Rate Investigation, Docket No. 18381; Domestic Service Mail Rate Case, Docket No. 16349.

By Order 69-4-141, served April 30, 1969, Seaboard World Airlines, Inc. (Seaboard), was awarded a certificate of public convenience and necessity authorizing it to engage in the interstate transportation (except as to New York, N.Y.) of property and mail on a subsidy-ineligible basis on flights over route 119 serving a point or points in Europe and the following U.S. points: Los Angeles, San Francisco-Oakland, Chicago, Detroit, Cleveland, Washington-Baltimore, Philadelphia, New York City, and Boston, effective June 28, 1969. No service mail rates are currently in effect for this service by Seaboard. By petition filed May 20, 1969, Seaboard has requested that the service mail rates in effect for the U.S. domestic air carriers be made applicable to its newly authorized interstate operations.

For priority mail, Seaboard requests that the priority service rates and conditions established in the Domestic Service Mail Rate Investigation, Docket 16349, by Order E-25610, August 28, 1967, as that rate may be amended, be made applicable to Seaboard as final rates. With respect to nonpriority mail, due to the open-rate situation that has existed since April 6, 1967, when the Post Office petitioned for establishment of new nonpriority mail rates in Docket 18381, Seaboard requests the service rates and conditions established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, Docket 10920, subject to such retroactive adjustment to June 28, 1969, as the final decision in Docket 18381 may provide. Seaboard also requests that it be made a party to the proceedings in Docket 18381 in order to be subject to the final nonpriority service mail rates and conditions at issue therein.

By letter dated May 22, 1969, Trans World Airlines, Inc., objected to any action being taken on Seaboard's petition until disposition of petitions then pending for reconsideration of the decision in Docket 18531 which granted the authority set forth in Order 69-4-141. However, by Order 69-6-55, dated June 12, 1969, the Board denied those petitions and the authority awarded by Order 69-4-141 remains effective June 28, 1969.

On June 20, 1969 the Postmaster General was permitted to file a late petition in support of Seaboard's petition. It appears appropriate to the Board that Seaboard's mail rate for the newly certificated service be established at the same level as that applicable to other carriers providing competitive services. The Board therefore proposes to issue an order to include the following findings and conclusions:

1. That on and after June 28, 1969, the fair and reasonable final service mail rates to be paid to Seaboard World Airlines, Inc., pursuant to section 406 of the Act for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith, for the interstate carriage of priority mail under the authority granted by Order 69-4-141 shall be the rates and conditions established by the Board in Order E-25610, August 28, 1967, as amended, and shall be subject to the other provisions of that order;

2. On and after June 28, 1969, the fair and reasonable temporary service mail rates to be paid to Seaboard World Airlines, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith, for the interstate carriage of nonpriority mail under the authority granted by Order 69-4-141 shall be the rates and conditions established by the Board in Order E-17255, July 31, 1961, as amended, and shall be subject to the other provisions of that order and to such retroactive adjustment as may be made in docket 18381;

3. These findings and conclusions shall be implemented by the following amendments to Board orders:

(a) Order E-25610, dated August 28, 1967, as amended, shall be further amended by adding "Seaboard World Airlines, Inc." to the list of carriers appearing at the top of page 2.

(b) Paragraph C of Order E-17255, dated July 31, 1961, as amended, is further amended to include Seaboard World Airlines, Inc., in the list of carriers there appearing.

4. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to regulations promulgated in 14 CFR Part 302:

It is ordered, That:

1. All interested persons and particularly Seaboard World Airlines, Inc., and the Postmaster General are directed to show cause why the Board should not publish the final and temporary rates specified above as the fair and reasonable rates of compensation to be paid to Seaboard World Airlines, Inc., for the transportaton of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. Seaboard World Airlines, Inc., is hereby made a party in Docket 18381.

This order shall be served upon Seaboard World Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7979; Filed, July 7, 1969; 8:47 a.m.]

[Docket No. 21099]

PROFIT BY AIR, INC.

Notice of Proposed Approval

Application of Profit By Air, Inc., for approval under section 408 of the Federal Aviation Act, as amended, with respect to a certain transaction, docket 21099.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 1, 1969.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of Profit By Air, Inc., for approval under section 408 of the Federal Aviation Act, as amended, with respect to a certain transaction, Docket 21099.

By application filed June 18, 1969, Profit By Air, Inc. (PBA), an interstate and international air freight forwarder, requests approval without hearing pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of its proposed incorporation in the Commonwealth of Puerto Rico of a wholly owned subsidiary to be known as Profit By Air, Inc. (Puerto Rico), for the purpose of operating a pickup and delivery service, by motor vehicle, of outbound and inbound freight forwarded only by PBA. Interlocking relationships involving PBA and Profit By Air, Inc. (Puerto Rico), will result by reason of the holding by Harvey E. Pittluck and Americo J. Focacci of positions as officers and directors of each of the two said companies, while Hector A. Serrano, an officer of both corporations, will be a director only of Profit By Air (Puerto Rico).

The applicant states that it desires to perform its own pickup and delivery service to supplement its air freight forwarding operations, but by reason of the requirements of Puerto Rican law, a Puerto Rican national, individual, or corporation, may alone do so.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(a) of the Act.

Upon consideration of the application, it is concluded that PBA is an air carrier, and that Profit By Air (Puerto Rico) will be a common carrier within the meaning of section 408 of the Act, and the control by PBA of Profit By Air (Puerto Rico) is subject to that section of the Act. However, it has been further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and do not essentially present any new substantive issues.[1] It therefore appears that approval of the control relationships would be consistent with the public interest.

We also find that interlocking relationships within the scope of section 409(a) of the Act will result from the holding by the individual applicants of positions in each corporation. However, we have concluded that such relationships come within the scope of the exemption from the provisions of section 409 afforded by § 287.2 of the Board's economic regulations. Thus, to the extent that the application requests approval of such relationships, it will be dismissed.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, and 385.3, it is found that the foregoing control of relationships should be approved under section 408(b) of the Act, without hearing, and that the application to the extent that it requests approval of the aforementioned interlocking relationships should be dismissed.

Accordingly, it is ordered,

1. That the control by PBA of Profit By Air, Inc. (Puerto Rico), be and it hereby is approved; and

2. That, to the extent that approval of interlocking relationships is sought under section 409 of the Act, the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7977; Filed, July 7, 1969; 8:47 a.m.]

[1] Cf. Furman Air Freight Corporation, et al., Order 68-8-52, Aug. 13, 1968.

[Docket No. 18078, etc.; Order 69-7-11]

TRANSATLANTIC AND TRANSPACIFIC AND LATIN AMERICAN MAIL RATES

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of July 1969.

Service Mail Rates for Transatlantic and Transpacific Priority Mail, Docket No. 18078; Latin American Service Mail Rate Proceeding, Docket No. 15381; Latin American Service Mail Rate for Priority Mail, Docket No. 20415.

By Order 69-4-124, dated April 28, 1969, the Board directed all interested parties in the above dockets to show cause why certain proposed revised standard mileages for carriage of U.S. mail by air in the applicable areas should not be adopted.

Communications have been received indicating errors of a technical nature in some of the proposed standard mileages,[1] and that standard mileages were not established for certain new points. With respect to possible errors in calculations of the standard mileages, the Post Office Department and the carriers have discussed each of the affected mileages, and the differences in standard mileages have been resolved by the Department and the respective carriers. These mileages have been corrected in accordance with the governing provisions of the relevant rate orders, and Appendix A[2] has been revised to reflect such modifications. As for establishing standard mileages for new points, any affected carrier may apply to the Board to establish such mileages in accordance with the effective mail rate order.[3] In addition, the Postmaster General in his answer filed herein noted that new or additional mileages are now being developed reflecting new routes or additional services inaugurated since May 1968, and these mileages will be submitted to the Board at the appropriate time.

The technical matters having been disposed of, it now appears that all carriers concerned and the Department of Defense are now in agreement with the Post Office Department on the standard mileages as shown in Appendix A. The time designated for filing notice of objection has elapsed and no notice of objection of a controversial nature has been filed by any party. Under the foregoing circumstances, all parties have waived the right to a hearing and all other procedural steps short of a final decision of the Board fixing standard mileages.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof:

It is ordered, That:

Effective July 1, 1968:

(1) Order 68-9-9, September 4, 1968, should be amended to delete Appendix A thereto and substitute in lieu thereof a new Appendix A, attached to the instant order, providing revised standard mileages for carriage of U.S. mail by air in transatlantic and transpacific services.

(2) Order 68-9-8, September 4, 1968, should be amended to provide that for military mail transported between San Francisco, Portland, or Seattle and Tokyo, the mail ton-miles shall be computed on the basis of standard mileage of 4,865 in lieu of 4,843.

(3) Order E-23916, July 7, 1966, should be amended to delete Appendix A thereto and substitute in lieu thereof a new Appendix A, attached to the instant order, providing revised standard mileages for carriage of U.S. mail by air in Latin American service.

(4) This order shall be served on all interested parties in Dockets 18078, 15381, and 20415.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7978; Filed, July 7, 1969; 8:47 a.m.]

[1] Communications were received from Department of Defense, Northwest Airlines, Pan American World Airways, The Postmaster General, and Trans World Airlines, which were in the form of letters, notices of objection, or answers indicating typographical, mathematical, or computation errors with respect to certain standard mileages.

[2] Appendix A filed as part of the original document.

[3] Trans Caribbean Airways filed a notice of objection and answer which noted that standard mileages were not proposed with respect to Trans Caribbean's authority to transport mail granted in Order 68-11-120, served November 27, 1968 (United States-Caribbean-South America Route Investigation, Docket 12895). Service mail rates for such authority are presently under consideration in Docket 20539, and standard mileages for this service will be established in subsequent proceedings.

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18585-18587; FCC 69-699]

CHARLES W. HURT ET AL.

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

In re applications of Charles W. Hurt, Charlottesville, Va., Requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 18585, File No. BP-17596; Welk, Inc. (WELK), Charlottesville, Va., Has: 1010 kc, 1 kw, Day, Requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 18586, File No. BP-17872; WUVA, Charlottesville, Va., Requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 18587, File No. BP-17873; for construction permits.

1. The Commission has before it for consideration the above-captioned applications which are mutually exclusive in that they seek cochannel operation in the same community.

2. Based on the data at hand, both WELK and Charles W. Hurt appear to have adequate funds available to meet

their respective needs. Since their financial information is not current, however, it will be necessary for them to show in hearing that the funds relied upon are still available.

3. Examination of WUVA's application indicates that $34,350 will be needed to construct and operate for 1 year without revenue. To meet this expense, WUVA has $2,000 in existing capital and a loan from the University of Virginia of $25,000. Since this total of $27,000 falls short of meeting the $34,000 estimate, a financial issue will be required.

4. A Suburban issue will be specified as to the three applicants since they all fail to meet the criteria set forth in the Commission's Public Notice of August 22, 1968, 33 F.R. 12113. Although the applicants listed numerous contacts, their surveys consisted of inquiries into the programing tastes of individuals, rather than consultations designed to elicit specific suggestions as to community needs. See Sioux Empire Broadcasting Co., 16 FCC 2d 995 (1969).

5. WUVA is a nonstock corporation whose members are students attending the University of Virginia. Examination of the application indicates that a number of its officers have worked for local Charlottesville AM stations from time to time. In the past, no question of violation of Commission policy was involved since WUVA was a carrier current operation as distinguished from a broadcast station. In the event of a grant of its present proposal, however, an appropriate condition will be imposed to insure compliance with Commission duopoly policy.

6. It appears that each of the respective nighttime limitation contours of the applicants fail to cover the entire city. Thus, an issue with respect thereto will be included. Moreover, Commission studies indicate that the main business district of Charlottesville may have shifted to an area northwest of its original location near the center of town. Accordingly, we will include an issue to determine (i) the location of the main business district, and (ii) whether the applicants provide 25 mv/m coverage to that district, day and night.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the efforts made by the applicants to ascertain the community needs and interests of the area to be served and the means by which the applicants propose to meet those needs and interests.

(2) To determine whether Charles W. Hurt and WELK, Inc., are financially qualified.

(3) To determine, with respect to the application of WUVA:

(a) The manner in which the applicant will obtain additional funds to construct and operate the station for 1 year.

(b) Whether, in the light of evidence adduced pursuant to (a), above, the applicant is financially qualified.

(4) To determine whether the proposed nighttime operations meet the requirements of § 73.30(c) of the rules and, if not, whether circumstances exist which would warrant a waiver of said section.

(5) To determine:

(a) The location of the main business district of Charlottesville.

(b) Whether, in the light of the evidence adduced pursuant to the foregoing subissue, the applicants provide 25 mv/m coverage to that district in accordance with § 73.188(b)(1) of the rules.

(c) Whether, assuming (b), above, is answered in the negative, circumstances exist which would warrant a waiver of said section.

(6) To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WELK and the availability of other primary aural service to such areas and populations.

(7) To determine which of the proposals would, on a comparative basis, best serve the public interest.

(8) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

9. *It is further ordered,* That, in the event of a grant of any of the above applications, the construction permit shall contain the following condition: Permittee shall accept such interference as may be imposed by other existing 250-watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

10. *It is further ordered,* That, in the event of a grant of the WUVA application, permittee will take definitive steps to insure that its officers and directors, present and future, will not maintain employee relationships with other Charlottesville standard broadcast stations which would in any way tend to diminish arms length competition in the area.

11. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

12. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 25, 1969.

Released: July 1, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-7990; Filed, July 7, 1969; 8:48 a.m.]

[Dockets Nos. 18582-18584; FCC 69-697]

BRINSFIELD BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of J. Stewart Brinsfield, Sr., and J. Stewart Brinsfield, Jr., doing business as Brinsfield Broadcasting Co., Peoria, Ill., Requests: 105.7 mcs, No. 289; 50 kw; 417 feet, Docket No. 18582, File No. BPH-6519; Peoria Community Broadcasters, Inc., Peoria, Ill., Requests: 105.7 mcs, No. 289; 36 kw(H); 36 kw(V); 571 feet, Docket No. 18583, File No. BPH-6551; Clark Broadcasting Co., Peoria, Ill., Requests: 105.7 mcs; No. 289; 50 kw(H); 50 kw(V); 287 feet, Docket No. 18584, File No. BPH-6695; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations within the 1 mv/m contours together with the availability of other primary aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

3. According to its application, Brinsfield Broadcasting Co. would require $30,000 to construct and operate its proposed station for 1 year without revenues. This figure, however, cannot be accepted because it is premised on utilization of a lease arrangement the availability of which has not been demonstrated. Moreover, applicant's estimate of $11,472 for first-year operational costs does not appear reasonable for the proposed nonduplicated 126-hour-per-week operation. To meet its costs, applicant relies on $62,000 in existing capital, but documentation for this figure appears only on the out-of-date balance sheet for the partnership. Moreover, applicant and its funds are involved in several other

[1] Commissioners Hyde, Chairman; and Robert E. Lee concurring in the result; Commissioner Bartley absent.

pending proposals: Raytown, Mo. (BPH-6329); Oil City, Pa. (BPH-6662); Cory, Pa. (BP-18396); La Plata, Md. (BALH-1144); and Utica, N.Y. (BALH-1176). Accordingly, an issue is required to determine the costs for construction and operation of the proposed station and applicant's ability to meet these costs, taking into account its other pending proposals.

4. According to its application, Peoria Community Broadcasters, Inc., would require $35,811 to construct its proposed station and $45,000 to operate it for 1 year without reliance on revenues. To meet these needs totaling $80,811, applicant has shown the availability of existing capital of $1,000 and a bank loan for $75,000. The total thus available ($76,000) is less than the amount required and an issue will be specified on the availability of the additional amount it requires.

5. According to Clark Broadcasting Co.'s application, a total of $58,025 would be required for construction and first-year operation of its proposed station. To meet this requirement it shows $2,000 in liquid assets. No credit, however, can be given for the stock subscriptions as the stockholders have not shown their ability to meet them nor for a $50,000 loan since the stockholder/lender has not shown his ability to provide it. In addition, the loan does not adequately indicate the terms for repayment. Accordingly, a financial issue will be specified.

6. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961), and our public notice of August 22, 1968 (FCC 68-847), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Although all applicants appear to have made adequate surveys, none have adequately listed the suggestions it received regarding community needs nor have Peoria Community and Brinsfield Broadcasting adequately listed the programing proposed to meet these needs as evaluated. Thus, we are unable at this time to determine whether any of the applicants are aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

7. Since no determination has yet been reached on whether the antenna proposed by Clark Broadcasting Co. would constitute a menace to air navigation, an issue regarding this matter is required.

8. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

9. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the amount reasonably required by Brinsfield Broadcasting Co. to construct and operate its proposed station for 1 year without revenue and whether it has funds available to cover such costs to thus demonstrate its financial qualifications.

(2) To determine whether Peoria Community Broadcasters, Inc., has available to it the additional $4,811 required to construct and operate its proposed station for 1 year without revenues and thus demonstrate its financial qualifications.

(3) To determine whether Clark Broadcasting Co. has available the additional $56,025 required for construction and first-year operation of the proposed station to thus demonstrate its financial qualifications.

(4) To determine the efforts made by Brinsfield Broadcsting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(5) To determine the efforts made by Peoria Community Broadcasters, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(6) To determine the efforts made by Clark Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(7) To determine whether there is a reasonable possibility that the tower height and location proposed by Clark Broadcasting Co. would constitute a menace to air navigation.

(8) To determine which of the proposals would, on a comparative basis, best serve the public interest.

(9) To determine in the light of the evidence adduced pursuant to the foregoing issue, which, if any, of the applications for construction permit should be granted.

10. *It is further ordered,* That the Federal Aviation Administration is made a party to the proceeding.

11. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

12. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: July 1, 1969.

Adopted: June 25, 1969.

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

[F.R. Doc. 69-7991; Filed, July 7, 1969; 8:48 a.m.]

[1] Commissioners Hyde, Chairman; and Robert E. Lee concurring in the result; Commissioner Bartley absent.

[Dockets Nos. 18503, 18504; FCC 69R-283]

UNITED COMMUNITY ENTERPRISES, INC., AND SALUDA BROADCASTING CO., INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of United Community Enterprises, Inc., Greenwood, S.C., Docket No. 18503, File No. BP-17439; Saluda Broadcasting Co., Inc., Saluda, S.C., Docket No. 18504, File No. BP-17529; for construction permits for new Standard Broadcast Stations.

1. The above-captioned mutually exclusive applications were designated for hearing by Commission memorandum opinion and order, FCC 69-280, released April 2, 1969. United Community Enterprises, Inc. (United), seeks a new standard broadcast station on 1090 kHz, 1 kw. power, Day, at Greenwood, S.C.; and Saluda Broadcasting Co., Inc. (Saluda), has requested a new broadcast facility to operate on 1090 kHz with 500 watts power, daytime only, at Saluda, S.C. On April 21, 1969, United filed a petition [1] for enlargement of issues:

To determine whether the application of Saluda Broadcasting Co., Inc., was filed for the principal or incidental purpose of obstructing or delaying the establishment of a standard broadcast facility at Greenwood, S.C., and whether, in light of the facts adduced pursuant to this issue, a grant of the application of Saluda Broadcasting Co., Inc., would serve the public interest, convenience and necessity.

2. In support of the requested issue, United relies upon an affidavit of Wallace A. Mullinax alleging as follows: on September 12, 1966, United's principal stockholders, Wallace A. Mullinax and

[1] The Board also has before it an opposition filed on May 20, 1969, by Saluda Broadcasting Co., Inc.; a comment on petition for enlargement of issues, filed May 22, 1969, by Grenco, Inc.; Broadcast Bureau comments on petition for enlargement of issues, filed May 20, 1969; comments on petition for enlargement, filed May 19, 1969, by Radio Greenwood, Inc.; and a reply filed June 9, 1969, by United Community Enterprises, Inc. Neither Radio Greenwood or Grenco, Inc., are parties to this proceeding. However, since United's position relies on certain alleged conversations with the managers of stations operated by those companies and purports to implicate those companies in an arrangement designed to prevent competition in Greenwood, their comments are accepted for filing and will be considered by the Board.

Mr. John Y. Davenport visited Greenwood to arrange for publication of notice that its application for a new broadcast station in Greenwood had been filed on September 9, 1966; at that time they visited a Mr. Crosland, general manager of WCRS in Greenwood, for the purpose of advising him of their intent to enter the broadcast business in Greenwood; that Crosland advised them he was aware of the fact that an application was about to be filed and that he had discussed the possibility with a Mr. Cook, general manager of WGSW in Greenwood. Crosland further stated that Mr. Cook was very upset about the possibility of additional competition in Greenwood and had suggested that the two existing stations join forces to keep out the competition; that Cook had suggested that one way of keeping competition out would be for a competing applicant to file on 1090 kHz for Saluda, S.C.; and that Crosland had told Cook that Station WCRS would not cooperate in such an endeavor. Mullinax further alleges that thereafter he and Mr. Davenport called upon Mr. George Cook, part-owner and general manager of Station WGSW Greenwood, and advised him of their intention to enter the broadcast business in Greenwood. Mr. Cook indicated that he knew of their intention and inquired concerning how much profit they intended to make from the station in the first few years. Cook then suggested that he could arrange to pay them a sum equal to their expected profits as well as all expenses incurred in filing the application, if they were to withdraw their application. Upon being advised that they were not interested in withdrawing their application, Mr. Cook suggested that he knew people in Greenwood who would be interested in using the frequency at Saluda. Thereafter, Mullinax and Davenport left WGSW. Mullinax further avers that later that day he called Mr. Palmer Greer, his consulting engineer, and told him of his conversations with Crosland and Cook; that Greer advised that Mullinax and Davenport should make notes of the conversations, and that such notes are the basis of the information concerning those conversations contained in his instant affidavit.

3. Mullinax further alleges that on November 16, 1966, Saluda filed its application for a new station in Saluda, S.C., utilizing 1090 kHz, and that shortly thereafter he, Mullinax, requested Mr. Greer to do a frequency study in an attempt to ascertain a suitable alternate frequency for use in Saluda. Greer found such a frequency which could be utilized with a two element directional antenna and, at the request of United, advised Mr. W. J. Holey who was then consulting engineer for Saluda, of its availability but that Holey, by letter dated March 1, 1967, advised Greer that his clients did not wish to change frequencies. Mullinax further alleges that on March 17, 1967, he and Mr. Davenport met with Ted B. Wyndham, president and treasurer of Saluda, and that Davenport had suggested that a hearing before the Commission would be long and expensive and that United would be willing to reimburse Saluda for any expense it had incurred in conjunction with its application for a new station at Saluda. Mullinax further alleges that Wyndham then stated that he had become interested in a new station approximately 1 year before; that he had first considered filing an application for Greenwood but that his friend and professional associate, Mr. Featherstone (sole owner of the licensee for WCRS, Greenwood), had suggested that since Greenwood already had two stations, Saluda, which had none, would be a better place. Wyndham also stated that Mr. James W. Warren who was chief engineer at WGSW, had helped him prepare his application and secure the services of his first engineering consultant and of Mr. Holey who presently advised him on engineering matters. Mullinax then asked Wyndham if he had seriously considered the alternate frequency which Mr. Greer had suggested to Holey. Mullinax alleges that Wyndham stated that Holey had never mentioned an alternate frequency to him or to Mr. Barksdale, the other principal of Saluda, but that Wyndham indicated that he would give serious consideration to using the alternate frequency. Neither Mullinax or Davenport has heard from Wyndham further since that conservation.

4. Mr. Mullinax's affidavit is corroborated by the affidavit of Davenport and insofar as it refers to Mr. Greer and Mr. Greer's frequency search it is corroborated by an affidavit of Palmer A. Greer.

5. United notes further that the city of Greenwood had a 1960 population of 16,644 people and that Greenwood County has a population of 44,346, and that the town of Saluda, which is located approximately 25 miles southeast of Greenwood, had a 1960 population of 2,089; and that Saluda County had a 1960 population of 14,544. Greenwood has two standard broadcast stations, while Saluda has none. United therefore argues that since the managers and owners of the Greenwood stations stand to gain financially if the United application is denied, and since:

Cook and Crosland conferred about the possibility of opposing a third station in Greenwood and the possibility of an application using 1090 kHz at Saluda to accomplish this end;

Cook offered to pay expenses incurred in filing the United application, plus some anticipated profits in exchange for withdrawal of its application;

Cook told Mullinax and Davenport that he knew Greenwood people who were interested in 1090 kHz at Saluda;

Saluda declined to use an alternate frequency for Saluda even though United presented information concerning the availability of such a frequency to the engineering consultant for Saluda;

Wyndham first considered Greenwood but was dissuaded by Featherstone with whom he apparently has a professional relationship and shares adjoining offices;

and the chief engineer of WCRS assisted in the preparation of the Saluda application,

the requested issue must be included in this proceeding.

6. On May 19, 1969, Radio Greenwood filed its statement concerning the petition to enlarge issues. That statement denies any responsibility on the part of Radio Greenwood for the Saluda application. Moreover, the statement and supporting affidavits explain that James W. Warren had begun conversations with Wyndham looking toward the filing of an application for a new station in which Warren and Wyndham would share ownership without advising Radio Greenwood, and that upon being advised of this matter, the station manager had referred it to Washington counsel who felt that Warren must entirely disassociate himself from the new applicant or give up his employment at Radio Greenwood, and Mr. Cook had so advised Warren; that Warren had chosen to continue his employment at Radio Greenwood and had, in fact, disassociated himself from the Saluda applicant. Mr. George B. Cook in his affidavit states that he has read the affidavit of Mr. Mullinax and that his recollection of his conversation with Messrs. Mullinax and Davenport is to the effect that they did discuss the economics of a third radio station in Greenwood but that at no time did he offer any money or any other compensation to Mullinax and Davenport not to file an application or to withdraw an application which they announced had been filed. He did, however, remember some discussion about the possibility of an application for Saluda, but had no knowledge of the frequency involved. He also states in his affidavit that in October, 1966, upon advice of his Washington counsel he advised his chief engineer, Mr. James Warren, that if he elected to stay with WGSW he must terminate his association with the Saluda applicant. Moreover, he states that neither he nor any of his associates in WGSW have in any way encouraged, financed, planned, or assisted in any application for Saluda. He further states in his affidavit that on or about April 14, 1969, Messrs. Mullinax and Davenport, accompanied by a Mr. Bernard described as an attorney from Washington, D.C., had called at his office and

said in effect that they were going to file a request for the addition of a strike issue against the Saluda applicant unless I can convince the Saluda applicant to withdraw. The lawyer mentioned that WGSW was coming up for renewal this year and that my license would be in jeopardy if I were facing a strike issue. I told the gentleman in effect that I had no control over the Saluda applicant and could not direct any action which the Saluda applicant might take.

7. Mr. James W. Warren, in his affidavit, states in essence: That he is the James Warren referred to by Mullinax in paragraph 11 of his affidavit; that as the result of being neighbors and having other mutual interests, he had met Ted Wyndham, a young lawyer in Greenwood; that during the course of the winter of 1965 and 1966, they had discussed the possibility of jointly owning a radio station. By spring of 1966 they had tentatively decided upon Saluda, S.C., and that under date of April 20, 1966, he

had written to a Mr. Robert D. Lambert, a registered professional engineer, requesting him to make a frequency search for a suitable frequency to use in Saluda.[2] Under date of May 10, Lambert submitted a report recommending 1090 kHz with 500 watts power, nondirectional, daytime, as the best choice for Saluda, and Warren and Wyndham decided to proceed with the application. Shortly thereafter, Warren advised Mr. Cook of his participation in the preparation of the application and in October, 1966, Cook advised him that he must disassociate himself from the Saluda application or terminate his employment at WGSW.

8. In its opposition to the petition to enlarge, Saluda flatly denies that the existing Greenwood stations in any way influenced its decision to file its application. Furthermore, it points out that its frequency for Saluda was chosen many months before United's application was filed for Greenwood. It states that Wyndham did not meet Mr. Featherstone until more than 6 months after his application for Saluda was filed and that it rejected United's alternate frequency proposal because it involved a directional installation which would require greater initial expenses and more expense in the operation of the station, and since, in a small market, this additional expense did not appear to be warranted. Saluda supports its allegations and arguments by the affidavits of Robert B. Lambert, Jr.; copies of correspondence between Lambert and Warren bearing the dates of April 20, 1966, and May 10, 1966; and the affidavit of William J. Holey in which he reiterates that he made a limited frequency search and concluded that Mr. Lambert's choice of 1090 kHz for Saluda was the best frequency for use at Saluda. Holey also sets forth the circumstances concerning his employment by Saluda and Mr. Warren's withdrawal from the applicant. With respect to this latter point, a copy of a hand-written letter dated October 24 [1966], and signed by James W. Warren is attached; also, Holey's letter of March 1, 1967, to Mr. Palmer Greer declining to accept Greer's suggestion that an alternate frequency might be used.

9. Saluda also attached an affidavit from C. Bruce Barksdale, Jr., vice president and secretary of Saluda Broadcasting Co. in which he denies any discussion concerning his Saluda application with the existing Greenwood, S.C., stations or their principals or managers. Furthermore, he notes that at the time he was invited to join Mr. Wyndham in this application, he thoroughly investigated the matter and concluded that it was a sound business venture.

10. The opposition is also supported by an affidavit by Mr. Ted B. Wyndham who states that upon graduation from the University of South Carolina Law School in 1965, he commenced his law practice in Greenwood, S.C.; that during the initial period of his practice he met Mr. Warren who was employed by WGSW; that the two became friends and discussed the possibility of owning a radio station. They first considered Greenwood but decided against it because it was obvious that Mr. Warren would be required to give up his employment with WGSW and because there were already two stations in that community. In the spring of 1966, they decided that Saluda would be a suitable community. Warren undertook to arrange for a frequency study and Mr. Robert B Lambert was retained to perform this service. The letters from Warren to Lambert and from Lambert to Warren concerning this frequency study are attached. Subsequently, Lambert withdrew because of a conflict of interest, and Warren arranged for the services of Mr. W. J. Holey. During the period while Warren and Wyndham were preparing their application, they concluded that a partner who could provide financing was needed. They then invited Mr. Barksdale to join them. He took considerable time investigating the possibility and thereafter agreed to participate in the enterprise. United filed its application for Greenwood on September 9, 1966, and at about this time or shortly thereafter it was necessary for Warren to withdraw from the Saluda application, or lose his employment at Radio Greenwood. Nevertheless, Saluda decided to continue with its proposal for a new station at Saluda, and its application was filed November 16, 1966. In his affidavit, Wyndham states that Saluda has paid all of the expenses in conjunction with its application except $150 which Warren paid for the initial frequency study and that that sum is offset by legal services which Wyndham rendered to Warren in connection with a divorce action. Wyndham states that he had not met Mr. Featherstone until Featherstone moved his office to the same floor of the same building that Mr. Wynham occupied. This was approximately 6 months after the Saluda application was filed. Moreover, he flatly states that he has never talked to Mr. Crosland or Mr. Cook about the Saluda proposal.

11. On May 22, 1969, Grenco, Inc., the licensee of WCRS and WCRS–FM, filed its comments on the petition to enlarge. It denied any implication on the part of Grenco, Inc., and supports this denial with an affidavit of Mr. Douglas Featherstone, its president and sole stockholder, in which Mr. Featherstone states that he first learned that Mr. Ted B. Wyndham was interested in an application for a station in Saluda, S.C., on or about April 23, 1969, when Dan Crosland, general manager of WCRS and WCRS–FM called his attention to a petition to enlarge issues in this proceeding. He states that he did not meet Mr. Wyndham until he moved his law offices to the Greenwood Savings and Loan Building on May 1, 1967; that he has never been associated in business or professionally with Mr. Wyndham; and that they have never shared offices and that he had never discussed any proposed or pending applications for new radio stations with Mr. Wyndham until after he received the petition to enlarge issues. Furthermore, Featherstone denied that he made any statement at any time to Wyndham concerning the merits of either Greenwood or Saluda as a site for a new radio station.

12. In its reply, United argues that an analysis of correspondence attached to Saluda's opposition supports its contention that 1090 kHz at Saluda was chosen before the frequency study was ordered. Particularly, it notes that in Warren's letter to Lambert, Warren refers to a telephone conversation in which Lambert had stated that "the clearance would be real close", and reasons that, since Lambert had presumably not studied the matter, Warren must have suggested a specific frequency. United further notes that in Lambert's report to Warren, Lambert refers to a telephone conversation in which the frequency 1090 kHz had been discussed. Since the telephone conversation is not further identified, United reasons we must infer that there was only one conversation, and that must have occurred prior to Warren's first letter to Lambert. United thus concludes that 1090 kHz was selected for Saluda without the benefit of a frequency study and the subsequent study was only for the purpose of facilitating Saluda's intention to apply for a new station on 1090 kHz at Saluda. United further argues that since Lambert suggested a number of alternate frequencies, several of which would not be mutually exclusive with United's application (which was filed some months before Saluda's application), Saluda's persistence in applying for 1090 kHz supports United's conclusion that the Saluda application was filed to obstruct United's efforts to obtain a new station in Greenwood. Moreover, United argues (citing Sumiton Broadcasting Co., Inc., 15 FCC 2d 400, 14 RR 2d 1000 (1968)) that the conflicting affidavits, Warren's involvement in the preparation and filing of an application for Saluda which necessitates a hearing, and the availability of alternate frequencies which could have been granted without hearing, require the addition of the requested issue.

13. Upon careful consideration of the foregoing, the Board concludes that the serious implication which flows from the allegations of the petitioner and the apparent conflicts in the statements set forth in the several pleadings and affidavits warrant a complete inquiry into the facts and circumstances with respect to the preparation and filing of the Saluda application. An appropriate issue concerning this matter will therefore be added to this proceeding. Moreover, in view of the potential implication which might flow from this matter with respect to the existing Greenwood stations, Grenco, Inc., and Radio Greenwood, Inc., will be made parties respondent for the limited purpose of resolving this issue. The burden of proceeding with the evidence on these issues will be assigned to United Community Enterprises, Inc., and the burden of proof to Saluda Broadcasting Co., Inc.

14. *Accordingly, it is ordered,* That the petition to enlarge issues, filed April 21, 1969, by United Community Enterprises, Inc., is granted and the following issues are included in this proceeding:

[2] A copy of Warren's letter to Lambert is attached to the opposition filed by Saluda Broadcasting Co., Inc, on May 20, 1969.

(a) To determine all the facts and circumstances concerning the preparation and filing of Saluda Broadcasting Co., Inc.'s, application for a new standard broadcast station utilizing 1090 kHz with 500 watts power, daytime only, at Saluda, S.C.;

(b) In light of the facts elicited pursuant to (a) above, to assess their effect upon the qualifications of Saluda Broadcasting Co., Inc., to be the licensee of the standard broadcast station for which it has applied.

15. *It is further ordered,* That Radio Greenwood, Inc., and Grenco, Inc., are made parties to the proceeding for the purpose of resolving the foregoing issues, and

16. *It is further ordered,* That the burden of proceeding with the evidence on the foregoing issues is upon United Community Enterprises, Inc., and the burden of proof is upon Saluda Broadcasting, Inc.

Adopted: June 27, 1969.

Released: July 1, 1969.

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

[F.R. Doc. 69-7992; Filed, July 7, 1969; 8:48 a.m.]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on August 12, 1969, the standard broadcast applications listed in the appendix below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1), 1.591(b), and Note 2 to § 1.571 of the Commission's rules,[1] an application, in order to be considered with the application of WRMA Broadcasting Co., Inc. (BP-18336), must be in direct conflict with that application, substantially complete and tendered for filing at the offices of the Commission by the close of business on August 11, 1969. The attention of prospective applicants is directed to the fact that, according to studies on file, no contemplated proposal is eligible for consideration with the applications of Lucas Tomas Muniz (BP-17990), The General Broadcasting Corp. (BP-18219), and Peter L. Pratt (BP-18233), by reason of conflicts between these applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: July 1, 1969.

Released: July 2, 1969.

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

APPENDIX

Applications from the top of the processing line:

BP-17990 New, Yabucoa, P.R.
Lucas Tomas Muniz.
Req: 840 kc, 250 w, Day.

BP-18129 New, Yorktown Heights, N.Y.
The General Broadcasting Corp.
Req: 850 kc, 250 w, Day.

BP-18233 New, Honesdale, Pa.
Peter L. Pratt.
Req: 850 kc, 250 w, DA, Day.

BP-18336 WRMA, Montgomery, Ala.
WRMA Broadcasting Co., Inc.
Has: 950 kc, 1 kw, Day.
Req: 950 kc, 1 kw, DA-N, U.

[F.R. Doc. 69-7993; Filed, July 7, 1969; 8:48 a.m.]

[1] See report and order released July 18, 1968, FCC 68-739, Interim Criteria to Govern Acceptance of Standard Broadcast Applications, 33 F.R. 10343, 13 FCC 2d 866, 13 RR 2d 1667.

FEDERAL MARITIME COMMISSION

GERMANY-NORTH ATLANTIC RATE AGREEMENT

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, 1405 I Street NW., Room 1202; or may inspect agreements 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. W. Voight, Secretary, Germany-North Atlantic Rate Agreement, 1 Ballindamm, Hamburg 1, Germany.

Agreement No. 9427-1, between the member lines of the Germany-North Atlantic Rate Agreement, modifies Article 3 of the basic agreement to provide that, in addition to their right to agree upon and publish rates, terms, and conditions applicable to commodities originating in areas local to German ports, the parties may agree upon and list in their tariffs rates, terms, and conditions applicable to commodities which originate in Italy or the Iberian Peninsula and move overland to a port in Germany for shipment by water to a North Atlantic port in the United States. Such rates, terms and conditions may be the same as those prevailing in the trade from ports in Italy and the Iberian Peninsula to U.S. North Atlantic ports.

Dated: July 2, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7997; Filed, July 7, 1969; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. 27]

AVCO CORP.

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

JULY 1, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Avco Corp., New York, N.Y., a registered diversified savings and loan holding company, for approval of the latter corporation's acquisition of control of the Huntington Savings and Loan Association, Huntington Park, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the rules and regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase of stock of Huntington Savings and Loan Association by Avco Corp. followed by a merger of Ventura Savings and Loan Association, Ventura, Calif., a subsidiary insured institution of Avco Corp., into said Huntington Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

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

[F.R. Doc. 69-7942; Filed, July 7, 1969; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-815 etc.]

SUN OIL CO. ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 25, 1969.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Effective date: Date filing tendered	Effective date: unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-815	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	106	3	Natural Gas Pipeline Co. of America (Southeast Boyd Field, Beaver County, Okla.) (Panhandle Area).	$2,380	5-29-69	[2] 7-7-69	12-7-69	[3] 17.015	[3 4 5] 18.015	RI68-100
	do	135	4	do	190	5-29-69	[2] 7-16-69	12-16-69	[3] 17.015	[3 4 5] 18.015	RI68-100.
	do	219	4	Lone Star Gas Co. (Big Mineral Creek Field, Grayson County, Tex.) (RR. District No. 9).	41	5-29-69	[2] 7-1-69	12-1-69	14.49	[3 4] 16.56	
	do	220	4	do	186	5-29-69	[2] 7-1-69	12-1-69	14.49	[3 4] 16.56	
RI69-816	Sun Oil Co. (Operator) et al	109	3	do	415	5-29-69	[2] 7-16-69	12-16-69	[3] 17.015	[3 4 5] 18.015	RI68-101.
RI69-817	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	55	8	Northern Natural Gas Co. (Hugoton Field, Haskell and Seward Counties, Kans.).	170	5-29-69	[2] 6-30-69	11-30-69	[3] 11.0	[3 4 5] 12.0	
RI69-818	Lario Oil & Gas Co., 301 South Market St., Wichita, Kans. 67202.	6	2	Kansas-Nebraska Natural Gas Co., Inc. (Hugoton Field, Kearny County, Kans.).	1,452	5-26-69	[6] 6-26-69	11-26-69	[3] 11.0	[3 4 5] 12.0	
RI69-819	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, Kans. 67202.	18	[7] 4	Panhandle Eastern Pipe Line Co. (Liberal-Light Field, Seward County, Kans.).	2,206	5-28-69	[2] 6-28-69	11-28-69	16.0	[3 4 5] 17.0025	RI65-176.
RI69-820	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	285	5	Northern Natural Gas Co. (Kiowa Creek and Bechtold Fields, Lipscomb County, Tex.) (RR. District No. 10) and (Ivanhoe & Northeast Dower Fields, Beaver County, Okla.) (Panhandle Area).	2,850	5-29-69	[2] 8-1-69	1-1-70	[3 9] 17.0	[3 4 5 9] 18.0	
					711				[3 11] 17.0	[3 4 5 10 11] 18.015	
RI69-821	Texaco Inc. (Operator), et al., Post Office Box 2420, Tulsa, Okla. 74102.	214	16	Transwestern Pipe Line Co. (Southeast Griggs Field, Cimarron County, Okla.) (Panhandle Area) and (Harper Ranch Field, Clark County, Kans.).	182	5-29-69	[6] 6-29-69	11-29-69	[3 11] 17.0	[4 5 11 12] 19.0	
					2,782				[3 13] 16.0	[4 5 12 13] 18.0	
RI69-822	do	230	3	Panhandle Eastern Pipe Line Co. (Nye South Field, Beaver County, Okla.) (Panhandle Area).	261	5-29-69	[6] 6-29-69	11-29-69	[15] 19.244	[4 14 15] 21.508	
	do	249	2	Lone Star Gas Co. (Carter Knox Field, Stephens County, Okla.) (Carter-Knox Area).	17	5-29-69	[6] 6-29-69	11-29-69	16.8	[4 16] 18.8	
RI69-823	The Stevens County Oil & Gas Co., 302 American Savings Bldg., 201 North Main St., Wichita, Kans. 67202.	32	5	Panhandle Eastern Pipe Line Co. (Greenwood and Hugoton Fields, Morton County, Kans.).	1,000	6-4-69	[6] 7-5-69	12-5-69	15.0	[3 4] 16.0	RI63-242.
RI69-824	Cabot Corp. (SW), Post Office Box 1101, Pampa, Tex. 79065.	42	4	Cities Service Gas Co. (Hugoton Field, Seward County, Kans., and Texas County, Okla.). (Panhandle Area).	24,000	6-3-69	[2] 8-23-69	1-23-70	[3] 11.0	[3 4 5] 12.0	
RI69-825	Edgar W. White, Drawer O, Elkhart, Kans. 67950.	2	4	Colorado Interstate Gas Co., (Greenwood Field, Morton County, Kans.).	420	6-5-69	[6] 7-6-69	12-6-69	[15] 17.0	[3 4 15] 18.0	RI64-708.
RI69-826	Investors Royalty Co., Inc., 1309 Thompson Bldg., Tulsa, Okla. 74103.	1	2	Natural Gas Pipeline Co. of America (Southeast Boyd Area, Beaver County, Okla.) (Panhandle Area).	20	6-4-69	[2] 7-7-69	12-7-69	[3] 17.0	[3 4 5] 18.0	RI65-795.
RI69-827	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	37	2	do	2,600	6-4-69	[2] 7-7-69	12-7-69	[3] 17.0	[3 4 5] 18.0	RI64-793.
	do	87	2	Northern Natural Gas Co. (Kiowa Creek Field, Lipscomb County, Tex.) (RR. District No. 10).	1,120	6-4-69	[2] 8-1-69	1-1-70	[3] 17.0	[3 4 5] 18.0	
RI69-828	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	187	6	Clinton Oil Co.[16] (Autwine Field, Kay County, Okla.) (Oklahoma "Other" Area).	526	6-5-69	[2] 9-1-69	2-1-70	7.2	[3 4] 8.2	RI65-474.
	do	273	6	El Paso Natural Gas Co. (Yucca Butte Field, Pecos and Terrell Counties, Tex.) (Permian Basin Area).	2,934	5-28-69	[2] 8-1-69	1-1-70	16.7227	[3 4] 17.7368	
	do	341	5	El Paso Natural Gas Co. (Blinebry Field, Lea County, N. Mex.) (Permian Basin Area).	121	5-28-69	[2] 8-1-69	1-1-70	[20] 16.6317	[3 4 20] 17.6398	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-829..	D. J. Simmons, et al., d./b./a. Farrell & Co. of Louisiana (Operator), 3500 McCart St., Fort Worth, Tex. 76110.	1	[21] 16	United Gas Pipe Line Co.	----------	5-28-69	[6] 6-28-69	(Accepted)	----------	----------	
		1	17	(Monroe Gas Field, Union, Morehouse, and Ouachita Parishes, La.) (North Louisiana Area).	$11,500	5-28-69	[6] 6-28-69	11-28-69	[24] 13.5	[22 23 24] 16.0	
RI69-830..	D. J. Simmons, et al	2	[21] 7	do	----------	5-28-69	[6] 6-28-69	(Accepted)	----------	----------	
		2	8		11,500	5-28-69	[6] 6-28-69	11-28-69	[24] 13.5	[22 23 24] 16.0	
	do	3	[21] 8	do	----------	5-28-69	[6] 6-28-69	(Accepted)	----------	----------	
		3	9		11,500	5-28-69	[6] 6-28-69	11-28-69	[24] 13.5	[22 23 24] 16.0	
RI69-831..	Global Oils, Inc. (Operator), et al., 2010 Republic National Bank Bldg., Dallas, Tex. 75201.	5	9	Michigan Wisconsin Pipe Line Co. (Woodward Area, Major County, Okla.) (Oklahoma "Other" Area).	24,390	6- 9-69	[6] 7-10-69	12-10-69	[27] 15.63	[4 26 27] 23.76	
RI69-832	do	6	4	Michigan Wisconsin Pipe Line Co. (Northwest Oakdale Field, Woodward Area, Woods County, Okla.) (Oklahoma "Other" Area).	29,268	6- 9-69	[6] 7-10-69	12-10-69	[27] 16.0	[4 26 27] 24.13	
RI69-833..	Reserve Oil & Gas Co., 1806 Fidelity Union Tower, Dallas, Tex. 75201. Attn: Mr. Paul D. Meadows.	1	5	Texas Gas Pipeline Corp. (Mars McLean Field, Jefferson County, Tex.) (RR. District No. 3).	33,966	5-26-69	[6] 6-26-69	11-26-69	[28] 14.6	[3 4] 15.6	
	do	2	5	Texas Gas Pipeline Corp., (Phelan Field, Jefferson County, Tex.) (RR. District No. 3).	708	5-26-69	[6] 6-26-69	11-26-69	[28] 14.6	[3 4] 15.6	

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] The stated effective date is the first day after expiration of the Statutory notice.
[7] Applicable to Light, Light B, and Thompson Units, all in Seward County, Kans.
[8] Includes 0.0025-cent tax reimbursement.
[9] Texas RR. District No. 10 production.
[10] Includes 0.015-cent tax reimbursement.
[11] Oklahoma Panhandle production.
[12] "Fractured" rate increase. Seller contractually due 19.5 cents per Mcf rate.
[13] Kansas production.
[14] "Fractured" rate increase. Seller contractually due 22.5 cents per Mcf rate.
[15] Includes base rate of 17 cents plus upward B.t.u. adjustment before increase and 19 cents plus upward B.t.u. adjustment after increase (1,132 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[16] "Fractured" rate increase. Seller contractually due 19 cents base rate.
[17] Footnote 17 not used in this order.
[18] Subject to upward and downward B.t.u. adjustment.
[19] Clinton Oil Co. (successor to Wunderlich Development Co.) process the gas and resells it under its Rate Schedule No. 12 to Cities Service Gas Co., at a rate of 12 cents which is effective subject to refund in Docket No. RI65-124. Clinton has not filed its related increase to 13 cents per Mcf.
[20] Subject to reduction in price of 0.4467-cent for gas requiring compression to enter high pressure gathering system.
[21] Contract amendment, dated May 23, 1969, which provides for proposed rate for remaining term of contract. Present contract provisions do not provide for any future price escalations.
[22] Renegotiated rate increase.
[23] Pressure base is 15.025 p.s.i.a.
[24] Includes 1-cent tax reimbursement.
[25] Contract amendment dated May 23, 1969, which provides for Respondent's proposed rate increase.
[26] Respondent filing from initial certificated rate to present contract rate.
[27] Includes base rate of 15 cents plus upward B.t.u. adjustment before increase and 22 cents plus 1.13-cent tax reimbursement and upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[28] Settlement rate as approved by Commission order issued June 6, 1967, in Docket No. G-18570.

Lario Oil & Gas Co. request that its proposed rate increase be permitted to become effective as of June 26, 1969. Texaco, Inc. (Operator), et al., and Texaco, Inc., request an effective date of May 29, 1969, for their proposed rate filings. The Stevens County Oil & Gas Co. requests an effective date of July 1, 1969. Edgar W. White requests a retroactive effective date of January 1, 1969, for his proposed rate increase. D. J. Simmons et al., doing business as Farrell & Company of Louisiana (Operator); D. J. Simmons et al.; Global Oils, Inc. (Operator), et al., and Global Oils, Inc., all request an effective date of June 1, 1969, for their proposed rate increases. Reserve Oil and Gas Co. requests waiver of the statutory notice to permit an effective date of May 26, 1969, for its rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Shell Oil Co. (Shell) proposes a rate increase from 7.2 cents to 8.2 cents per Mcf for a sale of gas to Clinton Oil Co. (Clinton) in the Oklahoma "Other" Area. The area increased rate ceiling is 11 cents per Mcf. Clinton processes the gas and resells the residue gas to Cities Service Gas Co. at a rate of 12 cents per Mcf which is in effect subject to refund. Clinton is contractually due a related increase from 12 cents to 13 cents per Mcf but has not as yet filed for same. Although Shell's proposed rate increase to 8.2 cents per Mcf does not exceed the area increased rate ceiling of 11 cents per Mcf for the Oklahoma "Other" Area as announced in the Commission's statement of general policy No. 61-1, as amended, it should be suspended because such ceiling is applicable to Clinton's resale rate, not to Shell's rate. In view of the fact that Clinton's contractually provided rate increase would be suspended, if filed for we conclude that Shell's proposed rate increase should be suspended for 5 months from September 1, 1969, the proposed effective date.

Concurrently with the filing of their rate increases, D. J. Simmons et al., doing business as Farrell & Company of Louisiana (Operator), and D. J. Simmons et al. (both referred to herein as Simmons) filed three contract amendments dated May 23, 1969,[29] which provide the basis for their proposed rate increases. We believe that it would be in the public interest to accept for filing Simmons' contract amendments to become effective on June 28, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56), with the exception of the two rate increases filed by Shell Oil Co. relating to sales in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Simmons' three contract amendments dated May 23, 1969,[29] and for permitting such supplements to become effective as of June 28, 1969, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplements referred to in paragraph (1) above).

The Commission orders:

(A) Supplement No. 16 to Simmons (Operator) FPC Gas Rate Schedule No. 1, and Supplement Nos. 7 and 8 to Simmons'

[29] Designated as Supplement No. 16 to Simmons (as Operator) FPC Gas Rate Schedule No. 1, and Supplements Nos. 7 and 8 to Simmons' FPC Gas Rate Schedules Nos. 2 and 3, respectively.

FPC Gas Rate Schedule Nos. 2 and 3, respectively, are accepted for filing and permitted to become effective on June 28, 1969, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 137(f)) on or before August 6, 1969.

By the Commission.

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

[F.R. Doc. 69-7838; Filed, July 7, 1969; 8:45 a.m.]

[Docket No. RI69-785]

TEXACO, INC.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MAY 29, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 15, 1969.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-785..	Texaco, Inc., Post Office Box 2420, Tulsa, Okla. 74102.	[1] 244	4	Panhandle Eastern Pipe Line Co. (Northeast Carthage Field, Texas County, Okla.) (Panhandle Area).	$1,643	5-9-69	[2] 6-9-69	[3] 6-10-69	[4] 16.0	[4] [5] 17.0	

[1] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and proposed price does not exceed the initial rate ceiling of 17 cents per Mcf.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to upward and downward B.t.u. adjustment.

Texaco, Inc. (Texaco), requests that its proposed rate increase be permitted to become effective as of May 9, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Texaco's rate filing and such request is denied.

The contract related to the rate filing of Texaco was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed rate of 17 cents exceeds the area increased rate ceiling of 11 cents for the Oklahoma Panhandle Area, but does not exceed the service ceiling established for the area involved. We believe, in this situation, Texaco's proposed rate increase should be suspended for 1 day from June 9, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69-7839; Filed, July 7, 1969; 8:45 a.m.]

[Project No. 187]

CALIFORNIA

Order Partially Vacating Withdrawal of Land

JUNE 30, 1969.

Application has been filed by the U.S. Forest Service (Applicant) for vacation of the power withdrawal under section 24 of the Federal Power Act pertaining to the following described lands of the United States:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 20 N., R. 10 E.,
Sec. 35, lot 5.

(0.76 acre.)

The land lies near the North Yuba River at Downieville, Sierra County, Calif., and is withdrawn pursuant to the filing on March 14, 1921, of an application for preliminary permit for Project No. 187. At the time of the filing of the application extensive development of the Yuba River Basin was proposed but only the Bullards Bar facilities were authorized by the license for Project No. 187. The application for the preliminary permit for the project contemplated development of this reach of the North Yuba River by construction of the proposed Toll Bridge diversion dam to be located about 1 mile downstream from the town of Downieville. An alternate plan which has been studied proposes development of the Goodyears Bar reservoir site. The subject land would not be affected by either of these developments which have been proposed since the subject land is

located at a higher elevation than either of the proposed flowages. The town of Downieville also lies at a lower elevation than the subject land and precludes the feasibility of a larger flowage.

The application was filed as part of a proposed land exchange in the Tahoe National Forest.

The Commission finds: Inasmuch as the lands have no significant power value, the withdrawal of the subject lands pursuant to the above mentioned application for Project No. 187 serves no useful purpose and should be vacated.

The Commission orders: The withdrawal of the subject lands pursuant to the application for Project No. 187 is hereby vacated insofar as it affects the subject lands.

By the Commission.

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

[F.R. Doc. 69-7945; Filed, July 7, 1969; 8:45 a.m.]

[Dockets Nos. CP69-345, G-8932]

EL PASO NATURAL GAS CO.

Notice of Application and Petition To Amend

JUNE 30, 1969.

Take notice that on June 23, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. G-8932 a petition to amend the order of the Commission of November 25, 1955, as amended, so as to authorize, pursuant to section 3 of the Natural Gas Act, the importation from Canada at a point near Sumas, Wash., on the international boundary of an additional daily quantity of natural gas up to 150 million cubic feet per day. Applicant also filed, in Docket No. CP69-345, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing construction and operation of certain Northwest Division System facilities and the transportation of an additional 50,000 Mcf per day of natural gas to be imported from Canada and the delivery thereof to existing customers in market areas served by Northwest Division System, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

As regards to the petition to amend in Docket No. G-8932 Applicant states that the purpose of the authorization is to allow Applicant to implement the proposed purchase of such additional daily quantities of gas from Westcoast Transmission Co. Ltd. (Westcoast), and enable Applicant to import a total daily quantity of 575 million cubic feet commencing on or about November 1, 1970, and 650 million cubic feet on November 1, 1971.

Applicant states that it has entered into an agreement with Westcoast dated January 29, 1969, under which the additional 150 million cubic feet of gas per day were to be made available as follows: 75,000 Mcf from November 1, 1970, through October 31, 1971, and 150,000 Mcf from November 1, 1971, through the remaining term of the agreement, the primary term of which ends October 31, 1990. The price at which such gas will be purchased by Applicant will be computed on the basis of the demand and commodity charges set forth in the agreement which will equate, based on 100 percent load factor delivery, to a rate of 31.78 cents per Mcf (at 14.9 p.s.i.a) for all gas purchased from November 1, 1972, throughout the term of the agreement.

Applicant states that the facilities which it proposes to construct and operate, in conjunction with its existing Northwest Division pipeline facilities to permit the acquisition and utilization of the proposed new supply from Westcoast, consist primarily of a new compressor station of 4,000 horsepower and a total of 58.9 miles of 30-inch O.D. mainline loop pipeline. The estimated cost of the project, including overheads, contingencies and filing fees, is $14,889,351. Applicant proposes to finance such cost initially by use of working funds, supplemented by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-7947; Filed, July 7, 1969; 8:45 a.m.]

[Docket No. CP69-349]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Application

JUNE 27, 1969.

Take notice that on June 24, 1969, Great Lakes Gas Transmission Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP69-349 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization for the construction and operation of facilities needed to sell and deliver up to 4 million cubic feet of natural gas per day to Inter-City Gas Limited for a 1-year period commencing November 1, 1969. Applicant also seeks authority to construct and operate a sales measuring station at Grand Rapids, Minn., for this purpose.

The total estimated cost of the proposed facilties is $22,730, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-7948; Filed, July 7, 1969; 8:45 a.m.]

[Docket No. CP69-344]

MID-ILLINOIS GAS CO. AND PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JUNE 30, 1969.

Take notice that on June 23, 1969, Mid-Illinois Gas Co. (Applicant), 72 West Adams Street, Chicago, Ill. 60690, filed in Docket No. CP69-344 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (Respondent) to establish physical connection of its transportation facilities with the facilities to be constructed by Applicant, for the purpose of supplying natural gas requirements for the villages of Murdock, Pierson Station, and Scottland, Ill., and their environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Respondent's transmission line provides the only feasible source of natural gas for the aforementioned areas. Applicant further states such sales and deliveries as may be required will not impair Respondent's ability to render adequate service to its existing customers or subject it to any undue burden and will not compel enlargement of existing transportation facilities.

Estimated cost of Applicant's facilities is $99,600, which will be financed out of general funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-7949; Filed, July 7, 1969; 8:45 a.m.]

[Docket No. CP66-130]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Petition To Amend

JUNE 30, 1969.

Take notice that on June 24, 1969, Mississippi River Transmission Corp. (Petitioner), 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. CP66-130, a petition to amend the order of the Commission issued in said docket on June 6, 1966, as amended August 10, 1966, which order authorized Petitioner, inter alia, to complete and place in operation facilities required for operation of the St. Peter formation in the north area of the St. Jacob Field, Madison and St. Clair Counties, Ill. The purpose of these facilities is for the underground storage of natural gas with a maximum inventory of 4,800,000 Mcf at 14.73 p.s.i.a., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Petitioner seeks amendment of said order by requesting authorization to increase this storage inventory to 5,300,000 Mcf at 14.73 p.s.i.a. Petitioner states the proposed increase will enable continued development leading toward eventual utilization of the full capacity of the reservoir.

Petitioner further states that no new sales are proposed nor will additional facilities be required.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-7950; Filed, July 7, 1969; 8:45 a.m.]

[Docket No. RP69-36]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Postponement of Hearing

JUNE 30, 1969.

Upon consideration of the request filed on June 26, 1969, by counsel for Natural Gas Pipeline Company of America for a postponement of the hearing now scheduled to commence on July 8, 1969, in the above-designated matter;

Notice is hereby given that the hearing in the above-designated matter is postponed to July 9, 1969.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-7951; Filed, July 7, 1969; 8:46 a.m.]

[Dockets Nos. CP69-346, CP69-347]

PACIFIC GAS TRANSMISSION CO.

Notice of Application

JUNE 30, 1969.

Take notice that on June 23, 1969, Pacific Gas Transmission Co. (Applicant), 245 Market Street, San Francisco, Calif. 94106, filed in Docket No. CP69-347 an application for the authorization pursuant to section 3 of the Natural Gas Act for the importation of an additional volume of gas from Canada, and in Docket No. CP69-346 for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing construction and operation of facilities for the interstate transportation and sale of this additional volume of gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The above applications incorporate a proposal by Applicant for the transportation of an additional volume of natural gas from Canada to California, and the sale of the gas at the Oregon-California border to Pacific Gas and Electric Co. (P, G and E) for resale and distribution by P, G and E in northern and central California. Specifically, natural gas will be purchased from producers in Alberta by Alberta and Southern Gas Co., Ltd. (ASG), and transported by the Alberta Gas Trunk Line Co., Ltd., to a point in Alberta near the Alberta-British Columbia border. From there, Alberta Natural Gas Co. will transport the gas to a point on the international boundary between the United States and Canada in the vicinity of Kingsgate, British Columbia, where it will be purchased by Applicant from ASG. Applicant then proposes to transport the gas to the Oregon-California border and there sell it to P, G and E.

Applicant proposes to increase the daily contract quantity in its gas purchase contract with ASG by 185 million cubic feet of gas per day. Applicant would begin to accept deliveries on or about November 1, 1970, and full deliveries would be in effect by January 1, 1971.

Applicant proposes to increase the daily contract quantity in its service agreement with P, G and E 165 million cubic feet of gas per day. Applicant would begin delivery of this additional gas to P, G and E on or about November 1, 1970, and full delivery of the 165 million cubic feet would be in effect by January 1, 1971.

Applicant proposes to expand and change its existing compressor and impeller facilities and the construction and operation of additional river crossings necessary to take delivery of the additional 185 million cubic feet of gas per day from ASG and to transport and deliver the additional 165 million cubic feet per day to P, G and E.

The cost of such facilities is estimated to be $23,132,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing

therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-7952; Filed, July 7, 1969; 8:46 a.m.]

[Docket No. CP67-175]

SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

JUNE 27, 1969.

Take notice that on June 23, 1969, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35208, filed in Docket No. CP67-175, a petition to amend the certificate of public convenience and necessity to authorize a single 26-inch pipeline crossing of the Mississippi River in lieu of previously authorized multiple line crossing, which Applicant states would not have been feasible.

Applicant was also authorized to construct facilities to deliver gas to a processing plant to be constructed by Shell Oil Co. who has not yet constructed said plant. Applicant states that it will request authority from the Commission to construct these facilities at a later date.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7953; Filed, July 7, 1969; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT NATIONAL SECURITIES CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Barnett National Securities Corp., Jacksonville, Fla., for approval of acquisition of 80 percent or more of the voting shares of Citizens National Bank of St. Petersburg, St. Petersburg, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Barnett National Securities Corporation, Jacksonville, Fla., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Citizens National Bank of St. Petersburg, St. Petersburg, Fla.

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

Notice of receipt of the application was published in the FEDERAL REGISTER on February 4, 1969 (34 F.R. 1707), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

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

Dated at Washington, D.C., this 26th day of June 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7954; Filed, July 7, 1969; 8:46 a.m.]

BARNETT NATIONAL SECURITIES CORP.

Order Denying Application Under Bank Holding Company Act

In the matter of the application of Barnett National Securities Corporation, Jacksonville, Fla., for approval of acquisition of 80 percent or more of the voting shares of Union Trust National Bank of St. Petersburg, St. Petersburg, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Barnett National Securities Corporation, Jacksonville, Fla., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Union Trust National Bank of St. Petersburg, St. Petersburg, Fla.

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

Notice of receipt of the application was published in the FEDERAL REGISTER on February 4, 1969 (34 F.R. 1708), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is denied.

Dated at Washington, D.C., this 26th day of June 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7955; Filed, July 7, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 714]

KENTUCKY

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Allen and Warren Counties, Ky.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on June 23, 1969.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Daane.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Daane.

OFFICE

Small Business Administration Regional Office, Fourth and Broadway, Louisville, Ky. 40202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1969.

Dated: June 25, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-7965; Filed, July 7, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 28]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Missouri-Kansas-Texas Railroad Co. is unable to transport traffic on its line between Wichita Falls, Tex., and Forgan, Okla., because of bridge damage.

It is ordered, That:

(a) The Missouri-Kansas-Texas Railroad Co., being unable to transport traffic over its line between Wichita Falls, Tex., and Forgan, Okla., because of bridge damage, that line is hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Missouri-Kansas-Texas Railroad Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 10 a.m., July 1, 1969.

(g) Expiration date: This order shall expire at 11:59 p.m., July 25, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 1, 1969.

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

[F.R. Doc. 69-7985; Filed, July 7, 1969; 8:48 a.m.]

[S.O. 994; ICC Order 27]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the St. Louis-San Francisco Railway Co. is unable to transport traffic over its line into Clinton, Mo., because of flooding.

It is ordered, That:

(a) The St. Louis-San Francisco Railway Co., being unable to transport traffic over its line into Clinton, Mo., because of flooding, that line is hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The St. Louis-San Francisco Railway Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(d) Effective date: This order shall become effective at 2 p.m., June 30, 1969.

(e) Expiration date: This order shall expire at 11:59 p.m., July 3, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 30, 1969.

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

[F.R. Doc. 69-7986; Filed, July 7, 1969; 8:48 a.m.]

RAYMOND R. MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (30 F.R. 8809; 31 F.R. 930, 13405; 32 F.R. 769, 10706; 33 F.R. 522, 10544, 20067) for the 6 months' period ended July 3, 1969.

REVISED LIST OF SECURITIES—JUNE 26, 1969

IT&T.
Minnesota Mining & Manufacturing.
I.B.M.
Penn Central.
Monarch Realty Investment Trust.

Dated: June 26, 1969.

R. R. MANION.

[F.R. Doc. 69-7987; Filed, July 7, 1969; 8:48 a.m.]

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FEDERAL REGISTER

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Tuesday, July 8, 1969 • Washington, D.C.

PART II

Department of the Treasury

Fiscal Service, Bureau of Accounts

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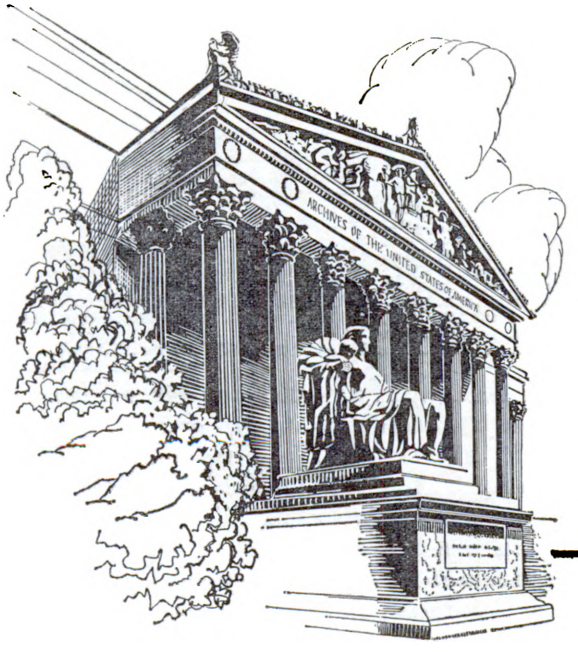
Circular 570; 1969 Revision



Surety Companies Acceptable on Federal Bonds

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Cir. 570; 1969 Rev.]

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

JULY 1, 1969.

This circular is published annually, as of July 1, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Copies of this circular may be obtained from: Audit Staff, Bureau of Accounts, Treasury Department, Washington, D.C. 20226. Interim changes in this circular are published in the FEDERAL REGISTER as they occur.

The following companies, except where otherwise noted, have complied with the law and the regulations of the Treasury Department and are acceptable as sureties on Federal bonds, to the extent and with respect to the localities indicated opposite their respective names.

[SEAL]

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk). See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Aetna Casualty and Surety Company, Hartford, Conn.	41,562	All	CONN.—All.
Aetna Insurance Company, Hartford, Conn.	14,062	All except C.Z.	CONN.—All except C.Z., Guam, Hawaii, Virgin Islands.
Agricultural Insurance Company, Watertown, N.Y.	2,297	All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, selll., Ind., Ky., Md., Miss., N.C., Okla., Puerto Rico, Tenn., Virgin Islands, W. Va.
Allegheny Mutual Casualty Company, Meadville, Pa.	102	Alaska, Fla., Ill., Ind., La., Md., Mich., N.J., Ohio, Pa., Wis.	PA.—D.C., sFla., nIll., sInd., Md., eMich., N.J., Ohio, eVa., eWis.
Allied Insurance Company, Los Angeles, Cal.	598	Cal., N.Y., Tex., Wash	CAL.—D.C., Tex.
Allied Mutual Insurance Company, Des Moines, Iowa.	2,094	Ariz., Colo., Idaho, Ill., Ind., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Dak., Okla., S. Dak., Tex., Utah, Wis., Wyo.	IOWA—Ariz., Colo., D.C., Idaho, Kans., Minn., Nebr., N. Dak., Oreg., S. Dak., Wyo.
Allstate Insurance Company, Northbrook, Ill.	73,313	All except C.Z., Guam, Virgin Islands	ILL.—cCal., Colo., Conn., D.C., mFla., nGa., sInd., Kan., eMich., sMiss., N.J., eN.Y., wN.C., nOhio, ePa., sTex., wVa., wWash., eWis.
American Automobile Insurance Company, San Francisco, Cal.	5,034	All except C.Z., Guam, Puerto Rico, Virgin Islands	MO.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
American Bonding Company, Los Angeles, Cal.	62	Alaska, Ariz., Ark., Cal., Idaho, Iowa, Nebr., Nev., N. Mex., Oreg.	NEBR.—Ariz., Cal., D.C., Idaho, Iowa, Nev., N. Mex., Oreg., wWash.
American Casualty Company of Reading, Pennsylvania, Chicago, Ill.	3,985	All except C.Z., Guam, Virgin Islands	PA.—All except Guam, Virgin Islands.
American Credit Indemnity Company of New York, Baltimore, Md.	2,473	Cal., Colo., Conn., Del., Ill., Ind., Iowa, Ky., Me., Md., Mass., Minn., Mo., N.H., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., R.I., Vt., Wash., W. Va.	N.Y.—D.C.
American Employers' Insurance Company, Boston, Mass.	5,248	All except Guam	MASS.—All except Guam.
American Fidelity Company, Manchester, N.H.	454	Conn., Iowa, Me., Mass., Miss., N.H., R.I., Vt	VT.—All except C.Z., Guam, Kans., Puerto Rico, Virgin Islands.
American Fire and Casualty Company, Orlando, Fla.	497	Ala., Ark., Colo., D.C., Fla., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.	FLA.—Ala., Ark., Colo., D.C., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.
American and Foreign Insurance Company, New York, N.Y.	1,543	All except C.Z., Del., Guam, La., Oreg., Puerto Rico, S.C., Va., Virgin Islands.	N.Y.—D.C., Tex.
American General Insurance Company, Houston, Tex.	26,146	La., N. Mex., Okla., Pa., Tex.	TEX.—All except Guam, Puerto Rico, Virgin Islands.
American Guarantee and Liability Insurance Company, Chicago, Ill.	1,268	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—Alaska, Cal., Conn., D.C., nFla., nsGa., nsIll., nInd., Me., Md., Mass., eMich., Minn., Mo., N.H., N.J., N. Mex., Ohio, Pa., nswTex., Vt.
American Home Assurance Company, New York, N.Y.	2,913	Ala. (except official), Alaska, Ariz., Cal., Colo., Conn., Del., D.C., Fla., Ga., Hawaii, Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), S. Dak., Tenn., Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.	N.Y.—D.C.
American Indemnity Company, Galveston, Tex.	484	Ala., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Mich., Minn., Miss., Mo., Mont., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Va., Wis., Wyo.	TEX.—All except Alaska, wArk., C.Z., Guam, Hawaii, wMich., nOkla., Puerto Rico, Virgin Islands, wVa.
The American Insurance Company, Principal Office: Newark, N.J. Home Office: San Francisco, Cal.	11,804	All except C.Z., Guam, Virgin Islands	N.J.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
American International Insurance Company, New York, N.Y.	397	All except C.Z., Guam, Virgin Islands	N.Y.—All except Guam, Virgin Islands.
American Manufacturers Mutual Insurance Company, Chicago, Ill.	996	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except nAla., Ark., C.Z., Conn., Del., Ga., Guam, Hawaii, Idaho, sIowa, Kans., La., Me., Md., Mo., Nebr., Nev., Oreg., mPa., Puerto Rico, S.C., S. Dak., Tenn., Tex., Utah, Va., Virgin Islands, wWis.
American Motorists Insurance Company, Chicago, Ill.	1,550	All except Guam, Oreg., Virgin Islands	ILL.—All except Alaska, Ark., C.Z., Del., Guam, Hawaii, Idaho, Nev., N. Mex., Oreg., Tenn., Virgin Islands, Wyo.
American Mutual Liability Insurance Company, Wakefield, Mass.	3,788	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MASS.—D.C.
American National Fire Insurance Company, New York, N.Y.	1,223	All except C.Z., Conn., Guam, La., Me., Mich., N.J., Puerto Rico, S.C., Virgin Islands.	N.Y.—All.
American Re-Insurance Company, New York, N.Y.	7,923	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except Guam.
American States Insurance Company, Indianapolis, Ind.	4,368	All except Ala., C.Z., Conn., Del., Ga., Guam, Hawaii, La., Mass., Miss., N.H., N.Y., N.C., Puerto Rico, R.I., S.C., S. Dak., Va., Virgin Islands.	IND.—Ariz., Cal., Colo., D.C., Ill., Iowa, Kans., Ky., Mich., Mo., Mont., Ohio, Okla., Oreg., Pa., Tenn., Tex., Utah, Wash., W. Va., Wis.
Argonaut Insurance Company, Menlo Park, Cal.	2,005	All except C.Z., Conn., Guam, Me., N.Y., Puerto Rico, Virgin Islands.	CAL.—D.C., nGa., Idaho, eLa.
Associated Indemnity Corporation, San Francisco, Cal.	1,372	All except C.Z., Guam, Virgin Islands	CAL.—nmAla., Ariz., Conn., Del., D.C., msFla., nGa., Ill., Ind., Kans., wKy., Me., Md., Mass., eMich., eMo., Mont., Nebr., Nev., N.H., N.J., sN.Y., N.C., Ohio, wOkla., Oreg., Pa., R.I., S.C., weTenn., Tex., Utah, eVa., Wash., eWis.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk). See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Atlantic Insurance Company, Dallas, Tex.	1,678	Ala., Ariz., Ark., Cal., Fla., Ga., Ill., Ind., Kans., Md., Mo., Nev., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Utah.	TEX.—All except Alaska, C.Z., Guam, Hawaii, eN.Y., N. Dak., Puerto Rico, Vt., Va., Virgin Islands, W. Va., eWis.
Atlantic Mutual Insurance Company, New York, N.Y.	4,658	All except Ala., C.Z., Guam, Hawaii, La., Puerto Rico, Virgin Islands.	N.Y.—D.C.
Auto-Owners Insurance Company, Lansing, Mich.	2,693	Ala., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Mo., Nebr., N.C., N. Dak., Ohio, Pa., S.C., S. Dak., Tenn., Wis.	MICH.—D.C., nsFla., Ill., Ind., Iowa, Minn., Mo., N. Dak., Ohio, S. Dak.
Balboa Insurance Company, Los Angeles, Cal.	1,118	All except Ala., Ark., C.Z., Guam, Kans., La., Me., Mass., Miss., Nebr., N.H., N.J., N.C., N. Dak., Oreg., Puerto Rico, R.I., S.C., S. Dak., Tenn., Vt., Va., Virgin Islands, W. Va., Wis.	CAL.—D.C.
Bankers Multiple Line Insurance Company, Chicago, Ill.	628	All except Alaska, C.Z., Del., Ga., Guam, Hawaii, Idaho, La., Me., N.H., N.C., Oreg., Puerto Rico, S.C., Tenn., Va., Virgin Islands.	IOWA—D.C.
Bankers and Shippers Insurance Company of New York, New York, N.Y.	1,420	All except C.Z., Guam, Hawaii, Me., Puerto Rico, Virgin Islands.	N.Y.—mAla., Ariz., Ark., Del., D.C., nFla., nGa., sInd., sIowa, eKy., Me., Mass., Mich., Minn., sMiss., wMo, N.H., N.J., sOhio, wOkla., R.I., S. Dak., nwTex., Wyo., PA.—D.C.
Birmingham Fire Insurance Company of Pennsylvania, New York, N.Y.	457	All except Ark., C.Z., Del., Ga., Guam, Hawaii, Idaho, Mass., N.H., N.J., Puerto Rico, S.C., Tex., Virgin Islands.	
Boston Old Colony Insurance Company, New York, N.Y.	3,241	All except C.Z., Guam	MASS.—Ala., Alaska, Ark., ncCal., Conn., Del., D.C., sFla., Ga., Hawaii, Idaho, Kans., La., Me., Md., Minn., Miss., eMo., Mont., Nebr., N. Mex., wneN.Y., N.C., S.C., Wyo.
The Buckeye Union Insurance Company, Columbus, Ohio.	3,923	Ind., Ky., Mich., Ohio, Pa., Va., W. Va	OHIO—D.C., Ill., Ind., Ky., Mich., Minn., Pa., eTenn., Va., W. Va.
The Camden Fire Insurance Association, Philadelphia, Pa.	4,150	Ala. (fidelity only), Alaska, Ariz., Ark., Cal., C.Z., Colo., Conn., D.C., Ill., Ind., Iowa, Kans., Ky., Md., Mass., Mich., Minn., Mo., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), Utah, Vt., Va., W. Va., Wyo.	N.J.—D.C.
Capitol Indemnity Corporation, Madison, Wis.	122	Ill., Iowa, Mich., Minn., Wis	WIS.—D.C., nGa., Ill., sInd., Iowa, Mich., Minn., wMo.
Cascade Insurance Company, Tacoma, Wash.	785	Cal., Hawaii, Idaho, Mont., Nev., Oreg., Utah, Wash	WASH.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
The Celina Mutual Insurance Company, Celina, Ohio.	424	Colo., Ill., Ind., Kans., Ky., Mich., Ohio, Pa., W. Va	OHIO—D.C.
Centennial Insurance Company, New York, N.Y.	1,420	All except Ala., C.Z., Guam, Hawaii, La., Puerto Rico, Virgin Islands.	N.Y.—D.C.
Century Indemnity Company, Hartford, Conn.	463	Ark., Cal., Colo., Conn., D.C., Fla., Ga., Iowa, Me., Md., Minn., N.J., Okla., R.I., S.C., S. Dak., Utah, Vt.	CONN.—
The Charter Oak Fire Insurance Company, Hartford, Conn.	1,315	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	CONN.—eCal., D.C., sFla., sGa., Iowa, Mass., eMich., nMiss., wMo., N.J., esN.Y., mN.C., sOhio, ePa., S.C., eTenn., wTex., Utah, nW. Va., eWis., Wyo.
The Cincinnati Insurance Company, Cincinnati, Ohio.	787	Ala., Fla., Ga., Ind., Ky., Mich., Ohio, Pa., Tenn	OHIO—mAla., D.C., sFla., nGa., sInd., Ky.
Citizens Insurance Company of New Jersey, Hartford, Conn.	914	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.J.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Commercial Insurance Company of Newark, N.J., New York, N.Y.	3,068	All except C.Z., Oreg., Puerto Rico	N.J.—All except Guam.
Commercial Standard Insurance Company, Forth Worth, Tex.	541	Ala., Ariz., Ark., Cal., Colo., D.C., Fla., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Md., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N.C., N. Dak., Okla., Oreg., S. Dak., Tenn., Tex., Utah, Va., Wash., Wis., Wyo.	TEX.—All except Alaska, C.Z., Guam, Hawaii, Minn., Miss., Puerto Rico, S. Dak., Virgin Islands.
Commercial Union Insurance Company of America, Boston, Mass.[1]	13,523	All except C.Z., Guam	MASS.—All except Alaska, C.Z., mFla., mGa., Guam, wLa., Md., wMich., Mo., N. Mex., N.Y., eN.C., wPa., S.C., wWash., Wyo.
The Connecticut Indemnity Company, Hartford, Conn.	965	All except Alaska, C.Z., Del., Guam, Hawaii, Oreg., Puerto Rico, S.C., Va., Virgin Islands.	CONN.—All except Alaska, cesCal., C.Z., Guam, Hawaii, Nev., Oreg., Puerto Rico, Virgin Islands, Wash.
Consolidated Insurance Company, Indianapolis, Ind.	190	Ill., Ind., Ky., Mich., Ohio	IND.—D.C., Ill., Ky., Mich., Ohio.
Consolidated Mutual Insurance Company, Brooklyn, N.Y.	1,288	All except Ala., Alaska, C.Z., Del., Guam, La	N.Y.—D.C.
Continental Casualty Company, Chicago, Ill.	34,725	All except Guam	ILL.—All except C.Z., Guam, Virgin Islands.
The Continental Insurance Company, New York, N.Y.	106,277	All except Guam	N.Y.—All except Guam.
Cosmopolitan Mutual Insurance Company, New York, N.Y.	931	All except Alaska, Ariz., C.Z., Colo., Del., Hawaii, Idaho, Iowa, Guam, Kans., Minn., Miss., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Oreg., S. Dak., Utah, Virgin Islands, Wash., Wyo.	N.Y.—D.C.
Cumis Insurance Society, Inc., Madison, Wis.	443	All except Ark., C.Z., Conn., Guam, Hawaii, Kans., Mass., N.C., Oreg., Puerto Rico, Tex., Virgin Islands.	WIS.—nsAla., Colo., D.C., Fla., Ill., Md., Mich., Nev., Utah.
Emmco Insurance Company, South Bend, Ind.	2,176	All except C.Z., Colo., Conn., Guam, Mass., Puerto Rico, Virgin Islands, W. Va.	IND.—D.C.
Empire Fire and Marine Insurance Company, Omaha, Nebr.	94	Alaska, Ariz., Colo., Ga., Hawaii, Ill., Iowa, Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., S. Dak., Utah, Vt., Wash., Wyo.	NEBR.—D.C.
Employers Casualty Company, Dallas, Tex.	1,538	Ariz., Ark., Cal., Colo., Ill., Ind., Iowa, Kans., Ky., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., Tex., Utah, Wash., Wyo.	TEX.—D.C.
The Employers' Fire Insurance Company, Boston, Mass.	2,277	All except C.Z.	MASS.—All except C.Z., Guam.
Employers Mutual Casualty Company, Des Moines, Iowa.	2,127	All except Ala., C.Z., Del., Ga., Guam, Hawaii, La., Oreg., Puerto Rico, Tenn., Virgin Islands, W. Va.	IOWA—Alaska, Colo., D.C., Ill., Ind., Kans., Md., Minn., Miss., Mo., Nebr., N.C., N. Dak., Ohio, Okla., Oreg., Pa., S.C., S. Dak., Wis.
Employers Mutual Liability Insurance Company of Wisconsin, Wausau, Wis.	15,825	All except C.Z., Virgin Islands	WIS.—D.C.
Employers Reinsurance Corporation, Kansas City, Mo.	5,247	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MO.—All except Guam.
Equitable Fire and Marine Insurance Company, Hartford, Conn.	2,467	All except Ala., Ark., C.Z., Ga., Guam, La., Me., Puerto Rico, Virgin Islands.	R.I.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Farmers Elevator Mutual Insurance Company, Des Moines, Iowa	82	Colo., Ill., Iowa, Kans., Minn., Mo., Nebr., N. Dak., Okla., S. Dak., Tex., Wyo.	IOWA—Colo., D.C., Ill., Kans., Nebr., Okla., S. Dak.
Farmers Mutual Hail Insurance Company of Iowa, Des Moines, Iowa	1,315	Iowa	IOWA—D.C.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk). See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Federal Insurance Company, New York, N.Y.	19,256	All	N.J.—All.
Federated Mutual Implement and Hardware Insurance Company, Owatonna, Minn.	1,893	All except Alaska, Cal., C.Z., Del., Guam, Hawaii, Idaho, La., Me., Mass., Nev., Oreg., Pa., Puerto Rico, Tex., Virgin Islands, Wis.	MINN.—Ala., Ark., D.C., Fla., Ga., Ky., Miss., N.C., Okla., S.C., Tenn., Va., W. Va.
The Fidelity and Casualty Company of New York, New York, N.Y.	6,702	All except Guam, Virgin Islands	N.Y.—All except Guam, Hawaii, Virgin Islands.
Fidelity and Deposit Company of Maryland, Baltimore, Md.	8,941	All except Guam	MD.—All except Guam.
Fireman's Fund Insurance Company, San Francisco, Cal.	25,060	All except C.Z	CAL.—All.
Firemen's Insurance Company of Newark, New Jersey, New York, N.Y.	16,607	All except Puerto Rico	N.J.—All except C.Z.
First Insurance Company of Hawaii, Ltd., Honolulu, Hawaii.	1,118	Cal., Guam, Hawaii, Oreg	HAWAII—D.C.
First National Insurance Company of America, Seattle, Wash.	1,441	All except C.Z., Conn., Del., Guam, Hawaii, La., Me., N.H., Puerto Rico, Vt.	WASH.—All except C.Z., Del., Guam, Hawaii, La., Me., N.H., Puerto Rico, Vt., Virgin Islands.
General Fire and Casualty Company, New York, N.Y.	851	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—D.C.
General Insurance Company of America, Seattle, Wash.	19,975	All except Virgin Islands	WASH.—All except Virgin Islands.
General Reinsurance Corporation, New York, N.Y.	12,467	All except C.Z., Guam, Puerto Rico	N.Y.—All except C.Z., Guam, Virgin Islands.
Glens Falls Insurance Company, Glens Falls, N.Y.	10,016	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except Guam, Puerto Rico, Virgin Islands.
Globe Indemnity Company, New York, N.Y.	6,852	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Guam, Virgin Islands.
Grain Dealers Mutual Insurance Company, Indianapolis, Ind.	910	All except Ala., Alaska, C.Z., Del., Guam, Hawaii, Idaho, Me., Puerto Rico, S.C., Tenn., Virgin Islands.	IND.—eArk., Colo., D.C., Ill., Iowa, Kans., Nebr., Ohio, wOkla.
Granite State Insurance Company, Manchester, N.H.	556	All except C.Z., Conn., Del., Guam, Hawaii, Idaho, Oreg., Puerto Rico, Virgin Islands.	N.H.—All except Guam, Puerto Rico.
Great American Insurance Company, New York, N.Y.	30,669	All	N.Y.—All.
Great Northern Insurance Company, Minneapolis, Minn.	854	Ariz., Colo., Ill., Iowa, Minn., Mo., Mont., Nebr., Nev., N.Y., N. Dak., S. Dak., Wis., Wyo.	MINN.—D.C., nsIll., Iowa, Mo., Mont., N. Dak., S. Dak., Wis.
Greater New York Mutual Insurance Company, New York, N.Y.	2,864	All except Alaska, Ark., C.Z., Del., Guam, Hawaii, La., S.C., Tenn., Virgin Islands.	N.Y.—D.C.
Guarantee Insurance Company, Los Angeles, Cal.	759	Alaska, Ariz., Ark., Cal., Fla., Hawaii, Idaho, Ill., Ind., Iowa, Mich., Mont., Nev., N.J., N.Mex., N.Y., N.C., Okla., Tex., Utah, Va., Wash., Wyo.	CAL.—D.C.
Gulf American Fire and Casualty Company, Montgomery, Ala.	157	Ala., Fla., Ga., La., Miss., S.C., Tenn	ALA.—Alaska, D.C., mnGa., sMiss.
Gulf Insurance Company, Dallas, Tex.[2]	4,746	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Idaho, Mass., N.H., N. Dak., Puerto Rico, S. Dak., Vt., Va., Virgin Islands.	MO.—All except Alaska, sCal., C.Z., Del., Guam, Hawaii, eIll., nInd., Nev., N.J., N. Mex., eN.Y., ewN.C., N. Dak., nOhio, Pa., Puerto Rico, Vt., Va., Virgin Islands, W. Va., eWis.
The Hanover Insurance Company, New York, N.Y.	4,441	All except C.Z., Guam, Puerto Rico	N.Y.—All except Guam.
Hardware Mutual Casualty Company, Stevens Point, Wis.	1,938	All except C.Z., Guam, Idaho, Puerto Rico, Virgin Islands	WIS.—D.C.
Hartford Accident and Indemnity Company, Hartford, Conn.	26,620	All except Guam	CONN.—All except Guam, Virgin Islands.
Hartford Fire Insurance Company, Hartford, Conn.	73,435	All except C.Z., Guam	CONN.—Ariz., Cal., D.C., Guam, Hawaii, La., N.Y., Va.
Hawkeye-Security Insurance Company, Des Moines, Iowa.	995	Ariz., Colo., Conn., D.C., Fla., Idaho, Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N.J., N. Mex., N. Dak., Ohio, Okla., Pa., S. Dak., Tex., Utah, Va., Wis., Wyo.	IOWA—Colo., D.C., nsFla., Ill., sInd., Kans., wMich., Mo., Nebr., N. Mex., S. Dak., Wyo.
Highlands Insurance Company, Houston, Tex.	1,273	All except C.Z., Conn., Del., Guam, Hawaii, Mass., N.H., Puerto Rico, R.I., Virgin Islands.	TEX.—D.C., La.
The Home Indemnity Company, New York, N.Y.	3,817	All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands.
The Home Insurance Company, New York, N.Y.	33,885	All except C.Z	N.Y.—Alaska, D.C., Guam, Puerto Rico, S.C.
Home Owners Insurance Company, Chicago, Ill	161	Ala., Ariz., Fla., Ga., Idaho, Ill., Ind., Minn., Miss., Mo., Mont., Nev., Okla., Oreg., Tenn., Wash.	ILL.—Ariz., D.C., sFla., eLa., Minn., Mont., eVa., wWash.
Hudson Insurance Company, New York, N.Y.	433	N.Y	N.Y.—D.C.
Illinois National Insurance Co., Springfield, Ill.	737	Ill., Ind., Iowa, Ky., Mo., Nebr., N. Mex., Ohio, Tex	ILL.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Indiana Bonding and Surety Company, Indianapolis, Ind.	76	Ind	IND.—D.C.
Indiana Insurance Company, Indianapolis, Ind.	959	Ill., Ind., Ky., Mich., Ohio	IND.—D.C., Ill., Ky., Mich., Ohio.
Industrial Indemnity Company, San Francisco, Cal.	2,636	All except C.Z., Conn., N.Y., N. Dak., Ohio, Puerto Rico, Virgin Islands, W. Va.	CAL.—Alaska, Ariz., eArk., Colo., D.C., sFla., nGa., Hawaii, Idaho, nIll., sInd., eLa., Md., eMich., eMo., Mont., Nebr., Nev., N.J., N. Mex., wOkla., Oreg., S. Dak., eTenn., Tex., Utah, Wash., Wyo.
Inland Insurance Company, Lincoln, Nebr.	465	Colo., Iowa, Kans., Minn., Nebr., Okla., S. Dak., Wyo	NEBR.—Ariz., Ark., Colo., D.C., Ill., Iowa, Kans., Ky., Minn., eMo., Mont., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Tex., Utah, Wash., Wyo.
Insurance Company of North America, Philadelphia, Pa.	91,630	All	PA.—All except Guam.
The Insurance Company of the State of Pennsylvania, New York, N.Y.	676	Ala. (except official), Alaska, Ariz., Cal., Colo., Conn., Del., D.C., Fla., Ga., Hawaii, Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), S. Dak., Tenn., Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.	PA.—D.C.
International Fidelity Insurance Company, Newark, N.J.	62	Mass., Mich., N.J., N.Y., Pa	N.J.—D.C.
International Insurance Company, New York, N.Y.	1,351	All except Ala., C.Z., Del., Guam, La., Miss., Oreg., S.C., Virgin Islands.	N.Y.—All except Alaska, C.Z., Conn., Del., Guam, Me., Md., Mass., N.H., N.J., Ohio, Pa., Puerto Rico, R.I., eTenn., Vt., Virgin Islands, W. Va.
International Service Insurance Company, Fort Worth, Tex.	416	Alaska, C.Z., N. Mex., Tex	TEX.—D.C.
Iowa Mutual Insurance Company, De Witt, Iowa.	558	Colo., Ill., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N.C., N. Dak., Okla., S.C., S. Dak., Wis., Wyo.	IOWA—nAla., Colo., D.C., sIll., Kans., Minn., Mont., Nebr., wN.C., wOkla., Oreg., S. Dak.
Iowa Surety Company, Des Moines, Iowa.	64	Iowa	IOWA—D.C.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk). See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Jersey Insurance Company of New York, New York, N.Y.	952	All except Alaska, Ariz., C.Z., Del., Guam, Hawaii, Me., Nev., N.H., N. Mex., N. Dak., Puerto Rico, Vt., Virgin Islands, W. Va., Wyo.	N.Y.—mAla., Ariz., Ark., D.C., nFla., nGa., sInd., sIowa, eKy., Mass., Mich., Minn., sMiss., wMo., N.J., Ohio, wOkla., R.I., S. Dak., nwTex.
John Deere Insurance Company, New York, N.Y.	307	All except Ala., C.Z., Del., Guam, Idaho, Puerto Rico, Virgin Islands.	N.Y.—All except Ala., C.Z., Del., Guam, Idaho, Puerto Rico, Virgin Islands, sW. Va.
Kansas City Fire and Marine Insurance Company, Glens Falls, N.Y.	510	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MO.—Ala., Alaska, Ark., Colo., D.C., Fla., Ga., Ill., Iowa, Kans., Minn., Nebr., Okla., S.C., Tex., Va., Wis., Wyo.
Lawyers Surety Corporation, Dallas, Tex.	91	Tex	TEX.—D.C.
Liberty Mutual Insurance Company, Boston, Mass.	20,093	All except Guam, Virgin Islands	MASS.—All except C.Z., Guam.
Lumbermens Mutual Casualty Company, Chicago, Ill.	9,500	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	ILL.—All except C.Z., Guam, Hawaii, wLa., Puerto Rico, Virgin Islands.
Maine Bonding and Casualty Company, Portland, Me.	484	Conn., Me., Md., Mass., N.H., N.Y., R.I., Vt	ME.—Conn., D.C., Mass., N.H., R.I., Vt.
The Manhattan Fire and Marine Insurance Company, San Francisco, Cal.	1,046	All except C.Z., Conn., Del., Guam, La., Me., N. Dak., Oreg., Puerto Rico, S.C., Tenn., Virgin Islands.	N.Y.—D.C.
Maryland American General Insurance Company, Houston, Tex.	1,079	N. Mex., Okla., Tex	TEX.—D.C., La., N. Mex., Okla.
Maryland Casualty Company, Baltimore, Md.	15,823	All except Guam	MD.—All except Guam.
Massachusetts Bay Insurance Company, Boston, Mass.	397	Cal., Colo., D.C., Fla., Ga., Ind., Iowa, Kans., Me., Md., Mass., Mo., N.H., N.Y., R.I., Tex., Vt., Wis., Wyo.	MASS.—Colo., D.C., Ga., Ind., Iowa, Kans., Ky., Me., Md., N.H., R.I., Tex., Vt., Wis., Wyo.
Merchants Mutual Bonding Company, Des Moines, Iowa.	43	Iowa, Kans., Mont., Nebr., Okla., S. Dak., Tex	IOWA—D.C., sIll., Nebr., wOkla.
Michigan Millers Mutual Insurance Company, Lansing, Mich.	1,356	All except Ala., Alaska, Ariz., C.Z., Ga., Guam, Hawaii, Idaho, La., Nev., N. Mex., Oreg., Puerto Rico, S.C., Virgin Islands, Wyo.	MICH.—eArk., Cal., Colo., D.C., Ill., Ind., Iowa, Kans., eKy., Minn., Miss., Mo., Mont., Nebr., nwN.Y., N. Dak., Ohio, wOkla., S. Dak., wmTenn., Utah, wWash.
Michigan Mutual Liability Company, Detroit, Mich.	2,015	All except C.Z., Del., Guam, Hawaii, Me., Minn., N. Dak., Oreg., Puerto Rico, Tenn., Virgin Islands.	MICH.—D.C.
Mid-Century Insurance Company, Los Angeles, Cal.	1,116	All except Ala., Alaska, C.Z., Conn., D.C., Guam, Hawaii, Ky., La., Me., Md., Mass., Miss., N.H., N.J., N.Y., N.C. Pa., Puerto Rico, R.I., S.C., Tenn., Va., Virgin Islands, W. Va.	CAL.—Ariz., Ark., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okl a., Oreg., S. Dak., Tex., Utah, Wash., Wis., Wyo.
Midland Insurance Company, New York, N.Y.	523	Del., Fla., Idaho, Ky., La., Mich., Minn., Miss., Mont., Nev., N.J., N. Mex., N.Y., Pa., S.C., Utah, Vt., Va., Wash., Wyo.	N.Y.—D.C.
The Millers Casualty Insurance Company of Texas, Fort Worth, Tex.	104	Ark., D.C., Fla., La., Miss., Mo., N. Mex., Okla., Tex	TEX.—Ar k., D.C., Fla., La., Miss., Mo., N. Mex., Okla.
The Millers Mutual Fire Insurance Company, Harrisburg, Pa.	279	Ga., Ind., Iowa, Ky., Mo., N.Y., N.C., Pa., R.I., S.C., Tex., Vt., W. Va.	PA.—D.C.
The Millers Mutual Fire Insurance Company of Texas, Fort Worth, Tex.	623	Ariz., Ark., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., N.H. (Reinsurance), N. Mex., N.Y., N. Dak., Ohio, Okla., Oreg., Pa., S. Dak., Tenn., Tex., Utah, Va. (Reinsurance), Wis.	TEX.—All except Ala., Alaska, C.Z., Conn., Del., Guam Hawaii, Idaho, Me., Md., Nev., N.H., N.J., N.C., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, eWash., W. Va., Wyo.
Millers' Mutual Insurance Association of Illinois, Alton, Ill.	1,831	All except Ala., Alaska, Ariz., Cal., C.Z., Conn., Del., D.C., Guam, Hawaii, Idaho, Ky., La., Me., Mass., Miss., Nebr., Nev., N.H., N. Mex., Oreg., Puerto Rico, R.I., Tenn., Utah, Virgin Islands.	ILL.—nmAla., Ark., Colo., D.C., Ind., Iowa, Kans., Minn., Mo., Mont., N. Dak., S. Dak.
Millers National Insurance Company, Chicago, Ill.	425	All except Alaska, Ark., C.Z., Del., Guam, Hawaii, La., Md., Miss., N. Mex., Puerto Rico, Vt., Virgin Islands.	ILL.—Ariz., sCal., Colo., D.C., Ind., Iowa, Kans., Ky., Mass., Mich., Minn., Mo., Mont., Nev., N. Mex., N. Dak., R.I., S. Dak., nwsTex., Utah, wWis., Wyo.
Mutual Boiler and Machinery Insurance Company, Waltham, Mass.	1,444	Alaska, Ariz., Cal., Colo., Conn., D.C., Ind., Iowa, Ky., Mass., Mich., Minn., Mont., Nev., N.H., N.J., N. Mex., N.Y., N.C., R.I., Tex., Utah, Vt., W. Va., Wis., Wyo.	MASS.—D.C.
National Automobile and Casualty Insurance Company, Los Angeles, Cal.	277	Alaska, Ariz., Cal., Colo., Idaho, Ill., Ind., Kans., Ky., La., Mich., Mo., Mont., Nev., N. Mex., Okla., Oreg., Tenn., Tex., Utah, Wash., Wyo.	CAL.—All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
National-Ben Franklin Insurance Company of Pittsburgh, Pa., New York, N.Y.	1,496	All except C.Z., Guam, Hawaii, Oreg., Puerto Rico, Virgin Islands.	PA.—D.C., Md., W. Va.
National Casualty Company, Detroit, Mich.	1,000	All except C.Z., Guam, Me., Miss., Puerto Rico, Virgin Islands.	MICH.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
National Fire Insurance Company of Hartford, Chicago, Ill.	13,094	All except C.Z., Guam, Virgin Islands	CONN.—All except Ariz., C.Z., Guam, Nev., Virgin Islands.
National Grange Mutual Insurance Company, Keene, N.H.	1,980	Conn., Del., D.C., Ill., Ind., Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Tenn., Vt., Va., W. Va., Wis.	N.H.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
National Indemnity Company, Omaha, Nebr.	1,151	All except C.Z., Guam, Hawaii, Me., Mass., N.H., N.J., N.Y., Oreg., Puerto Rico, S.C., Vt., Virgin Islands.	NEBR.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
The National Reinsurance Corporation, New York, N.Y.	3,177	All except Ala., C.Z., Conn., Fla., Ga., Guam, La., Me., Miss., Mo., N.C., Oreg., Puerto Rico, S.C., S. Dak., Tenn., Va., Virgin Islands.	N.Y.—D.C., sOhio.
National Standard Insurance Company Houston, Tex.	287	La., N. Mex., Tex	TEX.—D.C.
National Surety Corporation, Principal Office: New York, N.Y., Home Office: San Francisco, Cal.	6,911	All except Guam, Puerto Rico, Virgin Islands	N.Y.—All except Guam.
National Union Fire Insurance Company of Pittsburgh, Pa., New York, N.Y.	2,632	All except C.Z., Guam, Puerto Rico, Virgin Islands	PA.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
National Union Indemnity Company, New York, N.Y.	409	All except Ark., C.Z., Guam, Hawaii, Idaho, Me., Oreg., Puerto Rico, Virgin Islands.	PA.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
Nationwide Mutual Insurance Company Columbus, Ohio.	9,744	All except Cal., C.Z., Guam, Hawaii	OHIO—D.C.
New Hampshire Insurance Company, Manchester, N.H.	4,714	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.H.—All except Guam.
New York Underwriters Insurance Company, Hartford, Conn.	2,372	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Newark Insurance Company, New York, N.Y.	2,008	All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands	N.J.—All except Alaska, nCal., C.Z., Guam, Hawaii, Idaho, Virgin Islands, Wyo.
Niagara Fire Insurance Company, New York, N.Y.	2,083	All except C.Z., Guam	N.Y.—All except C.Z., Guam.
North American Reinsurance Corporation, New York, N.Y.	4,627	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
The North River Insurance Company, New York, N.Y.	6,569	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Northeastern Insurance Company of Hartford, Des Moines, Iowa.	969	Cal., Colo., Conn., Ill., Iowa, Kans., Mich., N.H., N.J., N.Y., Ohio, Okla., Tex.	CONN.—D.C.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk). See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Northern Assurance Company of America, Boston, Mass.	1,762	All except C.Z., Guam	MASS.—All except C.Z., Guam, Virgin Islands, sW.Va.
Northern Insurance Company of New York, Baltimore, Md.	5,872	All except C.Z., Fla., Guam, Hawaii, La., Oreg., Puerto Rico, Virgin Islands.	N.Y.—D.C., Me.
Northwestern National Casualty Company, Milwaukee, Wis.	957	Ala., Ariz., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Mo., Mont., Nebr., N. Mex., Ohio, Okla., Pa., R.I., S. Dak., Tex., Wash., W. Va., Wis.	WIS.—nsAla., Ariz., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Mo., Mont., Nebr., N. Mex., Ohio, Okla., Pa., R.I., S. Dak., nes Tex., Wash., W. Va.
Northwestern National Insurance Company of Milwaukee, Wisconsin, Milwaukee, Wis.	4,921	All except C.Z., Guam, Virgin Islands	WIS.—All except C.Z., Guam, Virgin Islands.
The Ohio Casualty Insurance Company, Hamilton, Ohio.	5,574	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	OHIO—All except C.Z., Guam.
Ohio Farmers Insurance Company, LeRoy, Ohio.	2,387	All except Ala., Alaska, Ark., C.Z., Fla., Ga., Guam, Hawaii, Idaho, Kans., La., Me., Miss., N.H., Oreg., Puerto Rico, Tenn., Tex., Utah, Vt., Virgin Islands, Wyo.	OHIO—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Oklahoma Surety Company, Tulsa, Okla.	56	Okla	OKLA.—D.C.
Olympic Insurance Company, Los Angeles, Cal.	654	All except C.Z., Del., D.C., Guam, Md., Mass., N.J., N.Y., Ohio, Puerto Rico, R.I., S.C., Va., Virgin Islands, W. Va.	CAL.—D.C.
Oregon Automobile Insurance Company, Portland, Oreg.	845	Cal., Hawaii, Idaho, Nev., Oreg., Utah, Wash	OREG.—Cal., D.C., Hawaii, Idaho, Nev., Utah, Wash.
Pacific Employers Insurance Company, Los Angeles, Cal.	2,544	Ariz., Cal., Colo., Idaho, Ill., Ind., Iowa, Kans., Miss., Mo. Mont., Nebr., Nev., N. Mex., Ohio, Okla., Oreg., S. Dak., Tenn., Tex., Utah, Wash., Wis., Wyo.	CAL.—Ariz., Conn., Del., D.C., sFla., wKy., Md., Mass., N. Mex., N.Y., Ohio, R.I., wTex., W. Va., Wis.
Pacific Indemnity Company, Los Angeles, Cal.	3,626	All except C.Z., Guam, Virgin Islands	CAL.—All except Conn., Guam, Me., N.H., Vt., Virgin Islands.
Pacific Insurance Company Limited, Honolulu, Hawaii.	949	Hawaii	HAWAII—D.C.
Pacific Insurance Company of New York, New York, N.Y.	2,192	All except Alaska, C.Z., Guam, Hawaii, Me., Nev., N.H., N. Dak., Puerto Rico, S. Dak., Vt., Virgin Islands, W. Va., Wyo.	N.Y.—mAla., Ariz., Ark., Del., D.C., nFla., nGa., sInd., sIowa, eKy., Me., Mass., Mich., Minn., sMiss., wMo., N.J., sOhio, wOkla., R.I., S. Dak., nwTex., Wyo.
Peerless Insurance Company, Keene, N.H.	833	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.H.—All except Guam, Hawaii, Virgin Islands.
Pekin Insurance Company, Pekin, Ill.	134	Ill., Ind., Iowa, Mo.	ILL.—D.C.
The Pennsylvania Insurance Company, Boston, Mass.	2,750	All except C.Z., Guam, Puerto Rico	PA.—All except C.Z., Guam.
Pennsylvania Manufacturers' Association Insurance Company, Philadelphia, Pa.	2,529	Del., D.C., Md., N.J., N.Y., Ohio, Pa., W. Va	PA.—D.C.
Pennsylvania Millers Mutual Insurance Company, Wilkes-Barre, Pa.	1,150	D.C., Pa	PA.—D.C.
Pennsylvania National Mutual Casualty Insurance Company, Harrisburg, Pa.	1,609	Ala., Del., D.C., Fla., Ga., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Miss., Mo., Nebr., N.J., N.C., Ohio, Okla., Pa., R.I., S.C., Tenn., Tex., Utah, Vt., Va., W. Va., Wis.	PA.—D.C., Kans., Md., Mo., N.J., N.C., Okla., Tenn., Va.
Phoenix Assurance Company of New York, New York, N.Y.	2,272	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
The Phoenix Insurance Company, Hartford, Conn.	15,944	All except C.Z., Guam, Puerto Rico	CONN.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Planet Insurance Company, Philadelphia, Pa.	2,013	All except C.Z., Guam, Puerto Rico, Virgin Islands	WIS.—All except C.Z., Guam, Virgin Islands.
Potomac Insurance Company, Philadelphia, Pa.	7,309	Ala. (fidelity only), Ariz., Cal., Colo., Conn., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Nebr., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Oreg., Pa., R.I., S.C. (fidelity only), Tenn., Tex., Utah, Va., Wash., W. Va., Wis., Wyo.	PA.—All except Ala., Alaska, Ark., C.Z., Del., Guam, Hawaii, Idaho, Me., Mont., Nev., N.H., N. Dak., Oreg., Puerto Rico, S. Dak., Vt., Virgin Islands.
Protective Insurance Company, Indianapolis, Ind.	285	All except Ala., Alaska, Ark., C.Z., Conn., Del., Fla., Ga., Guam, Hawaii, Kans., Ky., La., Md., N.H., N. Mex., N.Y., N. Dak., Oreg., Puerto Rico, S.C., Va., Virgin Islands, W. Va.	IND.—D.C.
Providence Washington Insurance Company, Providence, R.I.	1,777	All except C.Z., Del., Guam, Idaho, La., Oreg., Puerto Rico, Virgin Islands.	R.I.—Conn., D.C., Mass., N.H., N.J., N.Y., Pa., Vt.
The Prudential Insurance Company of Great Britain Located in New York, New York, N.Y.	1,008	Cal., N.Y	N.Y.—D.C.
Public Service Mutual Insurance Company, New York, N.Y.	1,707	Conn., Del., D.C., Fla., Ga., Idaho, Ill., Iowa, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Pa., R.I., Vt., Va., W. Va., Wis.	N.Y.—D.C., sFla., ePa., wTex.
Puerto Rican-American Insurance Company, San Juan, Puerto Rico.	365	Puerto Rico	PUERTO RICO—D.C.
Queen Insurance Company of America, New York, N.Y.	5,018	All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Idaho, Virgin Islands, Wyo.
The Reinsurance Corporation of New York, New York, N.Y.	3,414	All except Ariz., C.Z., Conn., Fla., Guam, Hawaii, N. Mex., Puerto Rico, S. Dak., Virgin Islands. (In Kans., La., Mass., N.H., Tex., Utah, Va. licensed for reinsurance only.)	N.Y.—D.C.
Reliance Insurance Company, Philadelphia, Pa.	26,632	All except Guam	PA.—All except Guam.
Republic Insurance Company, Dallas, Tex.	2,179	All except Ala., Alaska, C.Z., Fla., Guam, Hawaii, Me., Mass., Mont., Nev., N.H., N. Dak., Puerto Rico, R.I., S.C., S. Dak., Vt., Virgin Islands, Wyo.	TEX.—D.C.
Resolute Insurance Company, Hartford, Conn.	1,080	All except C.Z., Guam, La., N.Y., Puerto Rico, Virgin Islands.	R.I.—All except wArk., C.Z., mGa., Guam, Hawaii, La., Me., wMich., nMiss., nwN.Y., N.C., Oreg., Puerto Rico, S.C., S. Dak., weTenn., Utah, Vt., wVa., Virgin Islands nW. Va., wWis.
Royal Indemnity Company, New York, N.Y.	5,247	All	N.Y.—All except Guam, Virgin Islands.
Safeco Insurance Company of America, Seattle, Wash.	6,247	Ala., Ariz., Ark., Cal., Colo., Conn., D.C. (fidelity only), Idaho, Ill., Ind., Iowa, Kans., Md. (fidelity only), Mich., Minn., Miss. (fidelity only), Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.C., N. Dak., Okla., Oreg., Pa., R.I., S. Dak., Tex., Utah, Wash., W. Va., Wis., Wyo.	WASH.—All except Alaska, C.Z., Del., Fla., Ga., Guam, Hawaii, Ky., La., Me., Md., Mass., Miss., N.Y., Ohio, Puerto Rico, S.C., Tenn., Vt., Va., Virgin Islands.
Safeguard Insurance Company, New York, N.Y.	1,849	All except C.Z., Del., Guam, Oreg., Virgin Islands	CONN.—All except Ark., C.Z., Ga., Guam, Ky., La., Miss., wN.C., Okla., Puerto Rico, Tenn., nweTex., Vt., Virgin Islands, wVa., W. Va.
St. Paul Fire and Marine Insurance Company, St. Paul, Minn.	20,641	All except C.Z., Guam	MINN.—All except Guam.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk). See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Seaboard Surety Company, New York, N.Y.	3,605	All except Guam	N.Y.—All except Guam.
Security Insurance Company of Hartford, Hartford, Conn.	4,124	All except C.Z., Guam, Virgin Islands	CONN.—All except Alaska, cesCal., C.Z., sGa., Guam, Hawaii, seIll., sIowa, Kans., wLa., wMich., nMiss., Nev., neN.Y., N. Dak., Oreg., Puerto Rico, S. Dak., meTenn., Vt., Virgin Islands, eWash., sW. Va., wWis.
Security Mutual Casualty Company, Chicago, Ill.	708	All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	Ill.—D.C.
Security National Insurance Company, Dallas, Tex.	367	Ark., Cal., Colo., Ind., Ky., Mich., Okla., Tex., Wash., Wis.	TEX.—All except C.Z., Guam, Mont.
Select Insurance Company, Dallas, Tex.	570	Cal., Colo., Fla., Ga., Idaho, Mo., Nev., N. Mex., Okla., S. Dak., Tex., Wash., Wyo.	TEX.—All except Alaska, C.Z., Guam, Hawaii, Mo., N. Dak., nOhio, Puerto Rico, Vt., Va., Virgin Islands, W. Va., eWis.
Southern General Insurance Company, Allentown, Pa.	243	Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Md., Miss., Mo., Nev., N.J., N.C., Pa., R.I., S.C., Tex., Utah, Wash., Wis.	GA.—Ariz., Cal., D.C., nsFla., nInd., Md., sMiss., N.J., mwN.C., ePa., enTex.
The Standard Fire Insurance Company, Hartford, Conn.	3,146	All except Ala., C.Z., Del., Guam, La., N.J., Puerto Rico, Tenn., Virgin Islands, W. Va.	CONN.—All.
State Automobile Mutual Insurance Company, Columbus, Ohio.	2,932	Ala., Fla., Ga., Ind., Kans., Ky., Md., Mich., Miss., Mo., N.J., N.C., Ohio, Pa., S.C., Tenn., Va., W. Va.	OHIO—Ala., D.C., Fla., Ga., Ky., Md., Mich., Miss., eMo., N.C., Pa., S.C., Tenn., Va., W. Va.
State Farm Fire and Casualty Company, Bloomington, Ill.	8,985	All except C.Z., Guam, Puerto Rico, Virgin Islands	ILL.—Colo., D.C., mGa., mPa.
State Surety Company, Des Moines, Iowa.	67	Colo., D.C., Iowa, Kans., Minn., Mo., Nebr., S. Dak	IOWA—eArk., Colo., D.C., sFla., Ill., Kans., eLa., wMich., Minn., Mo., Nebr., sN.Y., N. Dak., nOhio, nOkla., S. Dak.
Statesman Insurance Company, Indianapolis, Ind.	251	Ala., Fla., Ill., Ind., Iowa, Ky., La., Md., Minn., Miss., Mont., Pa., Tenn.	IND.—Ariz., cCal., Colo., D.C., Ill., nIowa, Kans., eLa., Minn., wMo., Mont., Nebr., N. Mex., N. Dak., nwOkla., wmPa., S. Dak., nesTex., Wyo.
The Stuyvesant Insurance Company, Allentown, Pa.	965	All except C.Z., Guam, Hawaii, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
The Summit Fidelity and Surety Company, Des Moines, Iowa.	50	All except Ark., Cal., C.Z., Conn., D.C., Ga., Guam, Hawaii, Idaho, La., Me., Md., Mass., N.H., N.Y., N.C., Oreg., Puerto Rico, R.I., S.C., S. Dak., Tex., Virgin Islands, W. Va.	OHIO—Ariz., Colo., D.C., Fla., Ill., Ind., Iowa, Kans., Ky., La., eMich., Miss., Mo., Nebr., N.J., N. Mex., Okla., ePa., wTenn., wWash., Wis.
Sun Insurance Company of New York, New York, N.Y.	409	All except Ala., Alaska, Ariz., Ark., C.Z., Colo., Fla., Ga., Guam, Hawaii, Idaho, Ind., Kans., La., Miss., Nebr., Nev., N.C., N. Dak., Puerto Rico, S.C., S. Dak., Utah, Virgin Islands, W. Va.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Superior Risk Insurance Company, LeRoy, Ohio.	1,106	All except Ala., Alaska, Ark., C.Z., Fla., Ga., Guam, Hawaii, Idaho, Kans., La., Me., Miss., Mo., Nebr., N.H., N. Mex., N. Dak., Oreg., Puerto Rico, S.C., Tex., Utah, Vt., Virgin Islands, Wyo.	OHIO—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Surety Company of the Pacific, Los Angeles, Cal.	51	Cal	CAL.—
Traders & General Insurance Company, Dallas, Texas.	205	Colo., Kans., La., Miss., Mo., N. Mex., Okla., Tex	TEX.—D.C.
Transamerica Insurance Company, Los Angeles, Cal.	6,105	All except Guam	CAL.—All except C.Z., Guam, Virgin Islands.
Transcontinental Insurance Company, Chicago, Ill.	3,535	All except C.Z., Del., Guam., Hawaii, La., Oreg., Virgin Islands.	N.Y.—All except Alaska, C.Z., Del., msGa., Guam, Hawaii, La., Miss., Oreg., Puerto Rico, S.C., Vt., Virgin Islands.
Transit Casualty Company, St. Louis, Mo.	1,373	All except C.Z., Guam, N.Y., Puerto Rico, Virgin Islands	MO.—D.C.
Transport Indemnity Company, Los Angeles, Cal.	768	All except C.Z., Guam, Puerto Rico, Virgin Islands	CAL.—All except Alaska, C.Z., Guam, eKy., eLa., Nev., nwN.Y., eOkla., Puerto Rico, mTenn., wVa. Virgin Islands, nW. Va.
Transportation Insurance Company, Chicago, Ill.	1,096	All except C.Z., Guam, Hawaii, Puerto Rico, S.C., Virgin Islands.	ILL.—All except Alaska, nCal., C.Z., Conn., sFla., Guam, Hawaii, eKy., Minn., wMo., Nev., N.H., wN.Y., Ohio, ePa., Puerto Rico, S. Dak., Virgin Islands, wWash., nW. Va., Wis.
The Travelers Indemnity Company, Hartford, Conn.	25,000	All except Guam	CONN.—All except Guam.
Trinity Universal Insurance Company, Dallas, Tex.	2,755	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Idaho, Me., Md., Mass., Mont., Nev., N.H., N.J., N.Y., Puerto Rico, R.I., S.C., Tenn., Utah, Vt., Va., Virgin Islands, W. Va., Wyo.	TEX.—All except Guam.
Tri-State Insurance Company, Tulsa, Okla.	402	All except Cal., C.Z., Conn., Del., D.C., Guam, Hawaii, Me., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.	OKLA.—All except Cal., C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mass., Mich., N.H., N.J., N.Y. N.C., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.
Twin City Fire Insurance Company, Hartford, Conn.	948	All except C.Z., Guam, Puerto Rico, Virgin Islands	MINN.—sCal., Conn., D.C., La., Va.
United Bonding Insurance Company, Indianapolis, Indiana.	86	All except C.Z., Conn., Guam., N.Y., Puerto Rico, Virgin Islands, W. Va.	IND.—All except nAla., C.Z., Del., Guam, Hawaii, Me., Mass., Mont., wnN.Y., N. Dak., Puerto Rico, Virgin Islands.
United Fire & Casualty Company, Cedar Rapids, Iowa.	221	Ariz., Colo., Ill., Iowa, Minn., Mo., Mont., Nebr., N. Dak., S. Dak., Wis., Wyo.	IOWA—D.C., nsIll., Minn., Mo., Nebr., S. Dak., Wis.
United Pacific Insurance Company, Tacoma, Wash.	2,272	All except Ala., C.Z., Conn., Del., Ga., Guam, Me., Md., Mass., N.J., N.C., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands.	WASH.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
United States Fidelity and Guaranty Company, Baltimore, Md.	50,570	All except Guam	MD.—All except Guam.
United States Fire Insurance Company, New York, N.Y.	10,486	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
Universal Surety Company, Lincoln, Nebr.	259	Ariz., Ark., Colo., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Ohio, Okla., S. Dak., Utah, Wash., Wyo.	NEBR.—Ariz., Colo., D.C., Iowa, Kans., Minn., Mo., Mont., N. Mex., N. Dak., wOkla., S. Dak., nTex., Utah, Wyo.
Utica Mutual Insurance Company, Utica, N.Y.	2,154	All except Alaska, C.Z., Guam, Hawaii, Kans., La., Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Me., Puerto Rico, Virgin Islands.
Valley Forge Insurance Company, Chicago, Ill.	1,334	All except Alaska, Cal., C.Z., Del., Fla., Guam, Hawaii, Idaho, Kans., Ky., La., Nebr., N.H., N. Mex., N.C., Oreg., Puerto Rico, S. Dak., Tenn., Virgin Islands, Wyo.	PA.—All except Guam, Virgin Islands, Wis.
Vigilant Insurance Company, New York, N.Y.	2,007	All except Alaska, C.Z., Guam, Hawaii	N.Y.—All except Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands.
West American Insurance Company, Hamilton, Ohio.	1,324	Ariz., Ark., Cal., Colo., D.C., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Mo., Nebr., Nev., N. Mex., N.Y., N. Dak., Ohio, Okla., Oreg., Pa., Utah, Va., Wash., Wis., Wyo.	CAL.—Ala., Colo., D.C., nsFla., Ga., Ill., Ind., Iowa, Kans., Ky., eLa., Md., Mich., Minn., Mo., Nev., N. Mex., N. Dak., Ohio, nOkla., Oreg., Pa., mTenn., Tex., Utah, Va., Wash., Wis., Wyo.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk). See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Westchester Fire Insurance Company, New York, N.Y.	6,468	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
The Western Casualty and Surety Company, Fort Scott, Kans.	4,166	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Mass., N.H., N.Y., N.C., Puerto Rico, R.I., Vt., Va., Virgin Islands, W. Va.	KANS.—All except Guam, Puerto Rico, Virgin Islands.
The Western Fire Insurance Company, Fort Scott, Kans.	2,605	Ariz., Ark., Cal., Colo., Fla., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Miss., Mo., Nebr., Nev., N. Mex., N.Y., N. Dak., Ohio, Okla., S. Dak., Tenn., Utah, Wash., Wis., Wyo.	KANS.—All except Guam, Puerto Rico, Virgin Islands.
Western Pacific Insurance Company, Seattle, Wash.	429	Alaska, Ariz., Cal., Colo., Idaho, Mont., Nev., Oreg., Utah, Wash., Wyo.	WASH.—Alaska, Ariz., Cal., Colo., D.C., Idaho, wMich., Mont., Nev., N. Mex., sN.Y., Oreg., Utah, Wyo.
Western Surety Company, Sioux Falls, S. Dak.	1,130	All except Alaska, C.Z., Guam, Hawaii, N.Y., Puerto Rico, Virgin Islands.	S. DAK.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Wisconsin Surety Corporation, Madison, Wis.	79	Alaska, D.C., Minn., Pa., Wis	WIS.—D.C.
Wolverine Insurance Company, Battle Creek, Mich.	1,280	Alaska, Ark., Cal., Fla., Ga. (surety only), Ill., Ind., Iowa, Md. (surety only), Mich., Minn., Nebr., Nev., N. Mex., N. Dak., Ohio, Pa., S. Dak., Vt., W. Va., Wyo.	MICH.—D.C., Ga., Ill., Ind., Iowa, Minn., Ohio, S. Dak.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM THE SECRETARY OF THE TREASURY AS ACCEPTABLE REINSURING COMPANIES UNDER TREASURY CIRCULAR NO. 297, DATED JULY 5, 1922, AS AMENDED

Names of Companies	Underwriting limitations (net limit on any one risk) [In thousands of dollars]	Judicial Districts in which process agents have been appointed
Accident and Casualty Insurance Company of Winterthur, Switzerland (U.S. Office, New York, N.Y.)	2,054	D.C.
Alliance Assurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	764	D.C.
Atlas Assurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	750	D.C.
Constellation Reinsurance Company, New York, N.Y	1,753	D.C.
The Employers' Liability Assurance Corporation, Limited, London, England (U.S. Office, Boston, Mass.)	9,049	D.C.
General Accident Fire and Life Assurance Corporation, Limited, Perth, Scotland (U.S. Office, Philadelphia, Pa.)	12,327	D.C.
General Security Assurance Corporation of New York, New York, N.Y	586	D.C.
The London Assurance, London, England (U.S. Office, New York, N.Y.)	771	D.C.
London Guarantee and Accident Company, Ltd., London, England (U.S. Office, New York, N.Y.)	1,485	D.C.
The London & Lancashire Insurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	748	D.C.
The Marine Insurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	558	D.C.
Metropolitan Fire Assurance Company, Hartford, Conn	383	D.C.
Munich Reinsurance Company, Munich, Germany (U.S. Office, New York, N.Y.)	808	D.C.
The Netherlands Insurance Company, Est. 1845, The Hague, Holland (U.S. Office, Keene, N.H.)	700	D.C.
Rochdale Insurance Company, New York, N.Y	248	D.C.
Royal Insurance Company, Limited, Liverpool, England (U.S. Office, New York, N.Y.)	3,841	D.C.
The Sea Insurance Company, Limited, Liverpool, England (U.S. Office, New York, N.Y.)	848	D.C.
The Skandia Insurance Company, Stockholm, Sweden (U.S. Office, New York, N.Y.)	1,074	D.C.
Sun Insurance Office, Limited, London, England (U.S. Office, New York, N.Y.)	1,165	D.C.
Swiss Reinsurance Company, Zurich, Switzerland (U.S. Office, New York, N.Y.)	4,313	D.C.
Transatlantic Reinsurance Company, New York, N.Y	174	D.C.
The Unity Fire and General Insurance Company, New York, N.Y	475	D.C.
Zurich Insurance Company, Zurich, Switzerland (U.S. Office, Chicago, Ill.)	8,406	D.C.

[1] Surviving corporation of a merger with Commercial Union Insurance Company of New York, a New York Corporation, effective December 31, 1968. (For details see FEDERAL REGISTER of February 5, 1969, Page 1734.)

[2] Formerly Washington Fire & Marine Insurance Company, a Missouri Corporation. Assumed insurance business and name of Gulf Insurance Company, a Texas Corporation, December 31, 1968. (For details see FEDERAL REGISTER April 22, 1969, Page 6745.)

[3] Formerly Fulton Insurance Company, New York, N.Y. Name changed effective May 12, 1969.

NOTES

(a) All certificates of authority expire June 30, and are renewable July 1, annually.

(b) Treasury regulations do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation and excess risks must be protected by reinsurance, co-insurance, or other methods in accordance with Treasury regulations. When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of Treasury Form BA 6308 (formerly 369) to be filed with the bond or within 45 days thereafter. Risks in excess of limit fixed herein must be reported for quarter in which they are executed. In protecting such excess, the rating in force on the date of the execution of the risk will govern absolutely. This limit applies until a new rating is established by the Treasury Department.

(c) A surety company must be licensed in the State or other area in which it executes (signs) the bond, but need not be licensed in the State or other area in which the principal resides or where the contract is to be performed (28 Op. Atty. Gen. 127, Dec. 24, 1909; 31 CFR Part 222). The term "other areas" includes the Canal Zone, Guam, Puerto Rico, and the Virgin Islands.

(d) Abbreviated capital letters preceding judicial districts indicate State or other area in which the company is incorporated. Process agents are required in the following districts: Where principal resides; where obligation is to be performed; and where bond is returnable or filed. No process agent required in State or other area wherein company is incorporated. Letters "n, s, e, m, c, and w" preceding name of States indicate respectively the Northern, Southern, Eastern, Middle, Central and Western judicial districts of States indicated. If letters do not precede names of States process agents have been appointed in all judicial districts of such States.

[F.R. Doc. 69-7975; Filed, July 7, 1969; 8:45 a.m.]

FEDERAL REGISTER

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Pages 11351–11404

NOTICE

New Location of Federal Register Office.

The Office of the Federal Register is now located at 633 Indiana Ave. NW., Washington, D.C. Documents transmitted by messenger should be delivered to Room 405, 633 Indiana Ave. NW. Other material should be delivered to Room 400.

Mail Address.

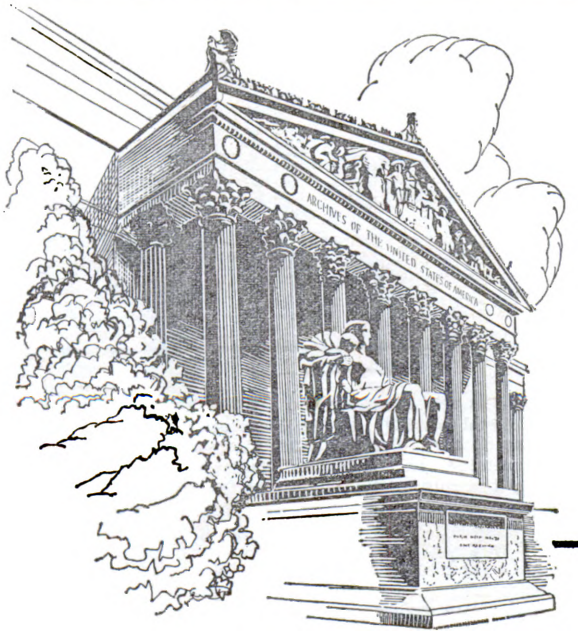
Mail address remains unchanged: Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

Public Inspection of Documents.

Documents filed with the Office of the Federal Register are available for public inspection in Room 405, 633 Indiana Ave. NW., Washington, D.C., on working days between the hours of 9 a.m. and 5 p.m.

Agencies in this issue—

Detailed list of Contents appears inside.



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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

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Title 7—AGRICULTURE

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SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 56—GRADING OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

Extension of Time To Use Existing Supplies of Grade Mark

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the regulations governing the grading of shell eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56), as set forth below:

Statement of considerations. In the amendments to the regulations governing the grading of shell eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56), published in the FEDERAL REGISTER (32 F.R. 8229–8234), on June 8, 1967, a new form was established for the official grademark. Time was provided until July 1, 1969, to use existing supplies of the previous grademark on cartons or tape.

It now appears that additional time will be required to use up existing supplies only of cartons or tape bearing the previous grademark.

The amendment is as follows:

In § 56.36 the last sentence of subparagraph (b)(2) is amended to read: "Existing supplies of cartons or tape bearing the grademark may be used until January 1, 1971."

This action is necessary to provide time to use existing supplies of material bearing the grademark. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that rulemaking and other public procedure with respect to this action are impracticable and unnecessary, and good cause is found for making it effective June 30, 1969.

Issued at Washington, D.C., this 2d day of July, 1969.

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

[F.R. Doc. 69–7180; Filed, July 8, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69–EA–74]

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

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Batavia, N.Y. (34 F.R. 4648, 5985), transition area.

The special NDB (ADF) instrument approach procedure for Genesee County Airport, Batavia, N.Y., has been canceled. The 700-foot floor transition area extension based on a 192° true bearing from the airport is no longer required and can be revoked, but will require alteration of the Batavia, N.Y., transition area.

This alteration is a reduction in the controlled airspace and therefore less restrictive. Since it imposes no further burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, the Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of Batavia, N.Y., the amendment is herewith made effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Batavia, N.Y., transition area, and insert in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 43°01'55'' N., 78°10'20'' W., of Genesee County Airport and within 2 miles each side of the Geneseo, N.Y., VORTAC 302° radial extending from the 5-mile radius area to 20 miles northwest of the Geneseo, N.Y., VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c) of the DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 20, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69–8018; Filed, July 8, 1969; 8:46 a.m.]

[Airspace Docket 68–EA–109]

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

Designation of Transition Area

On page 18628 of the FEDERAL REGISTER for December 17, 1968, the Federal Aviation Administration published a proposed regulation which would designate a 700-foot transition area over Brookhaven Airport, Shirley, N.Y.

Interested parties were given 30 days after publication in which to submit written data or views. The U.S. Air Force entered an objection on the grounds that the instrument approach procedures for Brookhaven Airport for which the transition area would offer protection would have an adverse effect on operations at Suffolk County Air Force Base. An informal conference was held on February 27, 1969, to review the objections. At the meeting, a proposal was considered for revising the holding pattern collateral to the approach procedures. However, the revision has been determined to be impractical as it would vitiate the approach procedure.

As set forth in the notice of proposed rule making, a new NDB (ADF) and VOR instrument approach procedure had been developed for Brookhaven Airport, Shirley, N.Y., predicated on the Peconic, N.Y., RBN and the Riverhead, N.Y., VORTAC. At the time of publication of the notice of proposed rule making it was alleged that a 700-foot Shirley, N.Y., transition area would be necessary to provide airspace protection for aircraft executing the arrival and departure procedures at Brookhaven Airport. In spite of the inconvenience to the U.S. Air Force, the public interest still requires the effectuation of the transition area in that it is determined that aircraft executing the arrival and departure procedures at Brookhaven Airport still require airspace protection with a 700-foot transition area. Further, a minor correction of 1° is required to refine the 246° bearing from the Peconic RBN to 245° for which notice and public procedure hereon are unnecessary.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., August 21, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 25, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to desig-

nate a 700-foot Shirley, N.Y., transition area described as follows:

SHIRLEY, N.Y.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°48'40" N., 72°52'00" W., of Brookhaven Airport, Shirley, N.Y.; within 2 miles each side of the Runway 15 centerline extending from the 6-mile radius area to 6 miles southeast of the end of the runway; within 2 miles each side of the Runway 33 centerline extended from the 6-mile radius area to 7 miles northwest of the end of the runway; and within 3 miles northwest and 5 miles southeast of the 245° bearing from the Peconic RBN extending from the RBN to 10 miles southwest of the RBN excluding the portions which coincide with the Islip, N.Y., Calverton, N.Y., and Westhampton Beach, N.Y., transition areas.

[F.R. Doc. 69-8020; Filed, July 8, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 100—INVOLUNTARY ORDER TO ACTIVE DUTY OF READY RESERVISTS FOR UNSATISFACTORY PERFORMANCE OF OBLIGATION

The Deputy Secretary of Defense approved the following revision to Part 100:

Sec.
100.1 Purpose and applicability.
100.2 Definition.
100.3 Policy.

AUTHORITY: The provisions of this Part 100 issued under Section 301, 80 Stat. 379; 5 U.S.C. 301.

§ 100.1 Purpose and applicability.

This Part revises Department of Defense policy governing uniform compliance measures to be invoked by the Military Departments when certain "nonprior military service" Reserve personnel fail to participate in their units by: (a) Clarifying the term "unsatisfactory participation," (b) specifying the mobilization status of Reserve personnel held in the pool as a result of Government action, (c) amplifying national interest policy, (d) incorporating new policy with regard to certain reservists who change residences and nonlocatable personnel, and (e) adding minor technical changes.

§ 100.2 Definition.

"Selected Reserve" consists of Reserve personnel in pay groups A, B, C, and F (see Pt. 102 and Public Law 90-168). These reservists are either: (a) Members of units who—(1) regularly participate in drills and annual active duty for training, or (2) are on initial active duty for training for not less than 4 months; or (b) individuals who participate in regular drills and annual active duty for training on the same basis as members of Reserve units. Excluded from the Selected Reserve are: (1) Reservists who only participate in annual active duty for training but are not paid for attendance at regular drills (pay categories D and E), (2) reservists enrolled in ROTC training, (3) members of the individual Ready Reserve Pool, and (4) reservists on extended active duty.

§ 100.3 Policy.

(a) *Unsatisfactory participation.* (1) Personnel without prior military service who enlist or have enlisted in the Reserve components under the provisions of section 511 (a) and (d), title 10, United States Code; section 302, title 32, United States Code and section 262, Reserve Forces Act of 1955 (69 Stat. 598, 600) as amended by Public Law 88-110 (77 Stat. 134, 136) are expected to participate or perform satisfactorily in units of the Reserve components for the full period of their Ready Reserve obligation unless excepted in accordance with § 100.3(c) of this part.

(2) Failure to remain a member of a Selected Reserve unit (section 268(b), title 10, United States Code) or to meet prescribed standards for attendance at drills and active duty for training, training advancement and for performance of duty constitute unsatisfactory participation.

(b) *Unsatisfactory participation compliance measures.* (1) Those individuals who: (i) Fail, or are unable, to participate satisfactorily in units of the Selected Reserve, (ii) have not fulfilled their statutory Reserve obligation, and (iii) have not served on active duty or active duty for training for a total of 24 months will be ordered to active duty under the provisions of section 673a, title 10, United States Code and Executive Order 11366.

(2) A member ordered to active duty under these provisions may be required to serve on active duty until his total service on active duty or active duty for training equals 24 months.

(3) If the enlistment or period of military service of a member of the Selected Reserve ordered to active duty under the provisions of section 673a, title 10, United States Code and Executive Order 11366, August 4, 1967, would expire before the required period of active duty prescribed has been served, the enlistment or period of military service may be extended until that service on active duty has been completed in accordance with the provisions of section 673a, title 10, United States Code and Executive Order 11366.

(4) Orders may be mailed to a reservist when he is in an unsatisfactory participation status, if the reservist is not locatable by the usual means of telephone, personal visit, or when attending scheduled drills.

(i) Notification shall be fully and sufficiently accomplished through the mailing of the orders addressed to the reservist concerned at the mailing address which records of the activity mailing the orders indicate as the most recent one furnished by that individual as an address at or from which official mail will be received by or forwarded to him.

(ii) Absence of indication of delivery, or return as undeliverable, of orders addressed as above is alike immaterial as respects its efficacy as notice to or notification of the reservist concerned.

(iii) It is the responsibility of each member of a Reserve component to assure that the records pertaining to him in his organization accurately and currently reflect a mailing address at which he can be reached.

(c) *Exceptions.* As exceptions to this policy, individuals who are unable to participate in Reserve component units may be considered for discharge, retention, or assignment to the Individual Ready Reserve Pool as follows:

(1) Individuals eligible for discharge from the Reserve components for dependency, hardship, or other reasons authorized by applicable departmental regulations, will, upon application, be discharged.

(2) Individuals unable to participate in a unit by reason of action taken by the Military Departments (e.g., unit inactivation) rather than because of their own actions, will be retained in the Individual Ready Reserve Pool until they rejoin or are assigned to a Reserve unit or are discharged upon completion of their obligation. However, individuals excepted by this paragraph are still subject to involuntary order to active duty in the event: (i) of any mobilization if they qualify under the statutory provisions of the involuntary order to active duty; (ii) they fail to satisfactorily participate in any annual active duty for training periods (15 to 30 days each year) when so ordered.

(3) Individuals who provide substantial evidence that their occupation is included on the Department of Labor List of Critical Occupations for Screening the Ready Reserve [1] or meet the criteria for inclusion on such list, in order to maintain the national health, safety or interest, may, upon application, be discharged unless it is determined by the Military Department concerned that there is an overriding military need for the reservist's specialty.

(4) The Secretary of the Military Department concerned may determine the minimum period of active duty; e.g., 12 months, 9 months, below which these individuals cannot be effectively employed in an active duty status. In this instance, individuals will be discharged under the provisions of appropriate departmental regulations and reported to the Selective Service System under the provisions of section 6(c)(2)(D) of the Military Selective Service Act of 1967 and DoD Directive 1115.3, Furnishing the Selective Service System with Information Needed for Determining Induction Quotas and Classifying Registrants (M), April 17, 1967.[2]

(5) The provisions of Part 103 of this subchapter apply to individuals who incur a legitimate temporary religious missionary obligation during their obligated service.

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[1] A list of critical civilian occupations approved for use in screening the Ready Reserve can be obtained from the Bureau of Employment Security, Department of Labor, Washington, D.C. 20210.

[2] Filed as part of original. Copies available from Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

(d) *Change of residence.* (1) Within the United States, its possessions, and the Commonwealth of Puerto Rico:

(i) Individuals who lose their unit positions because of a voluntary change of residence will be transferred to another paid drill unit within their respective Department whenever practicable or they will be given a period of 60 days after departing from their original unit to locate and join another Reserve component unit where they will fill an existing vacancy or be assigned as overstrength pursuant to (ii) below.

(ii) If individuals locate position vacancies which require different specialties than the ones they now possess, the Secretary of the Military Department concerned may provide for the retraining of these individuals (with their consent) by ordering them to active duty for training in a new specialty.

(iii) The Military Departments are directed to accept in their Reserve units obligated reservists of their respective Department who effect a voluntary change of residence regardless of vacancies—providing they meet the following determinations:

(*a*) the move is essential because of business or other cogent reasons;

(*b*) the losing unit certifies in writing that the reservist's performance of service has been satisfactory;

(*c*) the reservist's specialty is usable in the unit or that he can be retained by on-the-job training or is willing to be retrained as in (ii) above;

(*d*) transfers between Reserve components are authorized under the provisions of Part 123 of this subchapter.

(iv) In connection with (iii) above the Military Departments are authorized an enlisted overstrength of 3 percent above authorized paid drill strength for reservists and to compensate for administrative delays encountered during recruiting and separation processing.

(*a*) This does not constitute authority for an increase in paid drill strength and should tend to bring actual drill pay attendance closer to 100 percent of authorized paid drill strength.

(*b*) The Military Departments shall manage this program closely to assure that overstrength enlistment is not automatic; e.g., if a reservist moves to a locality where two or more Reserve units exist within a 50-mile radius, he should not be assigned to the nearest unit if a more distant unit has a vacancy or a lesser degree of overstrength.

(v) If these individuals fail to locate another position vacancy, they will be ordered to active duty or discharged as provided in this part.

(2) Outside the United States, its possessions, and the Commonwealth of Puerto Rico:

(i) Individuals, regardless of physical location, are subject to the provisions listed under § 100.3(d)(1).

(ii) Individuals will be directed to notify their unit if they plan to leave the areas listed in § 100.3(d)(1) and their unit will properly counsel them as to consequences.

(e) *Other compliance measures*—(1) *45-day active duty tours.* The policy of either ordering individuals to active duty or discharging them will be followed, in lieu of the 45-day tour of active duty, for personnel without prior military service. However, the 45-day tour may continue to be used for those obligors who have completed 24 months of active service.

(2) *Priority induction.* Priority induction under the provisions of Section 6(c)(2)(D), of the Military Selective Service Act of 1967 usually will be invoked only in cases of nonlocatable members.

(f) *Delay from involuntary order to active duty.* Individuals who become subject to being ordered to active duty under this policy may be delayed, as prescribed by the Secretary of the Military Department concerned, from active duty for the purposes of taking State or Federal examinations, seasonal employment, and for similar cogent reasons. Upon termination of such delays, reservists will be ordered to active duty. However, those members ordered to active duty for reasons other than willful unsatisfactory participation who join a unit during the period of delay will not be ordered to active duty.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Division, OASD (Administration).

[F.R. Doc. 69-7998; Filed, July 8, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Prescription-Drug Advertisements: Confirmation of Effective Date of Order Acting on Objections

In the matter of amending the regulation regarding prescription-drug advertisement requirements (21 CFR 1.105):

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502(n), 701(e), 52 Stat. 1050, as amended 76 Stat. 791; 1055, as amended 70 Stat. 919; 21 U.S.C. 352(n), 371(e)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 16, 1969 (34 F.R. 7802). Accordingly, the amendments promulgated thereby became effective June 16, 1969.

Dated: June 30, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-8006; Filed, July 8, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

CLARIFICATION OF CONTRACTUAL DEFAULT CLAUSES

This amendment clarifies the various "default" clauses (and a related Excusable Delays clause), prescribed in Subpart 1-8.7 of the Federal Procurement Regulations, by defining the scope of the terms "subcontractor," "subcontractors," and "subcontractors or suppliers" as these terms are used in such clauses with respect to delay in contract performance. The clarifying definitions specify that the cited terms include a subcontractor or supplier at any tier and thereby confirm the extent of coverage which was intended when the clauses were originally prescribed. In addition, the amendment requires the appropriate modification of standard forms which include certain of the clauses involved.

PART 1-8—TERMINATION OF CONTRACTS

Subpart 1-8.7—Clauses

1. Section 1-8.707 is amended by adding paragraph (g) to the contract clause prescribed therein as follows:

§ 1-8.707 Default clause for fixed-price supply contracts.

* * * * *

DEFAULT

* * * * *

(g) As used in paragarph (c) of this clause, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier.

2. Section 1-8.708 is amended by revising the contract clause prescribed therein as follows:

§ 1-8.708 Excusable delays clause for cost-reimbursement type contracts.

* * * * *

EXCUSABLE DELAYS

Except with respect to defaults of subcontractors, the Contractor shall not be in default by reason of any failure in performance of this contract in accordance with its terms (including any failure by the Contractor to make progress in the prosecution of the work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its soverign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the failure of a subcontractor to perform or make progress, and if such failure arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be deemed to be in default, unless (a) the supplies or services to be furnished by the subcontractor were obtainable from other sources, (b) the Contracting Officer shall

have ordered the Contractor in writing to procure such supplies or services from such other sources, and (c) the Contractor shall have failed to comply reasonably with such order. Upon request of the Contractor, the Contracting Officer shall ascertain the facts and extent of such failure and, if he shall determine that any failure to perform was occasioned by any one or more of the said causes, the delivery schedule shall be revised accordingly, subject to the rights of the Government under the clause hereof entitled Termination for Default or for Convenience of the Government. (As used in this clause, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier.)

3. Section 1–8.709–1 is amended by adding paragraph (g) to the contract clause prescribed therein as follows:

§ 1–8.709–1 Long-form clause.

* * * * *

TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS

* * * * *

(g) As used in paragraph (d)(1) of this clause, the term "subcontractors or suppliers" means subcontractors or suppliers at any tier.

* * * * *

4. Section 1–8.709–2 is amended by adding paragraph (c) to the contract clause prescribed therein as follows:

§ 1–8.709–2 Short-form clause.

* * * * *

TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS

* * * * *

(c) As used in paragraph (b) of this clause, the term "subcontractors or suppliers" means subcontractors or suppliers at any tier.

5. Section 1–8.710 is amended by adding paragraph (g) to the contract clause prescribed therein as follows:

§ 1–8.710 Default clause for fixed-price research and development contracts.

* * * * *

DEFAULT

* * * * *

(g) As used in paragraph (c) of this clause, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier.

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.1—Forms for Advertised Supply Contracts

Section 1–16.101(c) is revised as follows:

§ 1–16.101 Contract forms.

* * * * *

(c) General Provisions (Supply Contract) (Standard Form 32, June 1964 edition). Pending the publication of a new edition of the form, the clause prescribed in § 1–1.805–3(a) shall be substituted for the present provision of Article 22, Utilization of Concerns in Labor Surplus Areas and the clause prescribed in § 1–12.803–2 shall be substituted for the present provision of Article 18, Equal Opportunity. Agencies shall further modify this form by deleting paragraphs (a) and (b) of Article 10, Examination of Records, and by substituting therefor the clause prescribed in § 1–7.101–10. In addition, the clause prescribed in § 1–8.707 shall be substituted for the present provision of Article 11, Default.

* * * * *

Subpart 1–16.4—Forms for Advertised Construction Contracts

Sections 1–16.401(a) and 1–16.401(h) are revised as follows:

§ 1–16.401 Forms prescribed.

* * * * *

(a) Invitation, Bid, and Award (Construction, Alteration, or Repair) (Standard Form 19, December 1965 edition). Pending revision of Standard Form 19, agencies shall modify this form by deleting paragraphs (a) and (b) of Clause 12, Examination of Records, and by substituting therefor the clause prescribed in § 1–7.101–10. In addition, agencies shall further modify this form by substituting the clause prescribed in § 1–8.709–2 for the present provision of Clause 2, Termination for Default—Damages for Delay—Time Extensions.

* * * * *

(h) General Provisions (Construction Contract) (Standard Form 23A, June 1964 edition). Pending revision of Standard Form 23A, agencies shall modify this form by deleting Clause 3, "Changes," Clause 4, "Changed Conditions," Clause 5, "Termination for Default—Damages for Delay—Time Extensions," Clause 19, "Buy American," and Clause 21, "Equal Opportunity," and by substituting in lieu thereof the clauses prescribed in §§ 1–7.601–2, 1–7.601–3, 1–8.709–1, 1–18.605, and 1–12.803–2, respectively, and shall add the "Suspension of Work" clause prescribed in § 1–7.601–4.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

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

Dated: July 2, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–8005; Filed, July 8, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69–734]

PART 73—RADIO BROADCAST SERVICES

Requirements for the Determination of the Level of Hum and Extraneous Noise in Standard Broadcast Transmitters

1. Section 73.40 of the rules sets forth the design, construction, and safety of life requirements for standard broadcast transmitters. Paragraph (a)(6) of this section requires a showing that:

The carrier hum and extraneous noise (exclusive of microphone and studio noises) level (unweighted r.s.s.) is at least 45 db below 100 percent modulation for the frequency band 30 to 20,000 c/s.

2. Section 73.47 outlines the equipment performance measurements required to be made by standard broadcast station licensees at periodic intervals. Paragraph (a)(4) requires the measurement of:

Carrier hum and extraneous noise generated within the equipment, and measured as the level below 100 percent modulation throughout the audio spectrum or by bands.

3. The data obtained in complying with the requirements of § 73.47(a)(4) is for the purpose of demonstrating that the transmitter continues to perform in accordance with § 73.40(a)(6).

4. The distortion and noise meter used in the above determinations is fed a sample of the radio frequency output of the transmitter through a wide band demodulator, which extracts the audio modulation from the carrier. A properly calibrated meter can accurately establish differences in the levels of the components modulating the carrier, in this instance, the difference between the integrated level of hum and extraneous noise, and of a reference tone producing 100 percent modulation of the carrier. The level of this tone is usualy set by observing the station modulation monitor.

5. The rules cited above do not specify the frequency of the tone used to set the reference level, and this fact appears to have been the source of some misunderstanding and hardship for station operators and consulting engineers performing measurements pursuant to § 73.47. In particular, it seems to have been the practice of some engineers to establish the reference level for the hum and extraneous noise measurement at each of a number of discrete frequencies over the audio band.

6. Since the carrier remains at a fixed-level throughout the measurement procedure, the amplitude of the envelope with 100 percent single tone modulation is fixed, and the demodulated signal should have the same value, regardless of the modulating frequency. Accordingly, it should be necessary to establish the reference level with a tone at only one audio frequency for the purpose of the noise and hum determination. In instances where some engineers may have found that an indicated 100 percent modulation at one audiofrequency provides a different level of indication on the noise and distortion meter than at another, the discrepancy could result from an insufficiently flat frequency characteristic of the monitor or demodulator over the audio range involved. Thus, a type-approved modulation monitor is required to have a substantially flat frequency characteristic only over the range 30 the 10,000 c/s, and may be substantially in error if it is relied on to indicate the level of 100 percent modulation for a frequency well outside of this range. In such an instance, the proper procedure is to establish the reference within the frequency range where the modulation

monitor can be expected to give accurate indications.

7. The particular frequency at which this is done is not important. However, to make the above rules more specific, and to avoid the misunderstandings which appear to have occurred, we are modifying the rules to require that the reference level be established at 400 c/s, a midrange frequency often used as a reference in audiofrequency measurements.

8. We also are taking this opportunity to correct an inconsistency which appears in subparagraphs (1) and (2) of paragraph (a) of § 73.47 viz.: Subparagraph (1) requires that the audiofrequency response be measured over the range 30–7,500 c/s, whereas the lowest frequency at which audiofrequency harmonic content is to be measured, pursuant to subparagraph (2) is 50 c/s. There is no good reason for specifying a different lower end frequency for one series of measurements than for the other, and we are amending subparagraph (1) to specify a range of 50–7,500 c/s.

9. The rule amendments which we adopt are for the purpose of clarifying the pertinent rules, and impose no new substantive requirement. Accordingly, compliance with the notice and effective date provisions of the Administrative Procedures Act (5 U.S.C. § 553) are unnecessary and would serve no useful purpose.

10. Authority for the adoption of these amendments is contained in sections 4(i), 303(r), and 319(c) of the Communications Act of 1934, as amended.

11. In view of the foregoing: *It is ordered*, That, effective July 11, 1969, Part 73 of the Commission's rules and regulations is amended as set forth below.

(Secs. 4, 303, 319, 48 Stat., as amended, 1066, 1082, 1089; 47 U.S.C. 154, 303, 319)

Adopted: July 2, 1969.

Released: July 3, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

1. In § 73.40, paragraph (a)(6) is amended to read as follows:

§ 73.40 Transmitter; design, construction, and safety of life requirements.

(a) *Design* * * *

(6) The carrier hum and extraneous noise level, unweighted r.s.s. (exclusive of microphone and studio noises) over the frequency band 30 to 20,000 c/s is at least 45 db below the level of a sinusoidal tone of a 400 c/s, producing 100 percent modulation of the carrier.

* * * * *

2. In § 73.47, paragraph (a)(1) and (a)(4) are amended to read as follows:

§ 73.47 Equipment performance measurements.

(a) * * *

(1) Data and curves showing overall audiofrequency response from 50 to 7,500 cycles per second (c/s) for approximately 25, 50, 85, and 100 (if obtainable) percent modulation. Family of curves should be plotted (one for each percentage above) with db above and below a reference frequency of 1,000 c/s as ordinate and audiofrequency as abscissa.

* * * * *

(4) The carrier hum and extraneous noise level generated within the equipment, and measured throughout the audio spectrum, or by bands, referred to the level for 100 percent modulation of the carrier by a sinusoidal tone with a frequency of 400 c/s.

* * * * *

[F.R. Doc. 69-8053; Filed, July 8, 1969; 8:49 a.m.]

[1] Commissioners Bartley, Wadsworth, and Johnson absent.

[Docket No. 18430, RM-1362; FCC 69-733]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Annapolis, Md., and Seaford, Del.

1. On January 23, 1969, the Commission released a notice of proposed rule making in this proceeding (FCC 69-66) inviting comments on a proposal to amend the Table of Television Assignments in § 73.606(b) of the Commission's rules by assigning channel *22 to Annapolis, Md., reserved for noncommercial educational use. This assignment would be accomplished by deleting *22 as a reserved channel at Seaford, Del., and substituting channel *66 there. The dates designated for the filing of comments and reply comments were March 3, 1969, and March 13, 1969, respectively.

2. The petition which prompted this proceeding, filed by the Maryland Educational-Cultural Broadcasting Commission, proposed to assign channel *22 to Annapolis by deleting it at Seaford, replacing it there with channel *38. However, the notice proposed instead to assign channel *66 as the replacement at Seaford, because of the much greater flexibility this assignment at Seaford would have with respect to location of a transmitter site (particularly in the direction of Atlantic City). The only parties commenting in response to the notice, Delaware Educational Television Board (Delaware Board) and Advisory Council on Educational Television of the Commonwealth of Virginia (Virginia Council), urged that Channel 66 not be assigned to Seaford but that channel 38 be used there instead for the educational assignment, as proposed in the original petition. Delaware Board states that the limitation on site location if channel 38 is assigned presents no problem, since the purpose of the assignment is to serve southern Delaware; and that use of channel 66 might present problems because of impact to and from the operation of a channel 73 translator at nearby Milford, Del., rebroadcasting WHYY, the educational station to the north.

3. Virginia Council likewise urges that channel 38 be assigned to Seaford instead of 66. It states that the proposed assignment of channel 66 to Seaford would preclude the use of the same channel in northern Virginia, that the Council has planned for and sought to bring statewide educational television to northern Virginia, and that there appears to be no channel below channel 70 assignable in northern Virginia except channel 66. It further states that it requested in RM-494, filed September 30, 1963, a channel for Arlington, Va., among others. Although many of its requests in other areas were provided for, northern Virginia was not, and the Council desires a channel for educational use in that area. It is also stated that although channel 66 would not meet the mileage separations in Arlington, it would in Clifton, Va., which is approximately 20 miles from the center of Washington, D.C.; that although there are two educational channels assigned to Washington, D.C., this does not provide a channel that can be used in a statewide educational system, a station that would be programed for the Virginia schools; and that unless channel 66 were allocated in the Clifton area it appears that there would be little likelihood of obtaining an educational television station in northern Virginia. It states also that if the channel is assigned to this area it would promptly activate it.

4. As to the making of the Annapolis assignment as requested, it appears that this is clearly warranted and in the public interest, in order to provide statewide coverage and provide a channel for the important population and educational center of Annapolis, the State capital. Accordingly, the Table of Television Assignments (§ 73.606(b) of the rules) is amended to make this assignment.

5. As to the most suitable replacement channel at Seaford, we are of the view that the preferable course is that urged by all of the commenting parties and the original petitioner, use of channel *38 for that purpose. Aside from obviating the problem of impact to and from the channel 73 ETV translator at nearby Milford, we find merit in the suggestion that if another replacement at Seaford can be provided it is desirable to preserve channel 66 for possible use in northern Virginia. As Virginia Council states, it appears that there is little likelihood of finding any other channel below 70 for use in this area. There are problems connected with assigning channel *66 on a reserve basis—the existence of two reserve channels already at Washington, D.C., and the fact that Virginia Council's use proposed here and previously is largely for inschool programing for which ITFS is available and perhaps more suitable—but we believe assignment in this area should remain as a possibility. Parties interested in educational or other use of this channel in the very limited area of northern Virginia where it can be assigned consistent with mileage separation requirements may seek it by petition. Accordingly, we conclude that the public interest would be served by assigning channel *38 at Seaford, Del.

6. In view of the foregoing, and pursuant to authority contained in sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act: *It is ordered,* That, effective August 11, 1969, § 73.606 (b) of the Commission's rules is amended by addition of the following entry under Maryland:

City	*Channel No.*
Annapolis, Md	*22

and changing the entry under Delaware for Seaford to read as follows:

Seaford, Del	*38

7. *It is further ordered,* That this proceeding (Docket 18430) is terminated.

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

Adopted: July 2, 1969.

Released: July 3, 1969.

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

[F.R. Doc. 69-8052; Filed, July 8, 1969; 8:49 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1, Amdt. No. 1-29]

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Additional Delegation by Secretary of Transportation

The purpose of this amendment is to expressly state the delegation of authority to the Federal Aviation Administrator of the powers and duties relating to those matters, including those relating to aviation safety, that were transferred to the Secretary of Transportation by section 6(c)(1) of the Department of Transportation Act (49 U.S.C. 1655(c)(1)). It also corrects a typographical error in § 1.4(c)(7).

Since this amendment involves delegations of authority and relates to the internal management of the Department, notice and public procedure are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, effective July 1, 1969, subparagraphs (b)(1) and (2) and (c)(7) of § 1.4 are amended to read as follows:

§ 1.4 Delegations of powers and duties.

* * * * *

(b) * * *

(1) Carry out the powers and duties transferred to the Secretary of Transportation by section 6(c)(1) of the Department of Transportation Act (49 U.S.C. 1655(c)(1)), including those pertaining to aviation safety set forth in sections 306, 307, 308, 309, 312, 313, 314, 1101, 1105, and 1111, and titles VI, VII, IX, and XII of the Federal Aviation Act of 1958, as amended.

(2) Carry out title XIII of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1531 et seq.), relating to War Risk Insurance.

* * * * *

(c) * * *

(7) Carry out section 204(a), (1), (2), (3), (3a), and (5) of the Interstate Commerce Act, as amended (49 U.S.C. 304(a)(1), (2), (3), (3a), and (5)), relating generally to qualifications and maximum hours of service of employees and safety of operation and equipment of motor carriers.

(Sec. 9 of the Department of Transportation Act; 49 U.S.C. 1657)

Issued in Washington, D.C., on July 3, 1969.

JAMES M. BEGGS,
Acting Secretary of Transportation.

[F.R. Doc. 69-8040; Filed, July 8, 1969; 8:48 a.m.]

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

PART 367—CERTIFICATION

Regulations for the certification labeling of motor vehicles and motor vehicle equipment, and the provision of identifying information on the label, were issued under sections 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1403, 1407) by the Federal Highway Administrator and published in the FEDERAL REGISTER on January 24, 1969 (34 F.R. 1147). In a notice published on April 29, 1969 (34 F.R. 7031), it was proposed to make certain amendments to those regulations. This amendment to the regulations is based on that proposal.

The notice proposed that §§ 367.7 and 367.8, relating to manufacturers and distributors of motor vehicle equipment, be revoked, pending further study of the distribution patterns and the needs of the motor vehicle equipment industry. No adverse comments to that proposal were received. Those two sections are accordingly being revoked with a view to the future issuance of regulations relating to the particular industries whose products are covered by equipment standards. Manufacturers and distributors of motor vehicle equipment must, however, continue to meet the certification requirements of section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1403) as amplified by notice in the FEDERAL REGISTER of November 4, 1967 (32 F.R. 15444).

Clarifying language was proposed by the notice adding the phrase "(except chassis-cabs)" to § 367.4(a), and substituting the phrase "door edge that meets the door latch post" in § 367.4(c). A sentence was proposed for addition to § 367.4(g)(1), requiring the name of a person, other than the manufacturer, who affixes a label on an imported vehicle to be shown on the label. No adverse comments were received on these proposals, and they are incorporated into the rule as issued.

It was proposed to delete the reference to the use of tools in § 367.4(b), so that the subsection would read: "The label shall be permanently affixed in such a manner that it cannot be removed without destroying it." Some comments have indicated uncertainty as to the types of label that are permitted by this section. It is intended that the label be affixed so as not to be removable without damage. The purpose is to make sure that a label cannot be easily and undetectably transferred to another vehicle, and to provide that, within this requirement, manufacturers would have discretion in choice of material and adhesive method. In order to clarify the requirement, the words "or defacing" are inserted after "destroying". Several inquiries were directed specifically to the adequacy of riveted labels. This amendment permits riveting since it has been determined to be a generally satisfactory method of affixing the label.

One comment noted that, particularly in some foreign countries, assembly of a vehicle may be performed by a subsidiary corporation controlled by a parent that is the generally known "nameplate" company. It was suggested that the name of the parent corporation should be allowable on the label. The suggestion has been determined to have merit, in that no important purpose is served by requiring the name of a lesser-known subsidiary corporation on the label, and language permitting the use of a parent corporation's name is added to § 367.4(g)(1).

In order to allow exporting and importing manufacturers to indicate the country to which the word "Federal" refers, a sentence is added to § 367.4(g)(3) permitting the insertion of "U.S." or "U.S.A." before the word "Federal" in the conformity statement.

One petitioner suggested permitting the insertion of the model year before the word "vehicle" in the conformity statement, so that it would read "This 1970 vehicle conforms * * *", in the case of a vehicle manufactured in late 1969. The requirement of stating the month and year of manufacture on the label is intended to eliminate confusion caused by model years that do not match calendar years, and that may mislead consumers as to the standards that are applicable. The manufacturer or dealer is free to indicate the model year of the vehicle by other labels, or any means that do not involve the certification label, and therefore it is not necessary to allow insertion of this possibly confusing additional date.

Objections were made to the requirement of color contrast on the label, and to the requirement of stating the actual manufacturer's name rather than that of a distributor under a "private brand" label. Similar comments were made and rejected at previous stages of rulemaking.

[1] Commissioners Bartley, Wadsworth, and Johnson absent.

Both of these requirements are important aids to enforcement where rapid inspection of large numbers of vehicles must be made.

One comment suggested that it would be misleading for a manufacturer to certify that the vehicle "conforms" to applicable standards, since the manufacturer has no control over the vehicle after it leaves his hands, and proposed that the certification be limited to the statement that the vehicle conformed at the time it was delivered to a distributor or dealer. The requirement for certification is not, however, limited to manufacturers, but extends to all distributors and importers as well. These parties satisfy this requirement by allowing the certification label to remain affixed to the vehicle. A distributor who alters a vehicle so that it does not conform to the manufacturer's certification, must certify that the vehicle as altered meets applicable standards or he is subject to penalties under the Act. A dealer who sells a vehicle after altering it so that it does not conform, would be subject to penalties under the Act, and prior parties would not be held responsible for the dealer's alterations. Any alterations that came about after a vehicle had been sold to a user would not be relevant to the question of conformity to applicable standards, as provided by section 108 (b)(1) of the Act.

One comment raised the question of who should certify a vehicle such as a boat trailer that is shipped complete but in unassembled form by its fabricator, such that it can be easily assembled without special equipment. The fabricator obviously has the technical knowledge on which certification should be based, but the subsequent assembler may be viewed as the "manufacturer" of the vehicle within the meaning of the Act. This question is part of the larger area of kits for the assembly of new vehicles or the renovation or alteration of existing ones. It is expected that separate regulations will be issued concerning standards applicable to such assemblers and their certification. As an interim measure, it has been determined that the purposes of the Act would be served by allowing the fabricator the option of treating itself as the certifying manufacturer under section 114 of the Act and affixing the label in a manner such that it will conform when the vehicle is assembled. Language to that effect is added to § 367.4(g)(1).

In § 367.4(e), describing the label location for motorcycles, the words "except the steering system" are added to the final phrase, "in a location such that it is easily readable without moving any part of the vehicle," in order to allow a location on the steering post that may be obscured when the steering system is turned to a certain position.

Effective date. Since these amendments do not impose substantial additional burdens relative to the regulations as previously issued, this part as amended shall continue to be effective for all motor vehicles manufactured on or after September 1, 1969.

In consideration of the foregoing, 49 CFR Part 367, Certification, is amended to read as set forth below. This amendment is issued under the authority of sections 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1403, 1407) and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, 49 CFR § 1.4(c).

Issued on July 7, 1969.

F. C. TURNER,
Federal Highway Administrator.

Sec.
367.1 Purpose and scope.
367.2 Application.
367.3 Definitions.
367.4 Requirements for manufacturers of motor vehicles.
367.5 Requirements for manufacturers of chassis-cabs.
367.6 Requirements for distributors of motor vehicles.

AUTHORITY: The provisions of this Part 367 issued under secs. 112, 114, and 119 of National Traffic and Motor Vehicle Safety Act; 15 U.S.C. 1401, 1403, 1407, and the delegation of authority from Secretary of Transportation to Federal Highway Administrator, 49 CFR 1.4(c).

§ 367.1 Purpose and scope.

The purpose of this part is to specify the content and location of, and other requirements for, the label or tag to be affixed to motor vehicles required by section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1403) ("the Act") and to provide the consumer with information to assist him in determining which of the Federal Motor Vehicle Safety Standards (Part 371 of this chapter) ("Standards") are applicable to the vehicle.

§ 367.2 Application.

(a) This part applies to manufacturers and distributors of motor vehicles to which one or more standards are applicable, who deliver these vehicles to distributors or dealers for resale.

(b) In the case of imported motor vehicles, the requirement of affixing a label or tag applies to importers of vehicles, admitted to the United States under § 12.80(b)(2) of the joint regulations for importation of motor vehicles and equipment (19 CFR 12.80(b)(2)) to which the required labor or tag is not affixed.

§ 367.3 Definitions.

All terms that are defined in the Act and the rules and standards issued under its authority are used as defined therein.

§ 367.4 Requirements for manufacturers of motor vehicles.

(a) Each manufacturer of motor vehicles (except chassis-cabs) shall affix to each vehicle a label, of the type and in the manner described below, containing the statements specified in paragraph (g) of this section.

(b) The label shall, unless riveted, be permanently affixed in such a manner that it cannot be removed without destroying or defacing it.

(c) Except for trailers and motorcycles, the label shall be affixed to either the hinge pillar, door-latch post, or the door edge that meets the door-latch post, next to the driver's seating position, or if none of these locations is practicable, to the left side of the instrument panel. If none of these locations is practicable, notification of that fact, together with drawings or photographs showing a suggested alternate location in the same general area, shall be submitted for approval to the Director, National Highway Safety Bureau, Washington, D.C. 20591. The location of the label shall be such that it is easily readable without moving any part of the vehicle except an outer door.

(d) The label for trailers shall be affixed to a location on the forward half of the left side, such that it is easily readable from outside the vehicle without moving any part of the vehicle.

(e) The label for motorcycles shall be affixed to a permanent member of the vehicle as close as is practicable to the intersection of the steering post with the handle bars, in a location such that it is easily readable without moving any part of the vehicle except the steering system.

(f) The lettering on the label shall be of a color that contrasts with the background of the label.

(g) The label shall contain the following statements, in the English language, lettered in block capitals and numerals not less than three thirty-second of an inch high, in the order shown:

(1) Name of manufacturer: Except as provided in (i) and (ii) below, the full corporate or individual name of the actual assembler of the vehicle shall be spelled out, except that such abbreviations as "Co." or "Inc." and their foreign equivalents, and the first and middle initials of individuals, may be used. The name of the manufacturer shall be preceded by the words "Manufactured By" or "Mfd By". In the case of imported vehicles, where the label required by this section is affixed by a person other than the final assembler of the vehicle, the corporate or individual name of the person affixing the label shall also be placed on the label in the manner described in this paragraph, directly below the name of the final assembler.

(i) If a vehicle is assembled by a corporation that is controlled by another corporation that assumes responsibility for conformity with the standards, the name of the controlling corporation may be used.

(ii) If a vehicle is fabricated and delivered in complete but unassembled form, such that it is designed to be assembled without special machinery or tools, the fabricator of the vehicle may affix the label and name itself as the manufacturer for the purposes of this section.

(2) Month and year of manufacture: This shall be the time during which work was completed at the place of main assembly of the vehicle. It may be spelled out, as "June 1970", or expresed in numerals, as "6/70".

(3) The statement: THIS VEHICLE CONFORMS TO ALL APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE SHOWN ABOVE. The expression "U.S." or "U.S.A." may be inserted before the word "FEDERAL".

(4) Vehicle identification number.

(5) For multipurpose passenger vehicles, the words, "TYPE MULTIPURPOSE PASSENGER VEHICLE". No type designation is required of other types of vehicle.

§ 367.5 Requirements for manufacturers of chassis-cabs.

Manufacturers of chassis-cabs shall affix securely to the windshield or side window a label containing the information specified in § 371.13 "Labeling of chassis-cabs," of this chapter.

§ 367.6 Requirements for distributors of motor vehicles.

A distributor of a motor vehicle who does not alter the vehicle in a manner that affects compliance with applicable standards may satisfy the certification requirements of the Act by allowing a manufacturer's label that conforms to the requirements of this part to remain affixed to the vehicle. A distributor of a vehicle who alters a vehicle in a manner that affects compliance with applicable standards shall furnish to a dealer or other distributor to whom he delivers the vehicle a separate certification. The certification shall be on a label as described in § 367.4, except that its contents shall be in the following form:

THIS VEHICLE WAS ALTERED BY [name of distributor] IN [month and year in which alterations were completed] AND AS ALTERED IT CONFORMS TO ALL APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS IN EFFECT ON THE DATE OF ORIGINAL MANUFACTURE.

[F.R. Doc. 69-8136; Filed, July 8, 1969; 8:50 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1031]

PART 1033—CAR SERVICE

Distribution of Refrigerator Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 2d day of July 1969.

It appearing, that an acute shortage of mechanical refrigerator cars exists in the areas served by the Southern Pacific Co. and the Union Pacific Railroad Co., and that shippers served by the Southern Pacific Co. and the Union Pacific Railroad Co. are being deprived of such cars required for loading highly perishable products, creating a great economic loss; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of such mechanical refrigerator cars owned by the Pacific Fruit Express Co., a wholly owned subsidiary of the Southern Pacific Co. and the Union Pacific Railroad Co., are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1031 Service Order No. 1031.

(a) *Distribution of refrigerator cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Withdraw from distribution and return to owners empty, except as otherwise provided in paragraphs (2) and (3) of this section, all mechanical refrigerator cars owned by the Pacific Fruit Express Co., which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. 371 issued by E. J. McFarland, or reissues thereof, as having mechanical designations RP or RPL, and numbered in series 100,000 through 458,100.

(2) Pacific Fruit Express Co. refrigerator cars, described in subparagraph (1) of this paragraph, available empty at a station other than a junction with the Southern Pacific Co. or Union Pacific Railroad Co., may be loaded with freight requiring protection from heat or cold if destined to any station on or routed via the Southern Pacific Co. or the Union Pacific Railroad Co.

(3) Pacific Fruit Express Co. refrigerator cars, described in subparagraph (1) of this paragraph, available empty at a junction with the Southern Pacific Co. or with the Union Pacific Railroad Co. must be delivered at that junction to either the Southern Pacific Co. or the Union Pacific Railroad Co., either empty or loaded with freight requiring protection from heat or cold.

(4) Pacific Fruit Express Co. refrigerator cars, described in subparagraph (1) of this paragraph, must not be backhauled empty, or held empty more than 24 hours awaiting placement for loading for the purpose of obtaining a load as authorized in subparagraphs (2) and (3) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., July 7, 1969.

(d) *Expiration date.* This order shall expire at 11:59 p.m., September 13, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), 17(2))

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

By the Commission, Railroad Service Board.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8043; Filed, July 8, 1969; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one additional position of Special Assistant to the Assistant Secretary for Community and Field Services, two positions of Special Assistant to the Deputy Assistant Secretary for Community and Field Services, and four positions of Special Assistant to the Deputy Assistant Secretary for Youth and Student Affairs (one a general assistant, and one each for Student Affairs, Youth Development, and Juvenile Delinquency) are excepted under Schedule C. The section is also amended to show that the positions of two Schedule C Confidential Assistants to the Assistant Secretary for Community and Field Services are now titled Assistant and Special Assistant to the Assistant Secretary, respectively, and that the position of Confidential Assistant on Juvenile Delinquency to the Assistant Secretary has been abolished. Effective on publication in the FEDERAL REGISTER, subparagraphs (2) and (3) are amended and subparagraphs (5), (6), (7), and (8) are added under paragraph (n) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(n) *Office of the Assistant Secretary for Community and Field Services.* * * *

(2) One Assistant and two Special Assistants to the Assistant Secretary for Community and Field Services.

(3) One Special Assistant for Juvenile Delinquency to the Deputy Assistant Secretary for Youth and Student Affairs.

* * * * *

(5) Two Special Assistants to the Deputy Assistant Secretary for Community and Field Services.

(6) One Special Assistant to the Deputy Assistant Secretary for Youth and Student Affairs.

(7) One Special Assistant for Student Affairs to the Deputy Assistant Secretary for Youth and Student Affairs.

(8) One Special Assistant for Youth Development to the Deputy Assistant Secretary for Youth and Student Affairs.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8152; Filed, July 8, 1969; 10:02 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that two positions of Special Assistant to the Assistant Secretary for Legislation now report to the Deputy Assistant Secretary for Legislation and that the following additional positions are excepted under Schedule C: one Assistant to the Assistant Secretary for Legislation; one Deputy Assistant Secretary for Legislation (Education) and his Special Assistant; one Deputy Assistant Secretary for Legislation (Welfare) and his Special Assistant; and three Special Assistants to the Assistant Secretary for Congressional Liaison. The section is also amended to show that the following positions are no longer excepted under Schedule C: one Congressional Liaison Officer, one Assistant to the Congressional Liaison Officer, and one Deputy Assistant Secretary for Legislative Services. Effective on publication in the FEDERAL REGISTER, subparagraphs (8) and (9) of paragraph (a) are revoked, subparagraph (1) is amended, subparagraph (6) is revoked, and subparagraphs (8) through (14) are added to paragraph (f) of §213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(8) [Revoked].

(9) [Revoked].

* * * * *

(f) *Office of the Assistant Secretary for Legislation.* (1) Two Special Assistants to the Assistant Secretary.

* * * * *

(6) [Revoked].

* * * * *

(8) Two Special Assistants to the Deputy Assistant Secretary for Legislation.

(9) One Assistant to the Assistant Secretary.

(10) One Deputy Assistant Secretary for Legislation (Education).

(11) One Special Assistant to the Deputy Assistant Secretary for Legislation (Education).

(12) One Deputy Assistant Secretary for Legislation (Welfare).

(13) One Special Assistant to the Deputy Assistant Secretary for Legislation (Welfare).

(14) Three Special Assistants to the Deputy Assistant Secretary for Congressional Liaison.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8153; Filed, July 8, 1969; 10:02 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the following positions under the Assistant Secretary for Planning and Evaluation are excepted under Schedule C: One Special Assistant for Special Initiatives, two Special Assistants, one Assistant, one Special Assistant to the Deputy Assistant Secretary for Interdepartmental Affairs, one Special Assistant to the Deputy Assistant Secretary for Planning for Education, and one Special Assistant to the Deputy Assistant Secretary for Planning for Social Services and Income Maintenance. Effective on publication in the FEDERAL REGISTER, subparagraphs (3) through (8) are added to paragraph (k) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(k) *Office of the Assistant Secretary for Planning and Evaluation.* * * *

(3) One Special Assistant to the Assistant Secretary for Special Initiatives.

(4) Two Special Assistants to the Assistant Secretary.

(5) One Assistant to the Assistant Secretary.

(6) One Special Assistant to the Deputy Assistant Secretary for Interdepartmental Affairs.

(7) One Special Assistant to the Deputy Assistant Secretary for Planning for Education.

(8) One Special Assistant to the Deputy Assistant Secretary for Planning for Social Services and Income Maintenance.

* * * * *

(5 U.S.C. 3001, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8154; Filed, July 8, 1969; 10:02 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Assistant to the General Counsel, two positions of Special Assistant to the General Counsel, and one position of Special Assistant to the Deputy General Counsel are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (2), (3), and (4) are added to paragraph (p) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(p) *Office of the General Counsel.* * * *

(2) One Assistant to the General Counsel.

(3) Two Special Assistants to the General Counsel.

(4) One Special Assistant to the Deputy General Counsel.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8155; Filed, July 8, 1969; 10:02 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1003, 1004, 1016]

[Dockets Nos. AO–293–A23, AO–160–A43, AO–312–A20]

MILK IN WASHINGTON, D.C., DELAWARE VALLEY, AND UPPER CHESAPEAKE BAY MARKETING AREAS

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn—Downtown, Lombard and Howard Streets, Baltimore, Md., beginning at 10:30 a.m., on August 4, 1969, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Washington, D.C., Delaware Valley, and Upper Chesapeake Bay marketing areas.

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

The issues raised by this proposal include whether the declared policy of the Act would tend to be effectuated by:

(a) Merger of two or more of the above marketing areas, in any combination thereof, including also the redefinition of marketing area for any separate or combined order to encompass part or all of the areas presently defined in the respective orders or proposed herein to be regulated; and

(b) The adoption of any of the proposed provisions, or appropriate modifications thereof, for any separate order or any combination of such orders, including a review of the appropriate pricing and pooling provisions of the orders whether to be separate or in any combination.

The issue of merging the marketing areas also raises the question of appropriate disposition of the producer-settlement funds, marketing service funds, and administrative funds accumulated under the respective orders.

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

Proposed by Pennmarva Dairymen's Cooperative Federation, Inc.:

Proposal No. 1. Combine the Delaware Valley, Upper Chesapeake Bay, and Washington, D.C. marketing areas with the additional unregulated territory as proposed, and rename the expanded area as the "Middle Atlantic marketing area."

The complete regulatory terms for the combined and expanded area are proposed as follows:

GENERAL DEFINITIONS

§ 1004.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1004.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1004.3 Department of Agriculture.

"Department of Agriculture" means the U.S. Department of Agriculture or any other Federal agency as may be authorized by Act of Congress, or by Executive order, to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1004.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1004.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1004.6 Middle Atlantic marketing area.

"Middle Atlantic marketing area" called the "marketing area" in this part

means all the territory in the Commonwealth of Pennsylvania situated within the following boundary line: Beginning at a point in the Pennsylvania State line at the northern boundary of the Lower Makefield township line in Bucks County, thence first westerly, thence southerly along said Lower Makefield township line to the Middletown township line; thence westerly and southerly along the Middletown township line to the Lower Southampton township line; thence northerly and thence westerly along the Lower Southampton township line to the Montgomery County line; thence northerly along the Montgomery County line to the Trenton cutoff of the Pennsylvania Railroad; thence westerly along said railroad to the Upper Dublin township line, thence along the southern and western boundaries of Upper Dublin township to the Whitemarsh township line; thence southerly along the Whitemarsh township line to the Lower Merion township line; thence along the northern boundary of Lower Merion township to the Delaware County line; thence northerly, westerly and southerly along the Delaware County line to the Pennsylvania State line; thence easterly and northerly along the Pennsylvania State line to the point of beginning; all of the territory situated within the State of Delaware, all of the territory in the State of New Jersey within the outer boundaries of the following counties: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Salem, and and Ocean (except the boroughs of Bay Head, Beachwood, Island Heights, Lakehurst, Lavallette, Mantoloking, Ocean Gate, Pine Beach, Point Pleasant, Point Pleasant Beach, Seaside Heights, Seaside Park, South Toms River, and the townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester, and Plumsted), all of the territory situated within the the State of Maryland, except Allegany, Garrett, and Washington counties, but including Fort Ritchie, all of the territory situated within the District of Columbia, and all the territory situated within the counties of Arlington, Fairfax, Prince William, and Loudoun and the city of Alexandria, all in the Commonwealth of Virginia; together with all piers, docks, and wharves connected therewith, and all craft moored thereat, and including territory within such boundaries which is occupied by Government (municipal, State, Federal, or international) reservations, installations, institutions, or other establishments.

§ 1004.7 Plants.

(a) "Plant" means the land and buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products are received from dairy farmers or processed or packaged. However, a separate establishment without storage facilities, used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distribution depot for fluid milk products in transit for route disposition shall not be a plant under this definition.

(b) "Distributing plant" means a plant from which fluid milk products are disposed of during the month in the marketing area as route disposition.

(c) "Supply plant" means a plant from which fluid milk products are shipped during the month to a distributing plant.

§ 1004.8 Pool plant.

"Pool plant" means a plant (except an other order plant, a producer-handler plant, a plant specified in paragraph (f) of this section, or the plant of a handler pursuant to § 1004.10(e)) specified in paragraph (a) through (e) of this section.

(a) A distributing plant from which during any of the months of September through February, a volume equal to not less than 60 percent and during any of the months of March through August not less than 55 percent, of its receipts described in either subparagraph (1) or (2) of this paragraph, is disposed of as Class I milk in the form of fluid milk products and the volume disposed of as route disposition in the form of fluid milk products in the marketing area during the month is not less than 10 percent of such receipts.

(1) The milk received at such plant directly from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association, but excluding the milk of dairy farmers for other markets) or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c).

(2) Receipts of fluid milk products from other plants in the case of a plant with no receipts described in subparagraph (1) above.

(b) Subject to the provisions of paragraphs (c) and (d) of this section, a supply plant from which during any of the months of September through February not less than 60 percent, and during any of the months of March through August not less than 50 percent, of the milk received from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association) or from a cooperative association in the capacity as a handler pursuant to § 1004.10(c) is moved during the month to a distributing plant from which a volume of fluid milk products not less than 60 percent during any month of September through February, or 55 percent during any month of March through August, of its receipts of milk from dairy farmers, cooperative associations, and from other plants is disposed of as Class I milk in the form of fluid milk products, and the volume so disposed of as route disposition of fluid milk products in the marketing area during the month is not less than 10 percent of such receipts. However, a supply plant shall not be qualified pursuant to this paragraph in any month in which a greater proportion of its qualifying shipments are made to a plant(s) regulated under another Federal order than to plants regulated under this order.

(c) A supply plant that was a pool plant during each of the months of September through February pursuant to paragraph (b) of this section shall be a pool plant during the following months of March through August, unless written application is filed by the plant operator with the market administrator on or before the first day of such month, requesting the plant to be designated a nonpool plant for such month and each subsequent month through August during which it does not qualify pursuant to paragraph (b) of this section. However, the automatic pool plant status of a supply plant pursuant to this paragraph shall be canceled for any month during the March through August period that another supply plant is qualified for pooling by shipping fluid milk products to the same distributing plant(s) by which such automatic pooling was accomplished.

(d) A supply plant(s) not otherwise meeting the provisions of paragraph (b) of this section shall be considered to have met such provisions if:

(1) It is owned and operated by a handler who also operates a pool plant pursuant to § 1004.8(a);

(2) It is located outside the marketing area and is not a pool plant under another Federal order;

(3) The handler files a written request with the market administrator on or before the first day of September for pool plant status for such plant;

(4) The plant(s) in combination with the pool distributing plant meet the provisions of § 1004.8(a);

(5) The handler qualifies no other supply plant by actual shipments to such pool distributing plant; and

(6) The handler notifies the market administrator each month at the time of filing reports pursuant to § 1004.30 in the detail prescribed by the market administrator with respect to any receipts from dairy farmers not meeting the health requirements for disposition as fluid milk in the marketing area.

(e) Any manufacturing plant which is operated by a cooperative federation or association 70 percent or more of whose members are producers, which is located in the marketing area and from which fluid milk products are moved to other pool plants; if during the month not less than 90 percent of the receipts at such plant is from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1004.10(c)) who are members of federations or cooperative associations of which 70 percent or more of the membership are producers whose milk is received at other pool plants.

(f) Any supply plant that was a nonpool plant during any of the months of August through November shall not be a pool plant in any of the immediately following months of March through June in which it was owned by the same handler, affiliate of the handler or by any person who controls or is controlled by the handler.

§ 1004.9 Nonpool plants.

"Nonpool plant" means a plant other than a pool plant. The categories of nonpool plants are:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or another order plant, from which fluid milk products in consumer-type packages or dispenser units are disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler or another plant from which fluid milk products are shipped to a pool plant. This includes any plant specified in § 1004.8(f) which does not qualify as an "other order plant".

§ 1004.10 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of:

(1) A pool plant;

(2) A partially regulated distributing plant;

(3) An unregulated supply plant; and

(4) An other order plant pursuant to § 1004.61.

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted in accordance with the provisions of § 1004.15 from a pool plant to a nonpool plant for the account of such cooperative association.

(c) Any cooperative association with respect to the milk of its producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association unless both the cooperative association and the handler notify the market administrator in writing prior to the first day of the month that the plant operator will be the handler and is purchasing the milk on the basis of farm weights and tests determined by farm bulk tank calibrations and at butterfat tests based on samples taken at the farm. Milk for which the cooperative association is the handler pursuant to this paragraph, shall be deemed to have been received at the location of the pool plant to which such milk is delivered.

(d) A producer-handler.

(e) A governmental agency in its capacity as the operator of a nonpool plant disposing of fluid milk products on routes in the marketing area.

(f) Any other person who by purchase or direction causes milk of producers to be picked up at the farm and/or moved to a plant.

§ 1004.11 Pool handler.

"Pool handler" means any person in his capacity as the operator of a pool plant or a cooperative association qualified as a handler pursuant to § 1004.10 (b) or (c).

§ 1004.12 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant, and whose sole source of supply of fluid milk products is his own farm production and transfers of such products from pool plants: *Provided, that:* (1) The quantity of fluid milk products received during the month from pool plants shall not exceed 10,000 pounds; and (2) such person furnishes proof satisfactory to the market administrator that the maintenance and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk products handled (excluding transfers from pool plants), and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

§ 1004.13 Dairy farmer.

"Dairy farmer" means any person (except a handler pursuant to § 1004.10(d) who produces milk which is delivered in bulk to a plant.

§ 1004.14 Dairy farmer for other markets.

"Dairy farmer for other markets" means:

(a) Any dairy farmer with respect to milk reported pursuant to § 1004.8(d)(6);

(b) Any dairy farmer whose milk is received at a pool plant qualified pursuant to § 1004.8(e) for the account of a cooperative association which has no membership among producers delivering milk to other pool plants; and

(c) Any dairy farmer whose milk is received by a handler at a pool plant during the months of March through August from which the handler, an affiliate of the handler, or any person who controls, or is controlled by the handler, received milk other than as producer milk during any of the preceding months of September through February, unless the handler proves to the market administrator that all of his receipts (or receipts by an affiliate, or person who controls or is controlled by him) of milk from such dairy farm as other than producer milk during the preceding September through February period were neither approved for fluid disposition by a duly constituted health authority nor were disposed of for fluid consumption (including disposition to an agency of the U.S. Government for fluid consumption in its institutions or its bases), or unless the handler proves to the market administrator that during the preceding September through February period the milk of not less than 120 days of production from such dairy farm was received as producer milk at pool plants.

§ 1004.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, a "dairy farmer for other markets", or any other person with respect to milk produced by him which is subject to the pricing and payment provisions of another order issued pursuant to the Act, who produces milk which is received at a pool plant, diverted between pool plants in the same pricing zone, or received by a cooperative association in its capacity as a handler pursuant to § 1004.10(c), or is diverted to an other order plant under an agreed upon Class II disposition by both the diverting and receiving handlers and for which equivalent Class II use is available in the receiving plant to permit such assignment under the terms of the other order, or which is otherwise diverted to any other nonpool plant other than a producer-handler plant during any month(s) of March through August, or in accordance with the provisions of paragraphs (a), (b), or (c) of this section, during any month of September through February. If a handler diverting milk pursuant to paragraph (a) of this section diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant. If a handler diverting milk pursuant to paragraphs (b) or (c) of this section diverts in excess of the limits prescribed, all diversions by such handler during the month shall be pursuant to paragraph (a) of this section. A dairy farmer delivering milk to a pool plant qualified under § 1004.8(e) shall not qualify as a producer under this paragraph if such dairy farmer does not hold a valid farm inspection permit issued by the applicable health authority having jurisdiction in the marketing area:

(a) Not more than 10 days' production during the month unless: (1) in the case of a cooperative association, all of the diversions of milk of member producers of the cooperative during the month fall within the limits prescribed in paragraph (b) of this section; or (2) in the case of a pool handler (other than a cooperative association) diverting milk of nonmember producers, all of such diversions from such plant fall within the limits prescribed in paragraph (c) of this section.

(b) The diversion is the milk of a member of a cooperative association diverted for the account of such association and the amount of member milk so diverted does not exceed 15 percent of the volume of milk of all producer members of such cooperative association received at pool plants during such month.

(c) The diversion is the milk of a producer, who is not a member of a cooperative association, which is diverted by a handler in his capacity as the operator of a pool plant from which the quality of nonmember milk so diverted does not exceed 15 percent of the total nonmember producer milk delivered to such handler during the month.

(d) Milk which is diverted pursuant to paragraph (a), (b), or (c) of this section shall be deemed to have been received by the handler, for whose account it is diverted, at a pool plant at the location of the plant from which it is diverted except that, for the purpose

of 125 miles from the nearest of such suant to §§ 1004.52 and 1004.82, milk which is diverted from a pool plant within 55 miles of the nearest of the basing points in § 1004.52 to a plant in excess of 125 miles from the nearest of such basing points or from a pool plant located in excess of 55 miles of the nearest of the basing points to a plant at which a greater location adjustment credit is applicable shall be priced at the latter location.

§ 1004.16 Milk and milk products.

(a) "Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, cultured buttermilk, flavored milk, milk drinks (plain or flavored), concentrated milk, and any other mixture of cream and milk or skim milk containing less than 18 percent butterfat (other than ice cream, ice cream mixes, ice milk mixes, eggnog, yogurt, sour half and half, and condensed or evaporated products in hermetically sealed glass or metal containers): *Provided,* That when nonfat milk solids are added for "fortification", the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content;

(b) "Producer milk" means any skim milk or butterfat contained in milk:

(1) Received directly at a pool plant from producers;

(2) Received from producers by a cooperative association in its capacity as a handler pursuant to § 1004.10(c); or

(3) Diverted in accordance with the provisions of § 1004.15;

(c) "Other source milk" means all skim milk and butterfat contained in or represented by:

(1) Receipts (including any Class II milk product produced in the handler's plant during a prior month) in a form other than as fluid milk products which are reprocessed, converted, or combined with another product during the month; and

(2) Receipts in the form of fluid milk products from any source other than producers, pool plants, or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c);

(d) "Base milk" means milk received from a producer by a pool handler which is not in excess of such producer's daily base computed pursuant to § 1004.63 multiplied by the number of days in such month on which such producer's milk was so received: *Provided,* That with respect to any producer on every-other-day delivery, the day of nondelivery prior to a day of delivery, although such prior day is in the preceding month, shall be considered as a day of delivery for the purpose of this paragraph;

(e) "Excess milk" means milk received from a producer by a pool handler which is in excess of base milk received from such producer during such month.

§ 1004.17 Route disposition.

"Route disposition" means any delivery of a fluid milk product from a plant to a retail or wholesale outlet (including any delivery by a vendor, from a plant store or through a vending machine) except any delivery to a plant.

§ 1004.18 Certified milk.

"Certified milk" is milk which is produced, packaged, and sold under the label of certified milk in accordance with the rules and regulations promulgated by the American Association of Medical Milk Commissions, Inc.

MARKET ADMINISTRATOR

§ 1004.20 Designation.

The Market Administrator for the administration of this part shall be a Market Administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1004.21 Powers.

The Market Administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1004.22 Duties.

The Market Administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon, covering each employee who handles funds entrusted to the Market Administrator;

(d) Pay out of the funds received pursuant to § 1004.88:

(1) The cost of his bond and the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 1004.87, necessarily incurred by him in the maintenance and functioning of his office and in performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person, who after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1004.30 and 1004.31 or payments pursuant to §§ 1004.80 through 1004.88;

(g) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(h) Verify all reports and payments of each handler, by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation of this part as do not reveal confidential information;

(j) On or before the date specified, publicy announce by posting in a conspicuous place in this office and by such other means as he deems appropriate, the following:

(1) The fifth day of each month, the Class II price computed pursuant to § 1004.50(b) and the handler butterfat differentials computed pursuant to § 1004.51, both for the preceding month; and

(2) The 13th day of each month, the uniform price(s) computed pursuant to §§ 1004.71 and 1004.72 and the butterfat differential to producers computed pursuant to § 1004.81, both for the preceding month; and

(3) The 15th day of the month preceding the start of each calendar quarter, the Class I price computed pursuant to § 1004.50(a); and

(4) The 15th day of each month the indexes computed pursuant to § 1004.50 (a)(1) for the preceding month, the 12-month average of prices for milk for manufacturing purposes as determined pursuant to § 1004.50(a)(3) for the period ending with the preceding month and the 12-month utilization percentage factor for the period ending with the preceding month calculated in the manner described in § 1004.50(a)(4).

(k) On or before the 13th day after the end of each month, report to each cooperative association which so requests, the class utilization of milk purchased from such association or delivered to the pool plant(s) of each handler by producers who are members of such cooperative association. For the purpose of this report, the milk so purchased or received shall be allocated to each class in the same ratio as all producer milk received by such handler during such month; and

(l) On or before February 10 of each year, notify:

(1) Each cooperative association of the daily base established by each producer member of such association; and

(2) Each nonmember producer of the daily base established by such producer.

(m) Whenever required for purpose of allocating receipts from other order

plants pursuant to § 1004.46(a)(10) and the corresponding step of § 1004.46(b), the Market Administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(n) Report to the Market Administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1004.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(o) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the Market Administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1004.30 Reports of receipts and utilization.

(a) On or before the eighth day after the end of each month each cooperative association in its capacity as a handler and each pool handler with respect to each of his pool plants shall report for the month to the Market Administrator in the detail and on forms prescribed by the Market Administrator as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) receipts of producer milk (including such handler's own production);

(ii) receipts of fluid milk products from other pool plants, and milk received from a cooperative association for which it is a handler pursuant to § 1004.10(c); and

(iii) receipts of other source milk;

(2) Inventories of fluid milk products on hand at the beginning and end of the month; and

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk; and

(c) Each producer-handler shall make reports to the Market Administrator at such time and in such manner as the Market Administrator may prescribe.

(d) Each handler pursuant to § 1004.10(e) shall make reports to the Market Administrator at such time and in such manner as the Market Administrator may prescribe.

(e) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1004.10 (b) and (c) as follows:

(1) Receipts of skim milk and butterfat from producers;

(2) Utilization of skim milk and butterfat diverted to nonpool plants;

(3) The quantities of skim milk and butterfat delivered to each pool plant of another handler; and

(4) The quantities of skim milk and butterfat delivered to each producer-handler.

§ 1004.31 Other reports.

(a) Each pool handler shall report to the Market Administrator in the detail and on forms prescribed by the Market Administrator as follows:

(1) On or before the 25th day after the end of the month for each pool plant, his producer payroll for such month which shall show for each producer:

(i) His name and address;

(ii) The total pounds of milk received from such producer;

(iii) The average butterfat content of such milk; and

(iv) The net amount of the handler's payment, together with the price paid and the amount and nature of any deduction;

(2) Such other information with respect to receipts and utilization of butterfat and skim milk as the Market Administrator shall prescribe.

(b) Promptly after a producer moves from one farm to another, or starts or resumes deliveries to a pool handler, the handler shall file with the Market Administrator a report stating the producer's name and post office address, the health department permit number, if applicable, the date on which the change took place, and the farm and plant location involved.

(c) In making payments to producers pursuant to § 1004.80(a)(2), or to a cooperative association pursuant to § 1004.80(b), each pool handler shall furnish such producer or cooperative association with respect to each of its producer members from whom the handler received milk during the month, a written statement showing:

(1) The month and the identity of the handler and the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate at which payment to a producer is required under § 1004.80(a)(2);

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The nature and amount of any deductions made in payments due such producer; and

(6) The net amount of the payments to the producers.

(d) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1004.62(b) shall report the same information as required in paragraph (a) of this section with respect to dairy farmers from whom he receives milk.

(e) On or before the 20th day after the end of the month, each handler pursuant to § 1004.10 (d) or (e) shall report to the Market Administrator, in the detail and on forms prescribed by the Market Administrator, all transactions wherein milk was bought or dealt in, giving the following information:

(1) The name and address of any cooperative association or producer for whom the handler by either purchase or direction caused milk of producers to be moved to a plant;

(2) The total pounds of milk involved in the transaction, and the average butterfat content of such milk; and

(3) Such other information with respect to such transactions as the Market Administrator may prescribe.

§ 1004.32 Records and facilities.

Each handler shall maintain and make available to the Market Administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the Market Administrator to verify or establish the correct data for each month, with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items in inventory at the beginning and end of each month required to be reported pursuant to § 1004.30(a)(2);

(d) Payments to producers and cooperative associations, including any deductions and the disbursement of money so deducted; and

(e) Other information required to be reported pursuant to § 1004.31(e).

§ 1004.33 Retention of records.

All books and records required under this part to be made available to the Market Administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the Market Administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records, until further notification from the Market Administrator. In either case, the Market Administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1004.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported by each handler pursuant to

§ 1004.30 shall be classified each month by the Market Administrator pursuant to the provsions of §§ 1004.41 through 1004.46.

§ 1004.41 Classes of utilization.

Subject to the conditions set forth in §§ 1004.42 through 1004.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of as a fluid milk product;

(2) Contained in inventory of packaged fluid milk products on hand at the end of the month; and

(3) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of for livestock feed;

(3) Contained in fluid milk products which are dumped, if the handler gives the Market Administrator such advance notice of intent to dump as the Market Administrator may prescribe;

(4) Contained in inventory of fluid milk products in bulk which are on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.42(b)(1), but not to exceed the following:

(i) Two percent of producer milk received at a pool plant; plus

(ii) One and one-half percent of milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1004.10(c); plus

(iii) One and one-half percent of milk received at a pool plant in bulk tank lost from other pool plants; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the handler (and by the operator of such other order plant if such receipt is fully subject to the classification and pricing provisions of such other order); plus

(v) One and one-half percent of receipts from dairy farmers who are not producers and receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of milk moved in bulk tank lots from a pool plant to other plants; and plus

(vii) One-half of one percent in receipts of producer milk by a cooperative association in its capacity as a handler pursuant to § 1004.10(c).

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.42(b)(2);

(7) Disposed of in bulk to any commercial food establishment for use on the premises in the manufacture of soup, candy, bakery products, or any other nondairy commercial food product: *Provided,* That such establishment does not dispose of any fluid milk product;

(8) The weight of skim milk in fortified fluid milk products which is expected from Class I milk pursuant to paragraph (a) of this section.

§ 1004.42 Shrinkage.

The Market Administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk in butterfat, respectively, for each handler; and

(b) Shrinkage shall be prorated between: (1) Skim milk and butterfat in receipts described in § 1004.4(b)(5); and (2) skim milk and butterfat in other source milk exclusive of that specified in § 1004.41(b)(5).

(c) In the case of milk received from producers by a cooperative association handler pursuant to § 1004.10(c), the cooperative association shall be responsible for proving that skim milk which was not received at a pool plant should be classified other than as Class I, and the operator of a pool plant receiving skim milk and butterfat from a cooperative association handler pursuant to § 1004.10(c) shall be responsible for proving that such skim milk and butterfat should be classified other than as Class I.

§ 1004.43 Responsibility of handlers and the reclassification of milk.

(a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk and butterfat proves to the Market Administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the Market Administrator discloses that the original classification was incorrect.

§ 1004.44 Transfers.

Skim milk and butterfat in the form of any fluid milk product shall be classified:

(a) As Class I milk if diverted between pool plants in the same pricing zone or transferred from a pool plant or a cooperative association as a handler pursuant to § 1004.10(c) to a pool plant, unless Class II utilization is indicated by the transferee and transferor handlers in their reports pursuant to § 1004.30(a) for the month, subject to the conditions of subparagraphs (1), (2) and (3) of this paragraph:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1004.46(a)(10) and the corresponding step of § 1004.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1004.46(a)(5), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk.

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1004.46(a)(9) or (10) and the corresponding steps of § 1004.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk if transferred from a pool plant or delivered by a cooperative handler to a handler pursuant to § 1004.10(e).

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the Market Administrator pursuant to § 1004.30 for the month within which such transaction occurred;

(2) The operator of such nonpool transferee plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the Market Administrator for the purpose of verification;

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any route disposition in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, and thereafter pro rata to receipts from other order plants;

(ii) Any route disposition in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, and thereafter pro rata to receipts from pool plants and other order plants not regulated by such order;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to the receipts from dairy farmers who the Market Administrator determines constitute the regular source of supply for such nonpool plant, and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) Any remaining receipts from pool plants or other order plants shall be assigned to Class II: *Provided,* That if on inspection of the books and records of the nonpool plant the Market Administrator finds that the remaining unassigned receipts at such plant exceed the available Class II utilization, the transfer shall be classified as Class I up to the amount of such excess.

(d) As follows, if transferred to another order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1004.41.

§ 1004.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1004.30(a) by each handler and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler, and the total pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1004.10 (b) and (c) and was not received at a pool plant: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products plus all the water originally associated with such solids.

§ 1004.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1004.45, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1004.10 (b) and (c) which was not received at a pool plant, and the classification of milk received from producers and from cooperative association handlers pursuant to § 1004.10(c) at each pool plant for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1004.41(b)(5);

(2) Subtract from the total pounds of skim milk in Class I, the pounds of skim milk in receipts of certified milk in packaged form;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows, if the fluid products so received are classified and priced as Class I milk under such order or the equivalent thereof if assigned to Class I milk under this order:

(i) From Class II milk, the lesser of the pounds remaining, or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products from dairy farmers for other markets pursuant to § 1004.14(a) and (b) and from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II;

(i) The pounds of skim milk in receipts of fluid milk products, for which the handler requests Class II utilization, which were received from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating the plant and from dairy farmers, for other markets pursuant to § 1004.14(b), but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to § 1004.14(b), if not assigned pursuant to subparagraphs (3) and (6)(i) of this paragraph, to the extent that the total of such receipts is in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1004.10(c), in receipts from Order 2 pool bulk tank units and in receipts in bulk from other order plants which are classified and priced pursuant to the applicable order; and

(*c*)(*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to § 1004.14(c), remaining at the plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II, shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant if classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products in bulk (and for the first month this order is effective, in packaged fluid milk products) on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class II milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(9)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipt of fluid milk products from unregulated supply plants, from other order plants if not classified or priced pursuant to the order regulating such plant and from dairy farmers for other markets pursuant to § 1004.14(c), that were not subtracted pursuant to subparagraph (6) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any

class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(10) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk in receipts of fluid milk products from Order 2 pool bulk tank units and in bulk from other order plants (except receipts from other order plants not classified and priced pursuant to the order regulating such plant) in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (6)(iii) of this paragraph, pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1004.22(1); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(11) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1004.10(c) according to the classification assigned pursuant to § 1004.44(a); and

(12) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

Minimum Prices

§ 1004.50 Class prices.

(a) *Class I milk.* For each month in each calendar quarter, the price per hundredweight of Class I milk shall be $7.17.

(b) *Class II milk.* The price per hundredweight of Class II milk shall be determined for each month as follows:

(1) Adjust the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the month, to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture for the month. Such price shall be rounded to the nearest cent but shall not exceed a price computed as follows:

(i) Multiply by 4.2 the Chicago butter price specified in this subparagraph;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(iii) From the sum of the results arrived at under subdivision (i) and (ii) of this subparagraph subtract 48 cents, and round to the nearest cent.

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month	*Amount*
January	+.05
February	+.04
March	−.03
April	−.07
May	−.10
June	−.09
July	+.05
August	+.12
September	+.08
October	+.08
November	+.08
December	+.08

§ 1004.51 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1004.50 shall be increased or decreased, respectively, for each one-tenth of 1 percent variation in butterfat content by the appropriate rate, rounded in each case to the nearest one-tenth cent determined as follows:

(a) *Class I milk.* Divide by 35 an amount calculated as follows: Add all market quotations (using the midpoint of any weekly range as one quotation) of prices per 40-quart can of fresh sweet cream of bottling quality of 40 percent butterfat content, not including prices for cream carrying special municipal approvals, reported at Philadelphia for each week ending within the month by the Department of Agriculture, divide by the number of quotations, subtract $2, divide by 9.7143: *Provided,* That such butterfat differential shall not be less than that provided pursuant to paragraph (b) of this section.

(b) *Class II milk.* Multiply by 0.120 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported by the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the Department of Agriculture for Grade A (92-score) butter in the New York City market.

§ 1004.52 Location differentials to handlers.

(a) For that milk received from producers and from cooperative association handlers pursuant to § 1004.10(c) at a pool plant in Pennsylvania or New Jersey located 55 miles or more by shortest highway distance, as determined by the market administrator from the nearest of the City Halls in Philadelphia, Pa.; Trenton or Atlantic City, N.J., or outside Pennsylvania and New Jersey and located 75 miles or more from the zero milestone in Washington, D.C., or City Hall in Baltimore, Md., or Salisbury, Md., and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the Class I price shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers, subject to the exception contained in § 1004.15(d):

Rate per hundredweight

	Cents
Distance of plant from nearest city base point:	
55 miles	9.0
Each additional 10 miles or fraction thereof an additional	1.5

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition at the transferee plant in an amount not in excess of that by which such Class I disposition exceeds 95 percent of the sum of receipts at such plant

from producers, cooperative associations pursuant to § 1004.10(c), and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants and from dairy farmers for other markets pursuant to § 1004.14(b). Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply: *Provided,* That for purposes of this paragraph transfers from a pool plant to a second pool plant which are in turn transferred to a third pool plant shall be treated as though the transfer was direct from the originating plant to the plant of final receipt.

(c) For milk received from producers at a pool plant located 55 to 75 miles by the shortest highway distance as determined by the market administrator from the nearest of the City Halls in Philadelphia, Pa.; Trenton or Atlantic City, N.J.; and classified as Class II milk (except that for which a Class I location differential was assigned pursuant to paragraph (b)), the Class II price shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk was received from producers, subject to the exception contained in § 1004.15(d):

Rate per hundredweight

	Cents
Distance of plant from nearest City Hall:	
55 to 70 miles	5.0
Each additional 70 miles or fraction thereof an additional	1.0

§ 1004.53 Equivalent prices or indexes.

If for any reason a price or index specified by this part for use in computing class prices or other purposes is not reported or published in the manner described in this part, the market administrator shall use a price or index determined by the Secretary to be equivalent or comparable with the factor which is specified

APPLICATION OF PROVISIONS

§ 1004.60 Producer-handler.

Sections 1004.40 through 1004.46, 1004.50 through 1004.53, 1004.62, 1004.70, 1004.71 and 1004.80 through 1004.89a shall not apply to a producer-handler.

§ 1004.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be considered as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1004.30) and allow verification of such reports by the market administrator. In addition, each handler operating an Order 2 pool plant from which any unpriced milk is disposed of as route disposition in the marketing area of this order shall, on or before the 15th day after the end of the month make payments to the producer-settlement fund of the difference between the announced Class I price under this order and the announced uniform price under Order 2, both applicable at his plant location, on the volume of such milk so disposed, and pay the administrative assessment provided in § 1004.88 with respect to such milk.

(a) Any plant qualified pursuant to § 1004.8(a) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant on routes in the Middle Atlantic marketing area than in a marketing area regulated pursuant to such other order;

(b) Any plant subject to the classification and pricing provisions of another order issued pursuant to the Act, notwithstanding its status under this order pursuant to § 1004.8 (a) or (b).

§ 1004.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to subsection 1004.30(b) and 1004.31(d) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1004.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1004.70(e) and a credit in the amount specified in § 1004.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to subsections 1004.30(b) and 1004.31(c) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1004.8 with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for milk (approved by a duly constituted health authority for fluid disposition) received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

§ 1004.63 Computation of base for each producer.

After January 31, 1971, for each month of the year, the market administrator shall compute, subject to the rules set forth in § 1004.64, a base for each producer described in paragraphs (a) through (d) of this section by dividing the applicable quantity of milk receipts specified in such paragraph by 153 (by 154, in the case of a producer on every-other-day delivery schedule who delivered August 1) less the number of days, if any, during the applicable base-forming period of August through December for which it is shown that the day's production of milk of such producer was not received by a pool handler as described in the applicable paragraphs (a) through (d) of this section under which such producer's base is computed: *Provided,* That in no event shall the number of days used to compute a producer's base pursuant to this part be less than 120.

(a) For any producer, except as provided in paragraphs (b) through (e) of this section, the quantity of milk receipts shall be the total pounds of producer milk received by all pool handlers from such producer during the preceding months of August through December;

(b) For any producer whose milk was received during the preceding months of August through December at a plant which first became a pool plant after the first month of such base-earning period, and which was a pool plant for 120 days or more during the base-forming period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such August–December period at the plant: *Provided,* That if such plant was a pool plant on less than 120 days, the quantity of milk receipts shall be 50 percent of the total pounds of milk received from such dairy farmer during such August–December period at the plant.

(c) For any producer who, during the two base-forming months of August and September qualified under Order 2 (New York-New Jersey) as a producer, and was a producer under this part during all of each of the three remaining base-forming months of October, November, and December, the quantity of milk receipts shall be the total pounds of milk received from such farmer during all of the months of August through December by pool handlers under both orders.

(d) For any producer not described in paragraph (b) or (c) of this section but whose milk was received by a handler as producer milk during the base-forming months of October, November, and December at a pool plant at which receipt of his milk in the immediately preceding months of August and September would have qualified or did qualify him as a "dairy farmer for other markets" pursuant to § 1004.14(c), the quantity of milk receipts shall be the total pounds of milk received from such producer by pool handlers during such months of August through December and verified receipts at the nonpool plant of the handler, affiliate of the handler or any person who controls or is controlled by the handler during such months of August and September.

(e) If a producer delivers no milk to a pool plant during the base-forming period of August through December or if milk is delivered on less than 120 days (60 days in the case of every-other-day delivery) during such base-forming months and the producer relinquished his base, the base of such producer shall be 50 percent of his average daily deliveries of producer milk during each month until a base is computed on the basis of deliveries during 4 complete months in a subsequent August through December period; *Provided,* That on the date such producer obtains such a base or a base in any quantity by transfer under the provisions of § 1004.64(b), the provisions of this paragraph are no longer applicable.

§ 1004.64 Base rules.

After January 31, 1971, the following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to paragraph 1004.63(a) through (d) shall be effective for the subsequent months of February through January inclusive.

(b) A base computed pursuant to § 1004.63 or as designated pursuant to paragraph (e) of this section may be transferred in its entirety to another dairy farmer upon the death or the discontinuance of milk production or upon entry into military service by the base owner. Sale of the entire productive herd in reasonable relation to the size of base transferred by dispersal sale or in total shall be deemed as evidence of discontinuing milk production.

(c) Base transfers shall be accomplished upon written application on a form approved by the market administrator and shall be signed by the base holder, or his heirs or assigns and by the person to whom such base is to be transferred; *Provided,* That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders or their heirs or assigns.

(d) If a producer operates more than one farm, and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1004.10 (b) or (c), he shall establish a separate base with respect to producer milk delivered from each such farm.

(e) Only one base shall be allotted with respect to milk produced by one or more persons where the dairy farm is jointly owned or operated: *Provided,* That in the case of a base established jointly, if a copy of the partnership agreement setting forth as a percentage of the total interests of the partners in the base if filed with the market administrator before the end of the base-forming period, then upon termination of the partnership agreement each partner will be entitled to his stated share of the base to hold in his own right, or to transfer as provided in paragraphs (b) and (c) of this section (including transfer to a partnership of which he is a member). Such termination of partnership shall become effective as of the end of any month during which an application for such division signed by each member is received by the market administrator.

(f) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base except that the following producers may retain their bases without loss for 12 months;

(1) A producer who suffers the complete loss of his barn as a result of fire or act of God; or

(2) A producer for whom loss of 50 percent or more of the milk herd from brucellosis or bovine tuberculosis, is shown by evidence issued under state or federal authority.

(g) Two or more producers with bases may combine such bases upon the formation of a bona fide partnership operating from one farm. Such a combination shall be considered a joint base under paragraph (e) above.

§ 1004.65 Relinquishing a base.

After January 31, 1971, a producer who delivers on 120 days or more during August through December and notifies the Market Administrator that he relinquished his established base shall be paid pursuant to the provision of § 1004.63(e) beginning with the first day of the month in which such notification is received by the Market Administrator until the next February 1.

§ 1004.66 Continuation of present base and blend pricing provisions through January 31, 1971.

Prior to February 1, 1971, the following base program shall be effective:

(a) For each of the months of March through June each year the Market Administrator shall compute, subject to the rules set forth in § 1004.64, a base for each producer described in paragraphs (a) through (d) of this section by dividing the applicable quantity of milk receipts specified in such paragraph by 184 (by 185, in the case of a producer on every-other-day delivery schedule who delivered July 1) less the number of days, if any, during the immediately preceding base-forming period of July through December for which it is shown that the day's production of milk of such producer was not received by a pool handler as described in the applicable paragraphs (a), (b), (c) or (d) of this section under which such producer's base is computed: *Provided,* That in no event shall the number of days used to compute a producer's base pursuant to this part be less than 154.

(i) For any producer, except as provided in paragraphs (b), (c), and (d) of this section, the quantity of milk receipts shall be the total pounds of producer milk received by all pool handlers from such producer during the preceding months of July through December;

(ii) For any producer whose milk was received during the preceding months of July through December at a plant which became a pool plant after the beginning of such base-earning period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such July-December period by pool handlers as producer milk or at the plant as a nonpool plant;

(iii) For any producer who, during any of the three base-earning months July through September the preceding year, qualified under Order 2 as a producer and was a producer under Order No. 2 during all of each of the three remaining base-earning months of October, November, and December, the quantity of milk receipts shall be the total pounds of milk received from such farmer during all of the months of July through December by pool handlers under each of the orders; or

(iv) For any producer not described in paragraph (b) or (c) of this section but whose milk was received by a handler as producer milk during the months of September, October, November, and December of the preceding year at a pool plant at which receipt of his milk in the immediately preceding months of July and August would have qualified or did qualify him as a "dairy farmer for other markets" pursuant to § 1004.14(c), the quantity of milk receipts shall be the total pounds of milk received from such producer by pool handlers during such months of July through December and verified receipts at the nonpool plant of the handler, affiliate of the handler or

any person who controls or is controlled by the handler during such months of July through September.

(b) The following rules shall apply in connection with the establishment of bases:

(i) A base computed pursuant to § 1004.63 or as designated pursuant to paragraph (c) of this section may be transferred in its entirety to any other person upon written application to the Market Administrator on or before the second day of the month following the month of transfer. Such application shall be on a form approved by the Market Administrator and shall be signed by the baseholder, or his heirs, or assigns and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders or their heirs, or assigns;

(ii) If a producer operates more than one farm, and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1004.10 (b) or (c), he shall establish a separate base with respect to producer milk delivered from each such farm;

(iii) Only one base shall be allotted with respect to milk produced by one or more persons where the dairy farm is jointly owned or operated: *Provided,* That in the case of a base established jointly, if a copy of the partnership agreement setting forth as a percentage of the total the interests of the partners in the base is filed with the Market Administrator before the end of the base-making period, then upon termination of the partnership agreement each partner will be entitled to his stated share of the base to hold in his own right, or to transfer as provided in paragraph (a) of this section (including transfer to a partnership of which he is a member) such diversion with respect to any member of the partnership to be effective as of the end of any month during which an application for such division signed by each member is received by the Market Administrator.

DETERMINATION OF UNIFORM PRICE

§ 1004.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler for each pool plant and of each cooperative association handler pursuant to § 1004.10 (b) and (c) with respect to milk which was not received at a pool plant shall be a sum of money computed by the Market Administrator as follows:

(a) Multiply the quantity of milk received from a cooperative association as a handler pursuant to § 1004.10(c) and allocated pursuant to § 1004.46 (a) and (b)(11) and the quantity of producer milk in each class, as computed pursuant to § 1004.46(c), by the applicable class prices (adjusted pursuant to subsections 1004.51 and 1004.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1004.46(a)(12) and the corresponding step of § 1004.46(b) by the applicable class prices;

(c) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.46(a)(7) and the corresponding step of § 1004.46(b) for the current month;

(2) Multiply the difference between the applicable Class I price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.46(a)(4) and the corresponding step of § 1004.46(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount.

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1004.46(a)(5) and the corresponding step of § 1004.46(b); and

(e) Add an amount equal to the values of skim milk and butterfat determined pursuant to subparagraphs (1) and (2) of this paragraph as follows:

(1) The value at the Class I price of skim milk and butterfat received from dairy farmers for other markets assigned to Class I pursuant to § 1004.46(a)(9) and the corresponding step of § 1004.46 (b), adjusted pursuant to § 1004.52;

(2) The value at the Class I price of skim milk and butterfat assigned to Class I pursuant to § 1004.46(a)(9), and the corresponding step of § 1004.46(b) (excluding milk from dairy farmers for other markets and receipts from partially regulated distributing plants for which disposition a specific allocation was made to Federal order receipts from this or any other order), adjusted for the location of the nearest plant from which such types of receipts were received.

§ 1004.71 Computation of weighted average prices.

For each month the Market Administrator shall compute the weighted average price through January 31, 1971, and for each of the months of July through February the uniform price per hundredweight of milk received from producers as follow:

(a) Combine into one total the values computed pursuant to § 1004.70 for all handlers who filed the reports prescribed by § 1004.30 for the month and who made the payments pursuant to § 1004.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1004.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1004.81 and multiplying the result by the total hundredweight of such milk;

(d) Subtract the total of payments required to be made for such month by § 1004.89.1;

(e) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk included pursuant to paragraph (a) of this section; and

(2) The total hundredweight for which a value is computed pursuant to § 1004.70(e); and

(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price" and shall be the uniform price per hundredweight of milk of 3.5 percent butterfat received from producers in each of the months of July through February through January 31, 1971.

§ 1004.72 Computation of uniform prices for base milk and excess milk.

For each of the months of March through July and after January 31, 1971, for each month, the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers, each of 3.5 percent butterfat content, free on board market, as follows:

(a) Compute the aggregate value of excess milk for all handlers included in the computations pursuant to § 1004.71 (a) as follows:

(1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price;

(2) Multiply the remaining hundredweight quantity of excess milk by the Class I milk price; and

(3) Add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and round to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(c) From the amount resulting from the computations of § 1004.71 (a) through (e) subtract an amount computed by multiplying the hundredweight of milk specified in § 1004.71(f)(2) by the weighted average price;

(d) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section by the hundredweight of excess milk, from the amount computed pursuant to paragraph (c) of this section;

(e) Divide the amount calculated pursuant to paragraph (d) of this section by the total hundredweight of base milk

for handlers included in these computations: *Provided,* That if the resulting price should exceed the Class I price by more than the amount deducted pursuant to paragraph (f) of this section the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to paragraph (a) of this section, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base milk and excess milk on the basis of the respective volumes of base and excess milk; and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for base milk.

PAYMENTS

§ 1004.80 Time and method of payment.

(a) Except as provided in (b) and (d) of this section, each pool handler shall make payment as specified in subparagraph (1) and (2) of this paragraph to each producer from whom milk is received.

(1) On or before the last day of each month at not less than the Class II price for the preceding month per hundredweight for his deliveries of producer milk during the first 15 days of the month; and

(2) On or before the 20th of the following month at not less than the price for base milk computed pursuant to § 1004.72 (c) through (f) with respect to base milk received from such producer and not less than the excess price determined pursuant to § 1004.72 (a) and (b) for excess milk received from such producer subject to the following adjustments.

(i) Proper deductions authorized in writing by such producers;

(ii) Partial payments made pursuant to subparagraph (1) of this paragraph;

(iii) The butterfat differential computed pursuant to § 1004.81; and

(iv) Less the location differential received pursuant to § 1004.82: *Provided,* That if by such date such handler has not received full payment from the Market Administrator pursuant to § 1004.85 for such month he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the Market Administrator;

(b) In the case of a cooperative association which the Market Administrator determines is authorized by its producer-members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the second day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the Market Administrator an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) In the case of milk received by a handler from a cooperative association in its capacity as the operator of a pool plant such handler shall on or before the second day prior to the date on which payments are due individual producers, pay to such cooperative association for milk so received during the month, an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler.

(d) Each handler who receives milk from a cooperative association handler pursuant to § 1004.10(c), shall on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at the rate specified in paragraph (a)(1) of this section; and

(2) A final payment equal to the value of such milk at the uniform price(s) adjusted by the applicable differentials pursuant to subsections 1004.81 and 1004.82, less the amount of partial payment on such milk.

§ 1004.81 Butterfat differential to producers.

The uniform base and excess prices to each producer shall be increased or decreased, for each one-tenth of 1 percent by which the average butterfat content of his milk is above or below 3.5 percent, respectively, by the butterfat differential computed pursuant to § 1004.51(a) and rounded to the nearest full cent.

§ 1004.82 Location differential to producers.

(a) For milk received from producers and from cooperative association handlers pursuant to § 1004.10(c), subject to the exception contained in § 1004.15(d):

(1) The uniform price for base milk computed pursuant to § 1004.72 for base milk received from producers at a pool plant located in Pennsylvania or New Jersey and at least 55 miles from the nearest of the city halls, in Philadelphia, Pa.; Atlantic City or Trenton, N.J.; or at least 75 miles from the zero milestone in Washington, D.C., or city hall in Baltimore, Md.; or Salisbury, Md.; by the shortest highway distance as determined by the Market Administrator shall be reduced 9 cents plus 1½ cents for each additional 10 miles.

(2) The uniform price for excess milk computed pursuant to § 1004.72 for excess milk received from producers at a pool plant at which a location differential applies shall be reduced by a location differential computed pursuant to § 1004.52(c).

(b) For purposes of computations pursuant to subsections 1004.84 and 1004.85 the weighted average price shall be reduced at the rates set forth in paragraph (a) of this section applicable at the location of the plant(s) at which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.70(e)(1) and at the location of the nonpool plant(s) from which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.70(e)(2).

§ 1004.83 Producer-settlement fund.

The Market Administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to subsections 1004.61, 1004.62, 1004.84, and 1004.86 and out of which he shall make all payments pursuant to subsections 1004.85 and 1004.86: *Provided,* That the Market Administrator shall offset any such payment due to any handler against payment due from such handler.

§ 1004.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the Market Administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1004.70 for such handler; and

(b) The sum of:

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to § 1004.10(c) at the applicable uniform price(s), pursuant to § 1004.72 adjusted by producer butterfat and location differentials, less in the case of a cooperative association on milk for which it is a handler pursuant to § 1004.10(c), the amount due from other handlers pursuant to § 1004.80(d); and

(2) The value at the weighted average price adjusted by the producer butterfat differential pursuant to § 1004.81 and the location differential on nonpool milk pursuant to § 1004.82(b) (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1004.70(e).

§ 1004.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month the Market Administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1004.84(b) exceeds the amount computed pursuant to § 1004.84(a): *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the Market Administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1004.86 Adjustment of accounts.

Whenever verification by the Market Administrator of reports or payments of any handler discloses errors resulting in

money due (a) the Market Administrator from such handler, (b) such handler from the Market Administrator, or (c) any producer or cooperative association from such handler, the Market Administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1004.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments directly to producers for milk (other than milk of his own production) pursuant to § 1004.80(a) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe and shall pay such deductions to the Market Administrator on or before the 20th day after the end of the month. Such money shall be expended by the Market Administrator to provide market information and to verify the weights, samples, and tests of milk of producers who are not receiving such service from a cooperative association; and

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 1004.80 (a) as are authorized by such producers on or before the 18th day after the end of each month and pay such deductions to the cooperative rendering such services.

§ 1004.88 Expense of administration.

As his pro rata share of the expense of administration, each handler shall pay to the Market Administrator on or before the 20th day after the end of the month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to milk handled during the month as follows:

(a) Each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1004.10(c), and a cooperative association as the operator of a pool plant with respect to milk transferred in bulk to a pool plant), with respect to his receipts of producer milk (including such handler's own-farm production, milk received from a cooperative association pursuant to § 1004.10(c), and milk transferred in bulk from a pool plant owned and operated by a cooperative association), and other source milk allocated to Class I pursuant to § 1004.46 (a)(5) and (9) and the corresponding step of § 1004.46(b);

(b) Each handler in his capacity as the operator of a partially regulated distributing plant with respect to his route disposition in the marketing area in excess of his receipts of Class I milk from pool plants and other order plants;

(c) Each handler in his capacity as the operator of an other order plant with respect to his route disposition in the marketing area, which milk was not classified and priced under such other order.

§ 1004.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the Market Administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the Market Administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an under payment is claimed, or 2 years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

§ 1004.89a Cooperative payments for marketwide services.

Payments shall be made to qualified cooperatives or to federations under the conditions, in the manner, and at the rates set forth in this section.

(a) *Definitions.* As used in this section the following terms shall have the following meanings:

(1) "Cooperative" means a cooperative association of producers which is duly incorporated under the cooperative corporation laws of a State; is qualified under the Capper-Volstead Act (7 U.S.C. 291 et seq.); has all its activities under the control of its members; and has full authority in the sale of its members' milk.

(2) "Federation" means a federation of cooperatives which is duly incorporated under the laws of a State.

(3) "Federated cooperative" means a cooperative which is a member of a federation and on whose membership the federation is an applicant for or receives payments under subparagraph (2) of paragraph (f) of this section.

(4) "Affiliated cooperative" means a cooperative upon whose entire membership another cooperative, by mutual consent, is an applicant for or receives payments under subparagraph (2) of paragraph (f) of this section.

(5) "Member producer" means, when used with respect to a cooperative or federation which is an applicant for or is receiving payments, a producer under this order who has met the following conditions:

(i) He is a member of the cooperative or one of its affiliated cooperatives, or in the case of a federation, he is a member of one of its federated cooperatives from whom the cooperative, affiliated cooperative, or federated cooperative is receiving at least 4 cents per hundredweight of milk delivered by him: *Provided,* That the cooperative of which he is a member is meeting the requirements of this part applicable to it;

(ii) He has been a producer, or his farm had been the farm of a producer for at least a prior 12-month period; and

(iii) He has not for a prior 12-month period been a member producer of another cooperative or federation.

(6) "Marketwide services" means services performed by cooperatives or federations, as defined herein, which benefit all producers in the marketing of their milk under this order; such services are not limited to those specified in subparagraphs (1) through (6) of paragraph (e) of this section and may include services directly or indirectly related to the order.

(b) *Designated cooperatives and federations.* A cooperative or federation may submit an application to the Market Administrator for payments under the provisions of this section or for modification on the basis of a previous designation. Such application shall include a written description of the applicant's program for the performance of marketwide services, including evidence that adequate

facilities and personnel will be maintained by it so as to enable it to perform the marketwide services, and the application shall contain a statement by the applicant that it will perform the required marketwide services for which it is applying for payments: *Provided,* That in the case of an application for modification of the basis for a previous designation, the Market Administrator may waive the requirements for submission of the written description of the programs. The application shall set forth all necessary data so as to enable the Market Administrator to determine whether it meets the designation requirements with respect to the payments for which the application is submitted. An application shall be approved by the Market Administrator only if he determines that:

(1) In the case of a cooperative:

(i) It has as member producers or its affiliated cooperatives have as member producers, not less than 10 percent of all producers, as defined in this order.

(ii) It has contracts with each of its affiliated cooperatives under which the cooperatives agree to continue as affiliated cooperatives for at least 1 year, and such contracts cover or will be renewed for a yearly period for every subsequent year for which member producers of the affiliated cooperative are to be included within its membership for cooperative payment purposes;

(iii) It receives from each of its affiliated cooperatives not less than 4 cents per hundredweight of milk delivered by member producers of such cooperatives.

(2) In the case of a federation:

(i) It has contracts with each of its federated cooperatives under which the cooperatives agree to remain in the federation for at least 1 year, and such contracts cover or will be renewed for a yearly period for every subsequent year for which the federated cooperatives are to be included within the membership of the federation for cooperative payment purposes;

(ii) It has as member producers not less than 10 percent of all producers, as defined in this order;

(iii) It receives from each of its federated cooperatives not less than 1 cent per hundredweight of milk delivered by member producers of such cooperative.

(3) The applicant cooperative or federation demonstrates that it has the ability to perform the marketwide services for which application is made, and that such services will be performed.

(4) The applicant cooperative or the federated cooperatives of an applicant federation are in no way precluded from arranging for the utilization of milk under their respective control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification.

(c) *Notice of designation or denial; effective date.* Upon determination by the Market Administrator that a cooperative or a federation shall be designated to receive payment for performance of the marketwide services, he shall transmit such determination to the applicant cooperative or federation and publicly announce the issuance of the determination. The determination shall be effective with respect to milk delivered on and after the first day of the month following issuance of the determination. If, after consideration of an application for payments for marketwide services, the Market Administrator determines that the cooperative or federation is not qualified to receive such payments he shall promptly notify the applicant and specifically set forth in such notice his reasons for denial of the application.

(d) *Requirements for continued designation.* At least annually, each designated cooperative or federation must demonstrate to the market administrator that it continues to meet the designation requirements for the payments and is fully performing the marketwide services for which it is being paid.

(e) *Marketwide services.* Each cooperative or federation shall perform the marketwide services enumerated in this paragraph. Such services shall include: (1) Analyzing milk marketing problems and their solutions, conducting market research and assembling statistical data relative to price and marketing conditions, and making an economic analysis of all such data; (2) determining the need for the formulation of amendments to the order and proposing such amendments or requesting other appropriate action by the Secretary or the market administrator in the light of changing conditions; (3) participating in proceedings with respect to amendments to the order, including the preparation and presentation of evidence at public hearings, the submission of appropriate briefs and exceptions, and also participating by voting or otherwise, in the referenda relative to amendments; (4) participating in the meetings called by the market administrator, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter; (5) conducting a comprehensive education program among producers—i.e., members and nonmembers of cooperatives—and keeping such producers well informed for participating in the activities under the regulatory order and, as a part of such program, issuing publications that contain relevant data and information about the order and its operation, and the distribution of such publications to members and, on the same subscription basis, to nonmembers who request it, and holding meetings at which members and nonmembers may attend; (6) assuming the responsibility for hauling and disposing of surplus milk of members and nonmembers in the highest use classification available and having available sufficient plant capacity to receive all the milk of producers who are members and be willing and able to receive milk of producers who are not members; and (7) performing such other services as are needed to maintain satisfactory marketing conditions and promote market stability.

(f) *Rate, computation, time and method of payment.*

(1) Subject to the provisions of paragraph (g) of this section, the market administrator, on or before the 20th day of each month, shall make payment out of the producer-settlement fund, or issue equivalent credit therefore, to each cooperative or federation which is designated for such payments for marketwide services. The payment to a cooperative or federation shall be based upon the milk reported by cooperative or proprietary handlers to have been received during the preceding month from its member producers, subject to adjustment upon verification by the market administrator.

(2) Such payment or credit shall be at the rate of 4 cents per hundredweight of milk in accordance with subparagraph (1) of this paragraph.

(3) If an individually designated cooperative is affiliated with a federation, the cooperative payment shall be made to such cooperative unless its contract with the federation specified in writing that the federation is to receive the payments. Any such contract must authorize the federation to receive the payments for at least 1 year, and such agreement must cover or be renewed for a yearly period for every subsequent year for which the federation is to receive the payments.

(g) Cancellation of designation.

(1) The market administrator shall issue an order wholly or partly canceling the designation of a previously designated cooperative or federation for payments authorized pursuant to this section and such payments shall not thereafter be made to it if he determines that:

(i) The cooperative or federation no longer complies with the requirements for this part: *Provided,* That if one of its affiliated or federated cooperatives has failed to comply with the requirements of this part applicable to it, the cooperative or federation shall be disqualified only to the extent that its qualification for payments or the amount of its payments are based upon the membership, milk, or operations of such noncomplying affiliated or federated cooperatives.

(ii) The cooperative or federation has failed to make reports or furnish records pursuant to this section.

(2) An order of the market administrator wholly or partly cancelling the designation of a cooperative or federation shall not be issued until after the cooperative or federation has had opportunity for hearing thereon following not less than 15 days' notice to it specifying the reasons for the proposed cancellation. If the cooperative or federation fails to file a written request for hearing with the market administrator within such period of 15 days, the market administrator may issue an order of cancellation without further notice; but if within such period a request for hearing is filed, the market administrator shall promptly proceed to hold such hearing.

(3) A cancellation order issued by the market administrator shall set forth the

findings and conclusions on the basis of which it is issued.

(h) *Appeals.*

(1) *From denials of application.* Any cooperative or federation whose application for designation has been denied by the market administrator may, within 30 days after notice of such denial, file with the Secretary a written petition for review. But the failure to file such petition shall not bar the cooperative or federation from again applying to the market administrator for designation.

(2) *From cancellation orders.* A cancellation order by the market administrator shall become final 30 days after its service on the cooperative or federation unless within such 30-day period the cooperative or federation files a written petition with the Secretary for review thereof. If such petition for review is filed, payments for which the cooperative or federation has been canceled by the order shall be held in reserve by the market administrator pending ruling of the Secretary, after which the sums so held in reserve shall either be returned to the producer-settlement fund or paid over to the cooperative or federation depending on the Secretary's ruling on the petition. If such petition for review is not filed, any payments which otherwise would be made within the 30-day period following issuance of the cancellation order shall be held in reserve until such order becomes final and shall then be returned to the producer-settlement funds.

(3) *Record on appeal.* If an appeal is taken under subparagraph (1) or subparagraph (2) of this paragraph, the market administrator shall promptly certify to the Secretary the ruling or order appealed from the evidence upon which it was issued: *Provided,* That if a hearing was held the complete record thereof, including the applications, petitions, and all exhibits or other documentary material submitted in evidence shall be the record so certified. Such certified material shall constitute the sole record upon which the appeal shall be decided by the Secretary.

(i) *Reports and records.* Each designated cooperative or federation shall:

(1) After submission to the market administrator for verification, make a public report of its performance of marketwide services pursuant to this section, including data on its receipts and expenditure of cooperative payments funds and a description of the marketwide services performed. The report shall contain a certification by the market administrator that the report is accurate to the best of his knowledge.

(2) Submit an annual report to the market administrator which shall include:

(i) A concise report of its performance of marketwide services and allocations of expenditures to such performance for the previous year; and

(ii) An outline of its proposed program and budget for performance of marketwide services for the coming year.

(3) Make such additional reports to the market administrator as may be requested by him for the administration of the provisions of this section.

(4) Maintain and make available to the market administrator or his representative such records as will enable the market administrator to verify such reports.

(j) *Notice, demands, orders, etc.* All notices, demands, orders, or other papers required by this section to be given to or served upon a cooperative or federation shall be deemed to have been given or served as of the time when mailed to the last known secretary of the cooperative or federation at his last known address.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1004.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1004.91.

§ 1004.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part, whenever he finds that this part or any provisions of this part, obstructs, or does not tend to effectuate the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 1004.92 Continuing obligations.

If under the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the Market Administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1004.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the Market Administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the Market Administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If the liquidating agent is so designated, all assets, books, and records of the Market Administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the Market Administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1004.100 Agents.

The Secretary may by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1004.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Proposed by Dairymen's League Cooperative Association, Inc., and Northeast Dairy Cooperative Federation, Inc.:

Proposal No. 2. In lieu of the base-excess plans currently used in the three markets, substitute a seasonal incentive payment plan (Louisville Plan) whereby pool funds are set aside during the months of high production and returned to the pool during the months of low production.

Proposed by Cloverland Farms Dairy, Green Spring Dairy, Highs of Baltimore, Inc., Koontz Dairy and Thompson's Dairy:

Proposal No. 3. Modify the shrinkage allowance provided in any order resulting from the hearing to reflect increased losses due to the employment of modern methods of processing and packaging of fluid milk.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 4. Make such changes as may be necessary to make the entire marketing agreements and the orders conform thereto with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators of the respective orders at Post Office Box 306, Alexandria, Va. 22313; 1 Decker Square, Room 646, Bala Cynwyd, Pa. 19004; Post Office Box 6848, Towson Station, Baltimore, Md. 21204; or from the Hearing Clerk, Room 112–A, Adminstration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on July 3, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69–8062; Filed, July 8, 1969; 8:49 a.m.]

[7 CFR Part 1063]

MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Quad Cities-Dubuque marketing area is being considered for the months of July and August 1969.

The provision proposed to be suspended is the proviso in § 1063.14, relating to diversion of producer milk to nonpool plants.

The suspension action is requested by Mississippi Valley Milk Producers Association, Inc., and Clinton Cooperative Milk Producers Association to accommodate the handling of reserve milk of the market. The associations claim that without such suspension action they would be forced to receive the producer milk first at pool plants for reshipment to manufacturing plants. This would be an undue expense on the part of dairy farmers and their cooperatives supplying the market.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

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

Signed at Washington, D.C., on July 3, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-8063; Filed, July 8, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SW-38]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Blytheville, Ark., terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. 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 public 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 Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

A new public use instrument approach procedure has been developed for the Blytheville, Ark., Municipal Airport using a proposed city-owned radio beacon, presently unnamed, as the navigational aid. In addition, the criteria for designation of terminal controlled airspace has been changed. Accordingly, it is necessary to alter the Blytheville, Ark., transition area to provide controlled airspace protection for aircraft executing the new procedure and to comply with the new criteria. Alteration of the Blytheville, Ark., control zone is necessary to comply with the new criteria.

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

(1) In § 71.171 (34 F.R. 4565) the Blytheville, Ark., control zone is amended to read:

BLYTHEVILLE, ARK.

Within a 5-mile radius of Blytheville AFB (lat. 35°57'50'' N., long. 89°56'40'' W.), within 3 miles each side of the Blytheville VOR 357° radial extending from the 5-mile radius zone to 8.5 miles north of the VOR, and within 1.5 miles each side of the Blytheville TACAN 185° radial extending from the 5-mile radius zone to 5.5 miles south of the TACAN.

(2) In section 71.181 (34 F.R. 4654) the Blytheville, Ark., transition area 700-foot portion is amended to read:

BLYTHEVILLE, ARK.

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of Blytheville AFB (lat. 35°57'50'' N., long. 89°56'40'' W.) excluding the portion within the Manila, Ark., transition area, within a 5-mile radius of Blytheville Municipal Airport (lat. 35°56'15'' N., long. 89°49'-45'' W.), within 4 miles east and 5 miles west of a 360° bearing from the (unnamed) RBN (lat. 35°57'52'' N., long. 89°49'35'' W.) extending from the RBN to 12 miles north, and within 2 miles each side of the extended centerline of Blytheville AFB Runways 17 and 35 extending from the 8.5-mile radius area to 12 miles north and south of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on June 26, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-8021; Filed, July 8, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-63]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Kinston, N.C., 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, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. 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. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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 Kinston transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Stallings Field.

Since the last alteration of controlled airspace in the Kinston terminal area, turbojet aircraft have begun utilizing Stallings Field. Criteria appropriate to this airport requires an increase in the transition area basic radius circle from 6 to 8.5 miles. This increase permits the revocation of the transition area extension predicated on the Kinston VORTAC 046° 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)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 25, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-8022; Filed, July 8, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-48]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71

of the Federal Aviation Regulations that would alter the description of the Pueblo, Colo., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. 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 public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The proposed additional controlled airspace is required to simplify air traffic control procedures and to permit radar vectoring of terminal traffic in the area southwest of Pueblo at altitudes below 14,500 feet.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.181 (34 F.R. 4637) the Pueblo, Colo., transition area is amended by deleting all after "* * *, latitude 38°07'00" N., longitude 104°04'00" W., * * *" and substituting therefor "* * * thence west along latitude 38°07'00" N., to the west edge of V-19; thence south along the west edge of V-19 and west along the north edge of V-210 to longitude 105°00'00" W., thence to latitude 38°07'00" N., longitude 104°43'00" W., to latitude 38°07'00" N., longitude 105°00'00" W., to latitude 38°25'00" N., longitude 105°00'00" W., to latitude 38°25'00" N., longitude 104°52'00" W., thence to point of beginning."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 26, 1969.

LEE E. WARRAN,
Acting Director, Western Region.

[F.R. Doc. 69-8023; Filed, July 8, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-55]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Indianola, Miss., 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, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. 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. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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 Indianola transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Indianola-Legion Field.

The proposed transition area is required to provide controlled airspace protection for IFR operations during climb from 700 to 1,200 feet above the surface and during descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach to Indianola-Legion Field, utilizing the Greenwood, Miss., VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 25, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-8024; Filed, July 8, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-66]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Shelby, N.C., 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, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. 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. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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 Shelby transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby Municipal Airport; within 3 miles each side of the Spartanburg VORTAC 052° radial, extending from the 7-mile radius area to 13 miles northeast of the VORTAC.

The proposed transition area is required to provide controlled airspace protection for IFR operations at Shelby Municipal Airport in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to this airport, utilizing the Spartanburg VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 26, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-8025; Filed, July 8, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-46]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Raton, N. Mex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. 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 public 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 Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

RATON, N. MEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Crews Field (lat. 36°44'30" N., long. 104°30'00" W.) excluding that portion northwest of a line 5 miles northwest of and parallel to the Cimarron VORTAC 051° radial, and within 3.5 miles each side of the Cimarron VORTAC 051° radial extending from the 8.5-mile radius area to 8 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6.5 miles northwest and 10 miles southeast of the Cimarron VORTAC 051° radial extending from the VORTAC to 28 miles northeast of the VORTAC, and within 5 miles northwest and 8.5 miles southeast of the Cimarron VORTAC 051° radial extending from 28 miles northeast of the VORTAC to 45 miles northeast of the VORTAC.

The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at Crews Field, Raton, N. Mex.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Departeral Aviation Act of 1958 (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on June 26, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-8026; Filed, July 8, 1969; 8:47 a.m.]

Federal Railroad Administration

[49 CFR Part 231]

[Docket No. FRA-SA-1]

RAILROAD SAFETY APPLIANCE STANDARDS

Notice Postponing Hearing Date

Upon the request of several interested parties, the oral hearing in this proceeding now set for July 23, 1969, is hereby postponed to August 6, 1969.

The date for the receipt of written submissions remains July 21, 1969. The time and place of the hearing will be the same as stated in the prior notice, that is Conference Room 2B, Federal Railroad Administration, 9:30 a.m., e.d.s.t.

Issued in Washington, D.C., on July 3, 1969.

ROBERT R. BOYD,
Hearing Examiner.

[F.R. Doc. 69-8041; Filed, July 8, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18592; FCC 69-732]

TELEVISION BROADCAST STATIONS

Table of Assignments; Hagerstown, Md., and Altoona, Pa.

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations (Hagerstown, Md., and Altoona, Pa.); Docket No. 18592, RM-1439.

1. On April 8, 1969, the Maryland Educational-Cultural Broadcasting Commission (hereinafter known as MECBC) filed a brief petition with this Commission requesting the replacement of educational channel *68 with educational channel *31 at Hagerstown, Md., and the replacement of channel 31, now assigned to Altoona, with any of the following channels 17, 23, or 38. Comments were filed by the MECBC and the Association of Maximum Service Telecasters, Inc. (hereinafter known as AMST). A reply comment was filed by petitioner.

2. According to the 1960 U.S. Census, Hagerstown (located in Washington County with its population of 91,219) has 36,660 residents. It has two television channels assigned to it 25 (WHAG-TV—permittee) and *68 which is unapplied for. Altoona has four assignments 10, 31, 47, and *57 all of which, excepting channel 10 licensed to WFBG-TV, are unapplied for. Altoona is located in Blair County, their populations respectively are 69,407 and 137,270.

3. Petitioner, a creation of the Maryland Legislature is desirous of establishing a state-wide educational and cultural television service throughout the State of Maryland. A Hagerstown operation is an important part of a proposed seven-station network, and therefore, the MECBC is of the view that because of the mountainous terrain surrounding Hagerstown in western Maryland, and the alleged advantages of broadcasting on a lower channel, that it is desirable to replace Hagerstown's present educational reservation *68 with Channel *31. It is the Commission's view, however, that if there is any advantage it is minimal.

4. In commenting on the MECBC proposal, the AMST states: "The assignment of channel *31 to Hagerstown as proposed by MECBC would involve a shortage of approximately 2 miles in the 60 mile 'taboo' separation which is required between the Hagerstown reference point and the authorized transmitter site of WBFF, channel 45, Baltimore, Md. However, MECBC has proposed to locate the channel *31 transmitter at a site that is approximately 13 miles west of Hagerstown, where use of channel *31 would be in compliance with all mileage separation requirements (table 1 of engineering statement in support of MECBC petition for rule making). If this proposed site is used for a channel *31 transmitter, the assignment of channel *31 to Hagerstown will not result in a transmitter-to-transmitter separation that would violate the minimum mileage separation requirement of § 73.610(c) of the Commission's rules * * * Under the circumstances, AMST has no objection to the assignment of channel *31 to Hagerstown provided that the Commission will require channel *31 to be used at a site, such as suggested by MECBC, that will meet all minimum separation requirements, including those with respect to channel 45 at Baltimore." MECBC, in their reply comment, agreed to the condition above requested by AMST.

5. In order to permit the assignment of channel *31 to Hagerstown it is necessary to delete that channel from Altoona. Petitioner suggests its replacement in Altoona with one of the following channels, 17, 23, or 38. An analysis by the AMST and our computer indicates that neither channel 17 nor channel 23 can be assigned to Altoona in compliance with our spacing requirements. There seems to be, however, no spacing problem preventing our assignment of channel 38 to that community in place of channel 31.

6. In view of the foregoing, we are proposing to replace channel *68 with channel *31 at Hagerstown, Md., and to replace channel 31 with channel 38 at Altoona, Pa. Our proposed action would change the television assignments at Hagerstown, Md., from channels 25 and *68 to channels 25 and *31[1] and at Altoona, Pa., from channels 10, 31, 47, and *57 to channels 10, 38, 47, and *57.

[1] The assignments proposed will, of course, be expected to meet the regular requirements of the rules with respect to other channel assignments.

7. Authority for the action proposed herein, is contained in section 4(i), 303, and 307(b) of the Communications Act of 1934 as amended.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before August 11, 1969, and reply comments on or before August 21, 1969. All submissions by parties to this proceeding, or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents, shall be furnished the Commission.

Adopted: July 2, 1969.

Released: July 3, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8055; Filed, July 8, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 141]

[Docket No. R-363]

NUCLEAR FUEL

Uniform System of Accounts for Public Utilities and Licensees (Classes A and B) and FPC Form No. 1

JULY 1, 1969.

1. Pursuant to the Administrative Procedure Act, 5 U.S.C. 553, the Commission gives notice it proposes to amend:

a. Certain accounts in the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees as prescribed by Part 101, Chapter I, Title 18, CFR.

b. Certain schedules of the FPC Form No. 1, Annual Report for Electric Utilities and Licensees, Class A and Class B, prescribed by § 141.1, Chapter I, Title 18, CFR, to be effective for the reporting year 1969.

2. The present Uniform System of Accounts was designed at a time when nuclear materials could not be privately owned. Prior to January 1, 1969, nuclear power reactor requirements consisted only of enriched material leased from the Atomic Energy Commission (AEC). Between January 1, 1969, and January 1, 1971, utilities may lease AEC-owned enriched uranium, but have the alternative of purchasing natural uranium, which then can be enriched by the AEC on a toll basis. After the latter date the AEC no longer will lease enriched uranium although previously leased materal can remain under lease until June 30, 1973. The changes here proposed reflect contemporary treatment of nuclear materials. The result from discussions with representatives of the utility industry and the AEC as well as conferences with members of the National Association of Regulatory Utility Commissioners Subcommittee of Staff Experts on Accounting.

3. The nuclear fuel cycle begins with the enrichment, refinement, conversion, and fabrication of the nuclear materials. After nuclear fuel has been fabricated into fuel elements, the elements are either inserted in a reactor or placed in the stock on hand account awaiting insertion into the reactor. Nuclear fuel in a reactor has a life of about 3 to 6 years, depending on the placement of the element in the reactor. While the nuclear fuel elements are in the reactor, they gradually lose enrichment until it becomes necessary to remove them from the reactor as spent fuel. That spent fuel contains not only quantities of uranium that may be reenriched and reprocessed to a usable form but also plutonium, thorium, and various other nuclear byproducts which are recoverable during the reprocessing period.

The proposed accounting is designed to account for each process of the fuel cycle and for the salvage value of the byproduct materials, which either may be sold at the time of reprocessing or kept by the utility for sale at a future time with the expectation of higher prices.

4. The principal proposed changes in Part 101 to the Uniform System of Accounts consist of the additions of new electric plant instruction number 16; Account 120, Nuclear fuel; Account 120.1, Nuclear fuel in process of refinement, conversion, enrichment, and fabrication; Account 120.2, Nuclear fuel materials and assemblies—Stock account; Account 120.3, Nuclear fuel assemblies in reactor; Account 120.4, Spent nuclear fuel; Account 120.5, Accumulated amortization of nuclear fuel assemblies; the deletion of Accounts 157, 158, and 159 and addition of new Account 157, Nuclear byproduct materials; and the substitution of Account 518, Nuclear fuel, for present Account 518, Fuel, to be deleted. Proposed amendments to § 141.1, which prescribes FPC Form No. 1, Annual Report of Classes A and B Electric Utilities and Licensees, are the expansion of the Comparative Balance Sheet to add the capital nuclear fuel account and amortization relating thereto; a new schedule entitled "Nuclear Fuel Materials (Accounts 120.1 through 120.4 and 157)"; and expansion of the Steam-Electric Generating Plant Statistics (Large plants) schedule to report nuclear fuel statistics.

5. The amendment to the Commission's regulations under the Federal Power Act and to FPC Form No. 1 would be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 301, 304, and 309 (49 Stat. 838, 854, 855, 858, 16 U.S.C. secs. 825, 825c, 825h).

6. Accordingly, it is proposed to amend Parts 101 and 141, Chapter I, Title 18 of the Code of Federal Regulations, in the manner set forth in Attachments A, B, C, D-1, and D-2 hereto.[1]

7. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than August 15, 1969, data, views, comments, and suggestions, in writing, concerning the proposed revised report forms and regulations. An original and 14 conformed copies should be filed with the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed report form revision under the provisions of the Federal Reports Act of 1942 may at the same time submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Standards, Bureau of the Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name and address of the person to whom correspondence in regard to the proposal should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed revision in the report form. The Commission will consider all such written submissions before acting on the matters herein proposed.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

ATTACHMENT A

The following are proposed changes and revisions for nuclear fuel materials in the Uniform System of Accounts Prescribed for Public Utilities and Licensees (Classes A and B):

1. Add new electric plant instruction number 16 as follows:

16. *Nuclear Fuel Records Required.*

Each utility shall keep all the necessary records to support the entries to the various nuclear fuel plant accounts classified under "Assets and Other Debits," Utility Plant account 120, Nuclear Fuel, more specifically under accounts 120.1 through 120.5, inclusive, account 518, Nuclear Fuel, and any other account such as account 157, Nuclear Byproduct Materials, in which nuclear fuel byproducts held for sale or other disposal might be recorded. These records shall be so kept as to readily furnish the basis of the computation of the amortization of net nuclear fuel costs including the burn up of the fuel. The amortization of the fabrication cost of the fuel assemblies, consumption of nonnuclear materials, and the net value of plutonium or other nuclear byproducts produced.

2. a. Following account 119, Accumulated Provision for Depreciation and Amortization of Other Utility Plant, shall be added:

Sec.	
120	Nuclear fuel.
120.1	Nuclear fuel in process of refinement, conversion, enrichment, and fabrication.
120.2	Nuclear fuel materials and assemblies—Stock account.

[2] Commissioners Bartley, Wadsworth, and Johnson absent.

[1] Attachments B, C, D-1, and D-2 filed as part of original document.

Sec.
120.3 Nuclear fuel assemblies in reactor.
120.4 Spent nuclear fuel.
120.5 Accumulated amortization of nuclear fuel assemblies.

b. After account 119, Accumulated Provision for Depreciation and Amortization of Other Utility Plant, add the following:

§ 120 Nuclear fuel.

This account shall include the original cost of nuclear fuel in utility plant included in accounts 120.1 to 120.4, inclusive, prescribed herein, owned and used by the utility in its electric utility operations. This account shall be maintained according to the subaccounts 120.1 to 120.4, inclusive, shown below.

c. After account 120, Nuclear Fuel, the following shall be added:

§ 120.1 Nuclear fuel in process of refinement, conversion, enrichment and fabrication.

A. This account shall include the original cost to the utility of nuclear fuel materials while in process of refinement, conversion, enrichment and fabrication into nuclear fuel assemblies and components including manufacturing costs and all necessary shipping costs. This account shall also include the salvage value of nuclear materials which are to be reprocessed for use and were transferred from account 120.5, Accumulated Amortization of Nuclear Fuel Assemblies. Salvage value shall be determined by current market price.

B. This account shall be credited and account 120.2, Nuclear Fuel Materials and Assemblies—Stock Account, shall be debited for the cost of completed fuel assemblies delivered for use in refueling or to be held as spares. It shall also be credited and account 120.3, Nuclear Fuel Assemblies in Reactor, debited for the cost of completed fuel assemblies inserted in a reactor.

ITEMS

1. Cost of natural uranium, uranium concentrate or other nuclear fuel sources, such as thorium, plutonium, and U–233.
2. Value of recovered nuclear materials to be recycled.
3. Milling process costs.
4. Sampling and weighing, and assaying costs.
5. Purification and conversion process costs.
6. Costs of enrichment by gaseous diffusion or other methods.
7. Costs of conversion and fabrication into fuel forms suitable for insertion in the reactor.
8. All shipping costs of components, including shipping of fabricated fuel assemblies to the reactor site.
9. Use charges on leased nuclear materials while in process of refinement, conversion, enrichment and fabrication.

§ 120.2 Nuclear fuel materials and assemblies—Stock account.

A. This account shall be debited and account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment and Fabrication, shall be credited with the cost of fabricated fuel assemblies delivered for use in refueling or to be carried in stock as spares. This account shall also include the cost of partially irradiated fuel assemblies being held in stock for reinsertion in a reactor which had been transferred from account 120.3, Nuclear Fuel Assemblies in Reactor.

B. When spare fuel assemblies are inserted in a reactor or partially irradiated fuel assemblies are reinserted in a reactor, this account shall be credited and account 120.3, Nuclear Fuel Assemblies in Reactor, debited for the cost of such assemblies.

C. This account shall also include the cost of raw nuclear materials being held for future use in a reactor and not currently in process in account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment and Fabrication.

§ 120.3 Nuclear fuel assemblies in reactor.

A. This account shall include the cost of nuclear fuel assemblies when installed in a reactor for the production of electricity. The amounts included herein shall be transferred from account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment and Fabrication, or from account 120.2, Nuclear Fuel Materials and Assemblies—Stock Account.

B. Upon removal of fuel assemblies from a reactor, the cost of the assemblies removed shall be transferred to account 120.4, Spent Nuclear Fuel, or account 120.2, Nuclear Fuel Materials and Assemblies—Stock Account, as appropriate.

§ 120.4 Spent nuclear fuel.

A. This account shall include the cost of nuclear fuel assemblies in the process of cooling transferred from account 120.3, Nuclear Fuel Assemblies in Reactor, upon final removal from a reactor.

B. This account shall be credited and account 120.5, Accumulated Amortization of Nuclear Fuel Assemblies, debited for fuel assemblies, after the cooling period is over, at the cost recorded in this account.

§ 120.5 Accumulated amortization of nuclear fuel assemblies.

A. This account shall be credited and and account 518, Nuclear Fuel, shall be debited for the amortization of the net cost of nuclear fuel assemblies used in the production of energy. The net cost of nuclear fuel assemblies subject to amortization shall be the original cost of nuclear fuel assemblies, less the expected net salvage value of uranium, plutonium, and other byproducts at the end of the cooling period, when the cooled nuclear fuel assemblies are available for salvage, sale, reprocessing, or other disposition.

B. This account shall be credited with the net salvage value of uranium, plutonium, and other nuclear byproducts when such items are sold, transferred, or otherwise disposed of Account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment, and Fabrication, shall be debited with the salvage value of nuclear materials to be reprocessed and reused.

C. This account shall be debited and account 120.4, Spent Nuclear Fuel, shall be credited with the cost of fuel assemblies at the end of the cooling period.

3. Delete accounts 157, 158, and 159.

4. Add new account 157 as follows:

§ 157 Nuclear byproduct materials.

This account shall include the net salvage value of plutonium and other nuclear byproducts when such materials are to be held by the company for sale or other disposition and are not to be reused immediately by the company in its electric utility operations. This account shall be debited and account 120.5, Accumulated Amortization of Nuclear Fuel Assemblies, credited for such net salvage value. Any differences between the amount recorded in this account and the actual amounts received from the sale of materials shall be debited or credited as appropriate to account 518, Nuclear Fuel, at the time of such sale.

5. Delete Account 518, Fuel, and substitute the following:

§ 518 Nuclear fuel.

A. This account shall be debited and account 120.5, Accumulated Amortization of Nuclear Fuel Assemblies, shall be credited for the amortization of the net cost of nuclear fuel assemblies used in the production of energy. The net cost of nuclear fuel assemblies subject to amortization shall be the cost of nuclear fuel assemblies in a reactor or cooling as spent fuel less the expected net salvage of uranium, plutonium, and other byproducts. The utility shall adopt the necessary procedures to assure that charges to this account are accurately distributed to accounting periods, and that net credits to account 120.5, Accumulated Amortization of Nuclear Fuel Assemblies, do not exceed costs being amortized.

B. This account shall also include the costs involved when fuel is leased.

C. This account shall also include the cost of other fuels, if any, used for ancillary steam superheat facilities.

D. This account shall be debited or credited as appropriate for any differences between the amounts estimated as the salvage value of nuclear byproduct materials contained in accounts 120.3, Nuclear Fuel Assemblies in Reactor; 120.4, Spent Nuclear Fuel; and account 157, Nuclear Byproduct Materals, upon either the final disposition of the materials or any significant change in the market values of the byproduct materials which determine the recorded estimated amounts.

6. The following changes are proposed to the annual report FPC Form No. 1, to be effective for the reporting year 1969:

Comparative balance sheet. This schedule has been expanded to allow addition of the capital nuclear fuel account along with the accumulated amortization related thereto, Attachment B.[1]

Nuclear fuel materials (Accounts 120.1 through 120.4 and 157). This is a new schedule reporting annual costs of nuclear fuel materials as it moves

[1] Filed as part of the original document.

through its various phases of construction burnup and cooling, Attachment C.[1]

Steam-electric generating plant statistics (large plants). This two-page schedule has been expanded to allow reporting of nuclear fuel statistics similar to that now being reported for fossil fueled plants plus information on fuel enrichment, Attachment D.[1]

[F.R. Doc. 69-8000; Filed, July 8, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1041]

[No. MC-C-3437 (Sub-No. 4)]

AIR DELIVERY SERVICE ET AL.

Interpretation of Operating Rights Authorizing Service at Designated Airports; Correction

Published in the FEDERAL REGISTER, issue of July 2, 1969, and republished, in part, as corrected, this issue.

Petitioners: Air Delivery Service, Bayshore Air Freight, Inc., Con-O-V-Air Freight Service, Inc., Harbourt Air Freight Service, Inc., Pollard Delivery Service, Inc., and Trans Jersey Airfreight Service, Inc.

Petitioners' representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006.

The purpose of this partial republication is to redescribe the paragraph under the heading 1041.23:

§ 1041.23 Operating authority to serve named airports.

A certificate or permit issued to a motor carrier of property pursuant to Part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.) authorizing service to or from a named airport shall be construed as authorizing service to or from the air freight terminals of direct and indirect air carriers utilized by such air carriers in handling property moving into or out of such airports by aircraft, when such air freight terminals are located outside the boundaries of such airports.

The remainder of the notice remains the same.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8042; Filed, July 8, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Parts 204, 217]

[Regs. D, Q]

RESERVES OF MEMBER BANKS; PAYMENT OF INTEREST ON DEPOSITS

Certain Federal Funds Transactions as Deposits

The Board of Governors is considering amending § 204.1(f) and § 217.1(f) in order to bring a member bank's liability on certain so-called "Federal funds" transactions with customers other than banks within the coverage of Regulations D and Q. At the present time, all such transactions in nondocumentary nondeposit form are exempt from the regulations.

Recently, some banks have been making the Federal funds market available to their corporate depositors as a means of providing them with interest on short-term funds. In the Board's judgment, there is no justification for a bank's liability on such transactions to be exempt from rules governing reserve requirements and the legal prohibition against payment of interest on demand deposits.

In the Board's view there are only two types of Federal funds transactions entered into by banks that may justifiably be exempt from Regulations D and Q. One is where the liability is to another bank acting as principal (and not on behalf of any customer). The other is where the liability relates to certain transactions in connection with payment for securities. In the first case, the transactions facilitate implementation of monetary policy; in the second, the transactions are an integral part of the established market practice of settling purchases and sales of securities.

Limiting the scope of Federal funds transactions that are exempt from Regulations D and Q would be accomplished by amending the general rule set forth in § 204.1(f) and § 217.1(f), by modifying the interbank exemption thereto, and by the addition of a new exemption to cover Federal funds transactions on securities transactions, as follows:

(f) *Deposits as including certain promissory notes and other obligations.* For the purposes of this part, the term "deposits" shall be deemed to include the proceeds of any promissory note, acknowledgment of advance, due bill, or similar obligation (written or oral) that is issued or undertaken by a member bank principally as a means of obtaining funds to be used in its banking business, except any such obligation that:

(1) Is issued to, and held for its own account by, a bank * * *

(4) Arises from a loan, for one business day, of proceeds of a transfer of deposit credit in a Federal Reserve Bank (or other immediately available funds), commonly referred to as "Federal funds", in connection with payment on that day for securities.

This notice is published pursuant to section 553(b) of title 5, United States Code, and section 262.2(a) of the rules of procedure of the Board of Governors.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 28, 1969.

Dated at Washington, D.C., this 26th day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8177; Filed, July 8, 1969; 11:04 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 36, Amdt.]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 of November 3, 1961, as amended, from the Secretary of State (26 F.R. 10608) I hereby amend further Delegation of Authority No. 36, as follows:

I. Paragraphs numbered 1 through 11 are redesignated and renumbered 2 through 12, respectively;

II. Add a new paragraph 1, as follows:

1. Authority to execute the following:

(a) Procurement Authorizations and Requisitions.

(b) Project Implementation Orders/Commodities.

III. Redesignated paragraph 12(e) is amended to read as follows:

(e) Sections 1 and 2 of Delegation of Authority from the Director of ICA to the Deputy Director for Operations and Deputy Director for Management of ICA, dated September 28, 1960 (25 F.R. 9927).

IV. Actions within the scope of this amendment to Delegation of Authority No. 36 heretofore taken by the Assistant Administrator for Administration, or his designees, are hereby ratified and confirmed.

V. This amendment to Delegation of Authority No. 36 shall be effective immediately.

Dated: June 25, 1969.

JOHN A. HANNAH,
Administrator.

[F.R. Doc. 69-8016; Filed, July 8, 1969; 8:46 a.m.]

CONTROLLER, A.I.D., ET AL.

Redelegation of Authority; Amendment

Pursuant to the authority delegated to me by Delegation of Authority No. 36, as amended, from the Administrator, Agency for International Development, I hereby amend the Redelegation of Authority, dated April 8, 1964 (29 F.R. 5354), as follows:

I. Paragraphs numbered 4 through 7 are redesignated and renumbered paragraphs 6 through 9, respectively.

II. Add a new paragraph 4, as follows:

4. To the Director and Deputy Director of the Office of Procurement, and to the Chief, Industrial Resources Division, Office of Procurement, authority to execute the following:

(a) Procurement Authorizations and Requisitions;

(b) Project Implementation Orders/Commodities.

III. Add a new paragraph 5, as follows:

5. The authorities delegated to the officers named herein may be exercised by duly authorized persons who are performing the functions of such officers in an acting capacity.

IV. Actions taken within the scope of this amendment to the Redelegation of Authority of April 8, 1964, heretofore taken by the officials designated herein are hereby ratified and confirmed.

V. This amendment to the Redelegation of Authority of April 8, 1964, shall be effective immediately.

Dated: July 1, 1969.

LANE DWINELL,
Assistant Administrator for Administration.

[F.R. Doc. 69-8017; Filed, July 8, 1969; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 69-7999, Federal Deposit Insurance Corporation, *infra*.

DEPARTMENT OF THE INTERIOR

Office of the Secretary

WILLIAM R. REMALIA

Statement of Changes in Financial Interests

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

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 1, 1969.

Dated: June 26, 1969.

WILLIAM R. REMALIA.

[F.R. Doc. 69-8019; Filed July 8, 1969; 8:46 a.m.]

[Order 2508, Amdt. 83]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority With Respect to Specific Legislation

JUNE 30, 1969.

Section 30 of Order 2508, as amended (20 F.R. 3834, 5106; 21 F.R. 7027, 7655; 24 F.R. 272; 25 F.R. 436, 575, 729, 1385, 1994, 4655, 7192, 8892; 26 F.R. 6944; 27 F.R. 2328; 28 F.R. 1072, 2199, 2927, 5687; 29 F.R. 7611, 17936; 30 F.R. 17, 7674, 8755, 12499; 32 F.R. 10117; 33 F.R. 15455, 19042, 19859), is further amended by the addition under paragraph (a) of a new subparagraph to read as follows:

SEC. 30 *Authority under specific acts.* (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

* * * * *

(42) The Act of September 28, 1968 (82 Stat. 884), which authorizes the purchase, sale, exchange and mortgaging of land by the Swinomish Indian Tribal Community, and for other purposes.

RUSSELL E. TRAIN,
Secretary of the Interior.

[F.R. Doc. 69-8027; Filed, July 8, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NORWICH PHARMACAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (34-716V-29) has been filed by The Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815, proposing that § 121.291 *Buquinolate* (21 CFR 121.291) be amended to provide for the safe use of a range of buquinolate of 75-100 grams per ton (0.00825-0.011 percent) in feed for broiler and replacement chickens as an aid in prevention of coccidiosis caused by certain organisms.

Dated: June 30, 1969.

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

[F.R. Doc. 69-8007; Filed, July 8, 1969; 8:45 a.m.]

O,O - DIETHYL - S - (2 - CHLORO - 1 - PHTHALIMIDOETHYL) PHOSPHORODITHIOATE

Notice of Establishment of Temporary Tolerances

At the request of Hercules Inc., Wilmington, Del. 19899, temporary tolerances are established for residues of the insecticide *O,O*-diethyl-*S*-(2-chloro-1-phthalimidoethyl) phosphorodithioate and its oxygen analog *O,O*-diethyl-*S*-(2-chloro-1-phthalimidoethyl) phosphorothioate in or on the raw agricultural commodities apples at 3 parts per million, citrus fruits at 1.5 parts per million, and cottonseed at 0.1 part per million. The Commissioner of Food and Drugs has determined that these temporary tolerances are safe and will protect the public health.

A condition under which these temporary tolerances are established is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Hercules Inc., name.

These temporary tolerances expire July 1, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 1, 1969.

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

[F.R. Doc. 69-8008; Filed July 8, 1969; 8:45 a.m.]

O,O,O',O' - TETRAMETHYL O,O' - THIODI-*p*-PHENYLENE PHOSPHOROTHIOATE

Notice of Extension of Temporary Tolerance

A temporary tolerance of 0.1 part per million for residues of the insecticide *O,O,O',O'* - tetramethyl *O,O'* - thiodi - *p*-phenylene phosphorothioate in or on cottonseed was established at the request of the American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540 (a notice was published in the FEDERAL REGISTER of May 20, 1967; 32 F.R. 7508), and was extended to May 15, 1969 (a notice was published May 21, 1968; 33 F.R. 7502).

The firm has requested a further extension to permit additional tests in accordance with the temporary permit issued by the U.S. Department of Agriculture.

The Commissioner of Food and Drugs has determined that such extension will protect the public health; therefore, an extension has been granted that will expire May 15, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 30, 1969.

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

[F.R. Doc. 69-8009; Filed, July 8, 1969; 8:46 a.m.]

ROHM & HAAS CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0847) has been filed by Rohm & Hass Co., Independence Mall West, Philadelphia, Pa. 19105, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the fungicide and insecticide that is a mixture of 2,4-dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate in or on the raw agricultural commodity groups cucurbits, pome fruits, small fruits, and stone fruits and in or on the raw agricultural commodity strawberries at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the fungicide and insecticide is the method of I. Rosenthal et al., published in "Agricultural and Food Chemistry," vol. 5, pages 914–18 (1957).

Dated: June 30, 1969.

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

[F.R. Doc. 69-8010; Filed, July 8, 1969; 8:46 a.m.]

N-(MERCAPTOMETHYL) PHTHALIMIDE S-(O,O-DIMETHYL PHOSPHORODITHIOATE)

Notice of Establishment of Temporary Tolerance for Pesticide Chemical

Notice is given that at the request of the Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, a temporary tolerance of 0.1 part per million is established for negligible residues of the cholinesterase-inhibiting insecticide *N*-(mercaptomethyl) phthalimide *S* - (*O,O* - dimethyl phosphorodithioate) and its oxygen analog *N*-(mercaptomethyl) phthalimide *S* - (*O,O* - dimethyl phosphorothioate) in or on the raw agricultural commodity potatoes.

The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Stauffer Chemical Co., name.

This temporary tolerance expires June 30, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 30, 1969.

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

[F.R. Doc. 69-8011; Filed, July 8, 1969; 8:46 a.m.]

2,6-DICHLORO-4-NITROANILINE

Notice of Further Extension of Temporary Tolerance

The Upjohn Co., Kalamazoo, Mich. 49001, was granted a temporary tolerance of 20 parts per million for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodity nectarines on June 27, 1967 (notice was published in the FEDERAL REGISTER of July 6, 1967; 32 F.R. 9853); and at the request of the firm it was extended on May 7, 1968 (notice was published May 17, 1968; 33 F.R. 7333).

The firm has requested a further extension for obtaining additional data, completing the experimental work, and covering use of unused stock. The Commissioner of Food and Drugs concludes that such an extension will protect the public health.

A condition under which this temporary tolerance is extended is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Upjohn Co. name.

As extended, this temporary tolerance expires June 27, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 30, 1969.

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

[F.R. Doc. 69-8012; Filed, July 8, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

THORIUM, URANIUM, AND PLUTONIUM

Isotopically Enriched Quantities

General. The U.S. Atomic Energy Commission (AEC) hereby gives notice of the establishment of charges for research quantities of isotopically enriched thorium, uranium, and plutonium. Nothing in this notice shall be deemed to obligate the AEC to sell any specific quantities of thorium, uranium, or plutonium or to sell them at any specific time. The charges and other information

contained in this notice are subject to change by the AEC from time to time. This notice supersedes the earlier notice Plutonium Enriched in Pu^{238} Research Quantities published by the AEC in the FEDERAL REGISTER, 33 F.R. 6144, April 20, 1968.

1. *Base charges.* The following charges are for elements and isotopic assays available for distribution by the AEC:

PRICES FOR THORIUM, URANIUM AND PLUTONIUM ISOTOPES

Element and isotope	Enrichment range, percent	Price per milligram
Thorium-229	Greater than 99.0	$150.00
Thorium-230	Greater than 80.0	23.07
Uranium-233	Greater than 99.9	2.58
Uranium-234	Greater than 99.0	8.32
Uranium-235	Greater than:	
	99.9	.15
	99.5–99.9	.14
	99.0–99.5	.13
	98.0–99.0	.11
Uranium-236	Greater than:	
	99	1.50
	95–99	1.09
	90–95	.82
	80–90	.41
	Less than 80	.22
Uranium-238	Less than:	
	100 p.p.m. U^{235}	.095
	100–200 p.p.m. U^{235}	.05
	200–300 p.p.m. U^{235}	.03
	300–500 p.p.m. U^{235}	.015
Plutonium-238	Greater than 79.00	1.00
Plutonium-239	Greater than:	
	99.99	2.42
	99.95–99.99	2.37
	99.85–99.95	2.22
	99.50–99.85	1.97
	99.30–99.50	1.03
	99.10–99.30	.60
	99.0–99.10	.16
Plutonium-240	Greater than:	
	98	2.99
	95–98	2.92
	85–95	2.65
	75–85	2.58
Plutonium-241	Greater than:	
	93	7.98
	85–93	7.60
	80–85	6.30
Plutonium-242	Greater than:	
	90	15.89
	85–90	14.09
	80–85	13.77

2. *Specifications.* The standard chemical form for these materials is the oxide. If AEC is requested and agrees to distribute in any other chemical form the AEC will make a charge for costs involved in any conversion.

3. *Special charges.* In addition to the base charges, there shall be charges by the AEC for packaging the thorium, uranium, or plutonium into suitable containers.

4. *Correspondence.* Any correspondence involving this notice should be addressed to Isotope Sales, Oak Ridge National Laboratory, Post Office Box X, Oak Ridge, Tenn. 37830.

5. *Effective date.* This notice is effective upon publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 2d day of July 1969.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. MCCOOL,
Secretary.

[F.R. Doc. 69–7989; Filed, July 8, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21031]

ALITALIA-LINEE AEREE ITALIANE-S.p.A.

Notice of Prehearing Conference Regarding Renewal of Application

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on July 24, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner John E. Faulk.

Dated at Washington, D.C., July 3, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69–8056; Filed, July 8, 1969; 8:49 a.m.]

[Docket No. 20781; Order 69–7–20]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Philadelphia, Washington, Baltimore Transatlantic Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of July 1969.

Agreement adopted by Joint Conferences 1–2 and 1–2–3 of the International Air Transport Association (IATA) relating to Philadelphia/Washington/Baltimore transatlantic fares.

By Order 69–4–138, the Board, among other things, conditioned its approval of an IATA transatlantic fare agreement intended to be effective May 1, 1969, so as to require that fares between Philadelphia/Washington/Baltimore and European points or points beyond be no greater, on a fare per mile basis, than fares to/from New York. The application of the condition was subsequently deferred until July 1, 1969 (Order 69–5–137).

By a telegram received June 26, 1969, Pan American World Airways, Inc. (Pan American), requested that application of the condition now be deferred until August 1, 1969, and stated that Trans World Airlines, Inc. (TWA), joined in the request. In its request, Pan American adverted to the technical difficulties involved and stated that there was insufficient time to comply with the Board's order in a timely manner, even though steps had been taken to initiate a mail vote agreement.

The Board is aware of the technical problems involved in the restructuring of the fares in question to a mileage basis, and of the carriers' efforts to solve the problems. Under all circumstances, the Board does not consider the further deferral as requested to be adverse to the public interest. Accordingly, acting pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 404(b), 412, and 1002(b) thereof:

It is ordered, That:

Application of the condition imposed in ordering paragraph 1(b) of Order 69–4–138 that fares between Philadelphia/Washington/Baltimore and European points or beyond be, on a per mile basis, no greater than corresponding fares per mile to/from New York for all respective fare categories is deferred until August 1, 1969.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–8057; Filed, July 8, 1969; 8:49 a.m.]

[Docket No. 20932]

NORDAIR LTEE—NORDAIR LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on July 28, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., July 3, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69–8058; Filed, July 8, 1969; 8:49 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a report of condition as of the close of business June 30, 1969, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided,* That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original report of condition on Office of the Comptroller Form, Call No. 470,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original report of condition on Federal Reserve Form 105—Call 192,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal

[1] Filed as part of original document.

Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original report of condition on FDIC Form 64—Call No. 88,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original report of condition required to be furnished hereunder to the Comptroller of the Currency and a copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of reports of condition by National Banking Associations," dated June 1969.[1] The original report of condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of reports of condition by State Member Banks of the Federal Reserve System." dated June 1969.[1] The original report of condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of report of condition on Form 64, by insured State banks not members of the Federal Reserve System," dated June 1969.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original report of condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of report of condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December 1962, and any amendments thereto,[1] and shall send the same to the Federal Deposit Insurance Corporation.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] R. A. RANDALL,
Chairman,
WILLIAM B. CAMP,
Comptroller of the Currency.
BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
J. L. ROBERTSON,
Vice Chairman.

[F.R. Doc. 69-7999; Filed, July 8, 1969; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

AKTIEBOLAGET SVENSKA ATLANT LINIEN ET AL.

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, 1405 I Street NW., Room 1202; or may inspect agreements 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 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.

Mr. W. C. Menge, General Traffic Manager, Strachan Shipping Co., 1600 American Bank Building, New Orleans, La. 70130.

Notice of agreement filed for approval by:

Agreement No. 9806 provides for the interchange of cargo containers, trailers, and related equipment by Aktiebolaget Svenska Atlant Linien, S.A. Wilhelmsens Dampskibsaktieselskab, Hamburg-Amerika Linie and Norddeutscher Lloyd, common carriers operating in the trades between U.S. ports and ports of the United Kingdom, Europe, and various overseas areas in accordance with the terms and conditions set forth therein.

Dated: July 3, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8059; Filed, July 8, 1969; 8:49 a.m.]

[Docket No. 69-33]

ATLANTIC AND GULF COAST OF SOUTH AMERICA

First Supplemental Order

Atlantic and Gulf West Coast of South America Conference Agreement No. 2744-30, et al.

On June 27, 1969, the Commission instituted the subject proceeding to determine, among other specified issues, whether nine pending agreements, covering the establishment of through rates between points in the United States and points in the countries they serve by arrangements with carriers of other modes of transportation, and the adoption of a uniform through bill of lading by each conference, should be approved, disapproved, or modified. It now appears that clarification of appendix A of the order is needed to name the conference member lines as respondents.

Therefore, it is ordered, That pursuant to sections 15, 18(b) and 22 of the Shipping Act, 1916, appendix A of the order is expanded to include the member lines of the respondent conferences; and

It is further ordered, That the member lines named in appendix A-1 be made respondents in the proceeding; and

It is further ordered, That notice of this supplemental order be published in the FEDERAL REGISTER and a copy thereof served upon all parties.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A-1

Alcoa Steamship Company, Inc., 17 Battery Place, New York, N.Y. 10004.
Atlantic Lines, Ltd., c/o Chester, Blackburn & Roder, Inc., 1 Whitehall Street, New York, N.Y. 10004.
Azta Shipping Co., c/o Jan C. Uiterwyk Co., Inc., 80 Broad Street, New York, N.Y. 10004.
Booth Lamport, c/o Booth American Shipping Corp., 17 Battery Place, New York, N.Y. 10004.
Chilean Line, 29 Broadway, New York, N.Y. 10006.
Coldemar Line, Inc., 17 Battery Place, New York, N.Y. 10004.
Empresa Honduras de Vapores, S.A., Mr. Wilmer L. Wilson, General Manager, 33 Rector Street, New York, N.Y. 10006.
Grace Line, Inc., 3 Hanover Square, New York, N.Y. 10004.
Grancolombiana Line, 79 Pine Street, New York, N.Y. 10005.
Gulf and South American Steamship Co., Inc., 821 Gravier Street, New Orleans, La. 70112.
Linea Amazonica, S.A., c/o Booth American Shipping Corp., General Agent, 17 Battery Place, New York, N.Y. 10004.
Lykes Bros. Steamship Co., Inc., Mr. J. J. Creevy, Vice-President—Administration, 1770 Tchoupitoulas Street, New Orleans, La. 70130.
Mamenic Line, c/o U.S. Navigation Co., Inc., 17 Battery Place, New York, N.Y. 10004.
Moore McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.
Peruvian State Line, c/o T. J. Stevenson & Co., Inc., 80 Broad Street, New York, N.Y. 10004.
Royal Netherlands Steamship Co., 25 Broadway, New York, N.Y. 10004.
Skips A/S Viking Line, c/o Eckert, Thor & Company, Inc., 19 Rector Street, New York, N.Y. 10006.
United Fruit Co., 3 North River, New York, N.Y. 10006.

[F.R. Doc. 69-8060; Filed, July 8, 1969; 8:49 a.m.]

[Docket No. 69-32]

NETHERLANDS-BELGIUM/U.S. NORTH ATLANTIC TRADE

First Supplemental Order

Netherlands-Belgium/U.S. North Atlantic Trade Rate Agreement 9772.

In the Original Order in this proceeding served June 26, 1969, the individual members of the respondent Continental North Atlantic Westbound Freight Conference were not listed as respondents in this proceeding. Therefore, in order to insure proper service and response in this proceeding;

It is ordered, That the parties listed in the attached Supplemental Appendix be made respondents in this proceeding;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondents and all parties of record to this proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

SUPPLEMENTAL APPENDIX

American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.
Atlantic Container Line, Ltd., 30 Church Street, New York, N.Y. 10007.
Dart Container Line Co., Ltd., 67 Broad Street, New York, N.Y. 10004.
Holland America Line, Pier 40, North River, New York, N.Y. 10014.
Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.
Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J. 07207.
United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.

[F.R. Doc. 69-8061; Filed, July 8, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-7241 etc.]

AZTEC OIL & GAS CO. ET AL.

Findings and Order After Statutory Hearings

JUNE 30, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, severing proceedings, terminating proceedings, marking successor corespondent, redesignating proceeding, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Nielson Enterprises, Inc., Applicant in Docket No. CI69-712, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-14628 to be made pursuant to Atlantic Richfield Co. (Operator) et al., FPC Gas Rate Schedule No. 410. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI67-462. Applicant has filed an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a petition to intervene by the Long Island Lighting Co. was filed in Docket No. CI69-573, in the matter of the application filed on December 16, 1968, in said docket. The petition to intervene has been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on June 20, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record;

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI69-1012 should be canceled and that the application filed therein should be treated as a petition to amend the order issuing a certificate in Docket No. CI68-728.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates in Dockets Nos. G-4117, G-7241, G-13103, G-14628, CI64-1498, CI67-316, CI68-728, and CI68-1148 should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings pending in Dockets Nos. G-16638 and RI60-133 should be severed from the proceedings in Docket No. AR67-1 et al., and should be terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Nielson Enterprises, Inc., should be made a co-respondent in the proceeding pending in Docket No. RI67-462; that said proceeding should be redesignated accordingly; and that the agreement and undertaking submitted by Nielson in said proceeding should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas

Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificate are subject to the following conditions.

(a) The initial rates for sales authorized in Dockets Nos. CI68-728 and CI69-1004 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality of gas, or the contract rates, whichever are lower. If the quality of the gas delivered by Applicants deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(b) Within 90 days from the date of initial delivery Applicants in Dockets Nos. CI68-728 and CI69-1004 shall file rate schedule quality statements in the form prescribed in Opinion No. 468-A.

(c) Applicants in Dockets Nos. CI69-997 and CI69-1004 shall advise the Commission of any contemplated processing of the gas under the subject contracts.

(d) The certificate issued in Docket No. CI69-997 involving the sale of gas by Horizon Oil & Gas Co. of Texas, to its affiliate, Baca Gas Gathering System, Inc., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(e) The initial rate for the sale authorized in Docket No. CI69-573 shall be 16 cents per Mcf at 14.65 p.s.i.a. Applicant shall file three copies of a revised billing statement reflecting the 16-cent rate.

(f) The certificates issued in Dockets Nos. CI69-573 and CI69-792 are conditioned by limiting the buyers' daily take-or-pay obligations to a 1 to 7,300 ratio of takes to reserves.

(F) Docket No. CI69-1012 is canceled.

(G) The orders issuing certificates in Dockets Nos. G-7241, G-13103, CI68-728, and CI68-1148 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(H) The authorization granted in Docket No. G-13103 in paragraph (G) above shall not be construed to relieve Applicant of any refund obligations incurred in the related rate suspension proceedings pending in Dockets Nos. RI67-243, RI68-209, and RI69-379.

(I) The orders issuing certificates in Dockets Nos. G-4117, G-14628, CI64-1498, and CI67-316 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Dockets Nos. CI69-1016, CI69-712, CI69-766, and CI69-1003, respectively.

(J) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(K) The certificates heretofore issued in Dockets Nos. G-13353 and CI68-734 are terminated.

(L) The proceedings pending in Dockets Nos. G-16638 and RI60-133 are severed from the proceedings in Docket No. AR67-1, et al., and are terminated.

(M) Nielson Enterprises, Inc., is made a co-respondent in the proceeding pending in Docket No. RI67-462; said proceeding is redesignated accordingly; and the agreement and undertaking submitted by Nielson in said proceeding is accepted for filing.

(N) Nielson Enterprises, Inc., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by it in Docket No. RI67-462 shall remain in full force and effect until discharged by the Commission.

(O) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing, all as described in the tabulation herein.

By the Commission.

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

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-7241 ..... G 4-25-69 [1]	Aztec Oil & Gas Co. (Operator) et al.	El Paso Natural Gas Co. Aztec Pictured Cliffs Field, San Juan County, N. Mex.	Supplemental agreement 4-14-69.[2]	4	27
G-13103 ..... D 2-25-69	Aztec Oil & Gas Co	Southern Union Gathering Co. Basin Dakota Pool, San Juan County, N. Mex.	Partial assignment 3-3-69.[3 4]	7	37
CI68-728 ..... (CI69-1012) C 4-28-69 [5]	David Fasken et al.[6]	Natural Gas Pipeline Co. of America, North Indian Basin Morrow Field, Eddy County, N. Mex.	Supplemental agreement 1-1-69.[3]	3	2
CI68-1148 ..... C 4-24-69 [1]	Appalachian Exploration & Development, Inc.	United Fuel Gas. Co., Poca District, Putnam County, W. Va.	Supplement 3-12-69 [2]	2	9
CI69-573 ..... A 12-16-68 [1]	Union Producing Co.[7] ...	Natural Gas Pipeline Co. of America, Cavasso Creek Field, Aransas County, Tex.	Contract 11-1-68 [2]	269	.....
CI69-712 ..... (G-14628) F 1-28-69 as amended 3-17-69	Nielson Enterprises, Inc. (successor to Atlantic Richfield Co.).	Northern Natural Gas Co., Mocane Field, Harper County, Okla.	Contract 12-31-57 [8]	6	.....
			Supplemental agreement 1-21-59.	6	1
			Supplemental agreement 9-3-59.	6	2
			Amendment 3-28-67	6	3
			Assignment 6-21-68	6	4
			Assignment 10-10-68 [9]	6	5
CI69-766 ..... (CI64-1498) F 2-10-69	International Nuclear Corp (Operator), et al. (successor to Chevron Oil Co., Western Division).	Kansas-Nebraska Natural Gas Co., Inc., Lost Cabin Field. Fremont County, Wyo.	Contract 5-6-54 [10]	1	.....
			Supplemental agreement 10-9-64.	1	1
			Partial assignment 4-26-68.[11]	1	2
			Assignment 4-26-68 [12]	1	3
			Assignment 4-26-68 [13]	1	4
			Assignment 4-2-68 [9 14]	1	5
CI69-792 ..... A 3-3-69 [1 15]	Buttes Gas & Oil Co. (Operator) et al.	Kansas-Nebraska Natural Gas Co., Inc., Pony Creek Field, Fremont County, Wyo.	Contract 11-20-68 [2 16]	4	.....

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69-996 (G-13353) B 4-24-69	Tom Cook, Jr. (Operator) et al.	Texas Eastern Transmission Corp., Willow Springs Field, Gregg County, Tex.	Notice of cancellation 4-17-69 [4] [17]	[16] 2	4
CI69-997 A 4-24-69 [1]	Horizon Oil & Gas Co. of Texas.	Baca Gas Gathering System, Inc., Flank Field, Baca County, Colo.	Contract 4-17-69 [2]	28	
CI69-998 A 4-24-69 [1]	Texaco, Inc.	Panhandle Eastern Pipe Line Co., Mocane-Laverne Field, Beaver County, Okla.	Contract 3-21-69 [2]	434	
CI69-1002 (CI68-784) B 4-25-69	Getty Oil Co.	Transcontinental Gas Pipe Line Corp., East Le Blanc Field, Allen Parish, La.	Notice of Cancellation 4-23-69. [4] [17]	159	2
CI69-1003 (CI67-316) F 4-25-69	Getty Oil Co. (successor to Humble Oil & Refining Co.).	Natural Gas Pipeline Co. of America, Nine Mile Point Field, Aransas County, Tex.	Contract 8-15-66 [19] Assignment 12-30-68 [20] Effective date: 12-7-68	173 173	 1
(CI67-316) [21]	Humble Oil & Refining Co.	do	Assignment 12-30-68 [20] Effective date: 12-7-68	406	2
CI69-1004 A 4-25-69	Getty Oil Co. (Operator) et al. [22]	Transwestern Pipeline Co., Henderson Deep Unit, Winkler County, Tex.	Contract 4-8-69 [2]	172	
CI69-1014 A 4-28-69 [1]	Robert C. Armstrong	Northern Natural Gas Co., acreage in Edwards County, Kans.	Contract 3-15-69 [2]	1	
CI69-1016 (G-4117) F 4-22-69 [23]	W. H. Doran, Jr. (successor to Delta Drilling Co., formerly Delta Gulf Drilling Co.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Alice Field, Jim Wells County, Tex.	Contract 3-18-52 [24] Letter agreement 9-15-54 Supplemental agreement 1-6-54. Letter agreement 7-5-56 Supplemental agreement 6-3-58. Letter agreement 8-7-64 Assignment 12-5-68 [25] Effective date: 12-1-68	4 4 4 4 4 4 4	 1 2 3 4 5 6

[1] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[2] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[3] Due to decline in wellhead pressure gas is not longer able to produce into buyer's gathering system and buyer has reassigned the purchase rights to its parent company, Southern Union Gas Co., for resale in intrastate commerce.
[4] Effective date: Date of this order.
[5] Application erroneously assigned Docket No. CI69-1012 will be treated as a petition to amend the order issuing a certificate in Docket No. CI68-728 and Docket No. CI69-1012 will be canceled.
[6] Applicant has agreed to accept permanent authorization for the additional acreage conditioned as Opinion No. 468, as modified by Opinion No. 468-A (letter filed concurrently with application).
[7] Contract provides for 17.8 cents per Mcf; however, by letter filed Jan. 10, 1969, Applicant advised willingness to accept a permanent certificate conditioned to 16 cents per Mcf. By letter filed Jan. 30, 1969, Applicant agreed to accept a permanent certificate with a condition limiting the buyer's take-or-pay obligation to a quantity based on a 1 to 7,300 reserves ratio.
[8] On file as Atlantic Richfield Co. (Operator) et al., FPC GRS No. 410.
[9] Effective date: Date of transfer of properties involved.
[10] Between California Oil Co., Western Division and Kansas-Nebraska Natural Gas Co., Inc.; on file as Chevron Oil Co., Western Division FPC GRS No. 6.
[11] Of oil and gas leases by Chevron Oil Co. to Erving Wolf.
[12] Of operating rights by Chevron Oil Co. to Erving Wolf (Lease No. W-043395).
[13] Of operating rights by Chevron Oil Co. to Erving Wolf (Lease No. W-042309).
[14] Of operating rights by Erving Wolf to International Nuclear Corp. et al.
[15] The filing of Mar. 3, 1969 supersedes an application filed Feb. 24, 1969. Applicant requested return of the filing of Feb. 24, 1969.
[16] Provides for average delivery of 5,000 Mcf/well per day or ⅔ of each well's delivery capacity, whichever is the lesser, but by telegram filed June 3, 1969, Applicant agreed to accept a permanent certificate limiting buyer's take-or-pay obligation to a 1 to 7,300 reserves ratio.
[17] Source of gas depleted.
[18] Rates of 14.6 cents and 14.8 cents per Mcf suspended in Dockets Nos. G-16638 and RI60-133, respectively, but never made effective; therefore, the rate suspension proceedings pending in said dockets will be terminated.
[19] Between Humble Oil & Refining Co. and Natural Gas Pipe Line Co. of America; on file as Humble Oil & Refining Co. FPC GRS No. 406.
[20] Transfers acreage from Humble Oil & Refining Co to Getty Oil Co.
[21] No certificate filing made or necessary; only the related rate filing is being accepted by this order.
[22] Applicant has agreed to accept a permanent certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[23] Application noticed as a complete succession in Docket No. G-4217. Further review of the application reveals that the succession is partial rather than complete; therefore, the application was reassigned Docket No. CI69-1016.
[24] Currently on file as Delta Gulf Drilling Co. et al., FPC GRS No. 2.
[25] Assigns acreage from Delta Drilling Co. to W. H. Doran, Jr., reserving depths below Frio Sand Formation to Delta.

[F.R. Doc. 69-7943; Filed, July 8, 1969; 8:45 a.m.]

[Docket No. G-10571, etc.]

GULF OIL CORP. ET AL.

Findings and Order After Statutory Hearing

JUNE 27, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, dismissing application, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceedings, making successor corespondent, redesignating proceeding, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

John A. Hairford, Applicant in Docket No. CI69-939, proposes to continue in part sales of natural gas heretofore authorized in Docket No. CI62-1036 to be made pursuant to Apache Corp. FPC Gas Rate Schedule No. 6. The contract comprising said rate schedule will also be accepted for filing as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI69-168. Applicant has filed a motion to be made co-respondent in said proceeding, together with an agreement and undertaking to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceeding.[1] Therefore, he will be made co-respondent in said proceeding; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER no petitions to intervene, notices of intervention or protests to the granting of the applications have been filed.

At a hearing held on June 26, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore

[1] In his agreement and undertaking Applicant refers to "sales under John A. Hairford FPC Gas Rate Schedule No. 2, which sales were formerly covered by Apache Corporation FPC Gas Rate Schedule No. 6 * * *." Inasmuch as Applicant's rate schedule for the subject sales is designated as his FPC Gas Rate Schedule No. 5, the agreement and undertaking will be construed as being applicable to sales under said rate schedule.

found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the application filed in Docket No. G–13045 on November 7, 1968, should be dismissed as moot.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates in Dockets Nos. G–10571, G–11934, CI62–1036, CI62–1251, CI63–914, CI66–470, CI66–1328, CI67–79, CI67–286, and CI68–1202[1] should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceedings pending in Dockets Nos. RI66–56 and RI66–57 should be terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that John A. Hairford should be made co-respondent in the proceeding pending in Docket No. RI69–168, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by him in said proceeding should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas puchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rate for the sale authorized in Docket No. CI69–262 shall be the applicable area base rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rate, whichever is lower. If the quality of the gas delivered by Applicant deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate.

(b) Within 90 days from the date of initial delivery Applicant in Docket No. CI69–262 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(c) Applicant in Docket No. CI69–262 shall advise the Commission of any contemplated processing of the gas under the subject contract.

(d) The certificate in Docket No. CI69–262 is further conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.

(e) Sales authorized in Dockets Nos. CI66–470 and CI69–1021 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement.

(f) Sales authorized in Dockets Nos. CI66–1328 and CI69–954 (Oklahoma "Other" area only) shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61–1 by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas, Applicants thereupon may substitute the new rates reflecting the amounts of such increases and thereafter collect the new rates prospectively in lieu of the initial rate herein authorized in said dockets.

(g) Sales authorized in Dockets Nos. CI69–954 (Oklahoma Panhandle area only) and CI69–960 shall be made at the initial rate of 17 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement and subject to B.t.u. adjustment. Applicant in Docket No. CI69–960 shall file a revised billing statement to reflect the 17 cents rate.

(h) Sales authorized in Docket No. CI69–894 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement from the

[1] Temporary certificate.

newly dedicated acreage; and 16.015 cents per Mcf at 14.65 p.s.i.a., subject to refund in Docket No. RI69–36 from acreage acquired from the certificate holder in Docket No. CI62–1251.

(I) The authorizations granted in Dockets Nos. CI66–1328, CI–67–79, and CI69–960 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(F) The application filed in Docket No. G–13045 on November 7, 1968, is dismissed as moot.

(G) The orders issuing certificates in Dockets Nos. G–11934, CI63–914, CI66–470, CI66–1328, CI67–79, CI67–286, and CI68–1202 [2] are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(H) The orders issuing certificates in Dockets Nos. CI62–1036 and CI62–1251 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Dockets Nos. CI69–939 and CI69–894, respectively.

(I) The order issuing a certificate in Docket No. G–10571 is amended by substituting the successor in interest as certificate holder.

(J) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(K) The certificates heretofore issued in Dockets Nos. G–13045, CI60–113, CI60–114, CI61–1246, and CI62–1268 are terminated.

(L) The rate suspension proceedings pending in Dockets Nos. RI66–56 and RI66–57 are terminated.

(M) John A. Hairford is made a corespondent in the proceeding pending in Docket No. RI69–168, said proceeding is redesignated accordingly, and the agreement and undertaking submitted by him in said proceeding [1] is accepted for filing.

(N) John A. Hairford shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by him in said proceeding shall remain in full force and effect until discharged by the Commission.

(O) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

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

[2] Supra.
[1] Supra.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–10571 E 5–5–69	Gulf Oil Corp. (successor to Sparta Oil Co.).	Texas Gas Pipe Line Corp.[1] Fannett Field, Jefferson County, Tex.	Sparta Oil Co., FPC GRS No. 2.	405	
			Supplement No. 1	405	1
			Notice of succession 5–2–69.		
			Assignment 5–1–68 [2]	405	2
			Effective date: 5–1–68		
G–11934 D 5–6–69	Mobil Oil Corp. (Operator) et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Frnka Field, Colorado County, Tex.	Notice of partial cancellation 5–2–69.[3 4]	28	7
CI63–914 C 4–25–69 [5]	Getty Oil Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Southwest Cedardale Field, Woodward County, Okla.	Amendatory agreement 2–26–69.[6]	124	6
CI66–470 C 4–9–69 [5]	Sun Oil Co. (DX Division) (Operator) et al.	Arkansas Louisiana Gas Co. Arkoma Area, Latimer County, Okla.	Amendment 3–3–69	259	12
			Compliance (undated)[6 7]	259	13
CI66–1328 C 4–9–69 [5]	Sun Oil Co. (DX Division).	Panhandle Eastern Pipe Line Co., acreage in Roger Mills County, Okla.	Amendment 2–20–69	268	6
			Compliance (undated)[6 8]	268	7
CI67–79 C 9–12–67 [5]	Tenneco Oil Co.[9]	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	Amendment 8–14–67	207	1
CI67–286 C 5–2–69 [5]	Monsanto Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Sequoyah County, Okla.	Amendment 3–31–69 [6]	85	5
CI68–1202 [10] D 2–25–69	The Superior Oil Co.	Texas Gas Transmission Corp., North Maurice Field, Lafayette Parish, La.	Notice of lease termination (undated) [4 11]	136	2
CI69–262 A 9–12–68	Humble Oil & Refining Co.[12]	Northern Natural Gas Co., West Waha Field, Reeves County, Tex.	Contract 8–26–68	454	
CI69–847 (G–13045) B 3–10–69	Lyons & Logan (Operator) et al.	Texas Eastern Transmission Corp., Woodlawn Field, Harrison County, Tex.	Notice of cancellation 3–5–69.[4 13]	6	5
A CI69–894 (CI62–1251) F 3–17–69	Jones & Pellow Oil Co. (successor to Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co.).	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore County, Okla.	Contract 1–29–62 [14]	9	
			Amendatory agreement 3–15–63.	9	1
			Assignment 9–10–68 [15]	9	2
			Contract 10–29–68 [16]	9	3
			Assignment 11–13–68 [17]	9	4
			Compliance (undated) [18]	9	5
CI69–939 (CI62–1036) F 4–1–69	John A. Hairford (successor to Apache Corp.).	Cities Service Gas Co., Hugoton Field, Finney County, Kans.	Contract 1–23–62 [19]	5	
			Assignment 12–30–68 [20]	5	1
			Effective date: 12–30–68		
CI69–954 A 4–14–69 [5]	Midwest Oil Corp.	Michigan Wisconsin Pipe Line Co., acreage in Woodward and Major Counties, Okla.	Contract 3–21–69	54	
			Compliance 5–8–69 [6 21]	54	1
CI69–960 A 4–15–69 [5]	Geo. P. Hill et al.	Panhandle Eastern Pipe Line Co., Elsie Harrison Leases, Texas County, Okla.	Contract 2–5–69 [6 22]	1	
CI69–1015 A 4–30–69 [5]	Victor P. Smith	United Gas Pipe Line Co., Jackson Field, Hinds County, Miss.	Contract 4–2–69	1	
CI69–1021 A 5–2–69 [5 23]	Mobil Oil Corp.	Arkansas Louisiana Gas Co., Kinta Field, Pittsburg County, Okla.	Contract 4–21–69 [6]	452	
CI69–1022 (CI60–113) B 5–2–69	Atlantic Richfield Co.	Transwestern Pipeline Co., Northwest Morse Field, Hansford County, Tex.	Notice of Cancellation 5–1–69.[4 24]	[25] 484	5
CI69–1023 (CI60–114) B 5–2–69	Atlantic Richfield Co. (Operator), et al.	Transwestern Pipeline Co., East Wilco Field, Hansford County, Tex.	Notice of cancellation 5–1–69.[4 24]	[26] 485	3
CI69–1025 A 5–2–69 [5]	Glenn Tompkins et al., d.b.a. Blue Knob Gas Co.	United Fuel Gas Co., Henry District, Clay County, W. Va.	Contract 9–30–59 [6 27]	11	
CI69–1029 (CI61–1246) B 5–5–69	American Natural Gas Production Co. (Operator), et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Crowley Field, Acadia Parish, La.	Notice of cancellation 5–2–69.[4 24]	2	5
CI69–1030 (CI62–1268) B 5–6–69	Sohio Petroleum Co. (Operator), et al.	Coastal States Gas Producing Co., Tiger Field, Duval County, Tex.	Notice of cancellation 5–5–69.[4 24]	66	3
CI69–1031 A 5–7–69 [5]	Cayman Corp., Ltd.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	Contract 4–16–69 [6]	5	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI69-1033 A 5-6-69 [3]	R. P. Isaacs, d.b.a. Two Mile Drilling Co.	United Fuel Gas Co., Sheridan District, Lincoln County, W. Va.	Contract 11-19-57 [27] Agreement 3-23-50 [6 25]	1 1	1

[1] Application erroneously shows purchaser as Union Texas Petroleum, a division of Allied Chemical Corp.
[2] Assigns acreage from Sparta Oil Co. to Gulf Oil Corp.
[3] Includes partial release whereby Mobil released certain acreage back to E. J. Gracey et al.
[4] Effective date: Date of this order.
[5] Jan. 1, 1970; moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[6] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[7] Complies with temporary certificate issued May 2, 1969; Applicant states willingness to accept permanent authorization for the additional acreage conditioned to an initial rate of 15 cents per Mcf including tax reimbursement.
[8] Complies with temporary certificate issued May 2, 1969; Applicant states willingness to accept permanent authorization for the additional acreage conditioned to an initial rate of 15 cents per Mcf including tax reimbursement, subject to B.t.u. adjustment and subject to the ultimate disposition of the proceeding in Docket No. R-338.
[9] By letter filed May 21, 1969, Applicant expressed willingness to accept permanent authorization for the additional acreage subject to the ultimate disposition of the proceeding in Docket No. R-338.
[10] Temporary certificate.
[11] Additional leases deleted by letters of Mar. 12, 1969 and Apr. 11, 1969, all were terminated for lack of production.
[12] By letter filed Mar. 21, 1969, Applicant agreed to accept a permanent certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[13] Well stopped producing in commercial quantities and was was reclassified as an oil well.
[14] Also on file as Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. (Operator) et al., FPC GRS No. 10.
[15] From Texas Pacific Oil Co., to R. J. Schumacher, effective as of Aug. 27, 1968.
[16] Ratifies Jan. 29, 1962 contract. Covers Applicant's interests in Lowery No. 1 Well, sec. 24, T. 7 N., R. 23 E., including one-half of NW¼ which was not previously dedicated.
[17] From R. J. Schumacher to Jones & Pellow Oil Co., effective as of Aug. 27, 1968.
[18] Accepts conditioned temporary certificate issued May 2, 1969; advises of willingness to accept a permanent certificate conditioned to 15 cents for the initial service. (Jan. 1, 1970, moratorium applicable to newly dedicated acreage only.)
[19] Between Apache Corp. and Cities Service Gas Co.; also on file as Apache Corp. FPC GRS No. 6.
[20] Assigns interest from Apache Corp. to Applicant.
[21] Complies with temporary certificate issued May 2, 1969; Applicant states willingness to accept a permanent certificate conditioned to initial rates of 17 cents (Panhandle area) and 15 cents (Oklahoma "Other" area), both including tax reimbursement and subject to B.t.u. adjustment.
[22] Contract rate is 18 cents per Mcf adjusted for B.t.u. content. Applicant by letter filed May 8, 1969, stated willingness to accept a permanent certificate at 17 cents subject to B.t.u. adjustment and subject to the ultimate disposition of the proceeding in Docket No. R-338.
[23] Although the contractual rate is 16 cents, Applicant has indicated in its certificate application willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf.
[24] Source of gas depleted.
[25] Proposed rate increase to 19.5 cents currently suspended in Docket No. RI66-57 and never placed in effect; therefore, the rate suspension proceeding pending in Docket No. RI66-57 will be terminated.
[26] Proposed rate increase to 19.5 cents currently suspended in Docket No. RI66-56 and never placed in effect; therefore, the rate suspension proceeding pending in Docket No. RI66-56 will be terminated.
[27] Sale being made without prior Commission authorization.
[28] Instrument whereby R. P. Isaacs acquired interest in properties involved.

[F.R. Doc. 69-7944; Filed, July 8, 1969; 8:45 a.m.]

[Docket No. CP69-348]

EL PASO NATURAL GAS CO.
Application for Certificate of Public Convenience and Necessity

JULY 1, 1969.

Take notice that on June 24, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in docket No. CP69-348 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of mainline facility additions and the sale and delivery of an additional firm daily quantity of gas to Southern California Gas Co. and Southern Counties Gas Company of California, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate an additional 51,840 mainline compressor horsepower, approximately 85.1 miles of 30-inch O.D. loop pipeline, minor metering facilities and authorization for the installation and operation of auxiliary facilities at various mainline compressor stations. Applicant states facilities will be required to increase daily design mainline delivery capacity, which increase will be utilized in rendering the proposed additional sales.

Total estimated cost of the project is $34,795,165, which will be initially financed through the use of working funds supplemented as necessary by short term borrowing.

The additional sales and delivery are proposed to be made in accordance with and at rates contained in Rate Schedule G of El Paso's FPC Gas Tariff, Original Volume No. 1. Additional deliveries will be accomplished through acceleration of production from existing sources and consequently no new supplies are involved.

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8001; Filed, July 8, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 69-7999, Federal Deposit Insurance Corporation, *supra*.

NORTHEASTERN BANKSHARE ASSOCIATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Northeastern Bankshare Association, which is a bank holding company located in Lewiston, Maine, for the prior approval of the Board of the acquisition by Applicant of at least 51 percent of the voting shares of Westbrook Trust Co., Westbrook, Maine.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States; or (2) any other proposed acquisition or merger or cosolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks

concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

Dated at Washington, D.C., this 1st day of July, 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-8004; Filed, July 8, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 7-3143-7-3152]

ASTRODATA, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 2, 1969.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Astrodata, Inc., file No. 7-3143; Cinerama, Inc., file No. 7-3144; Compudyne Corp., file No. 7-3145; Husky Oil, Ltd., file No. 7-3146; Income & Capital Shares, Inc., file No. 7-3147; The Japan Fund, Inc., file No. 7-3148; Leverage Fund of Boston, Inc., file No. 7-3149; Louisiana Land and Exploration Co., file No. 7-3150; Natomas Co., file No. 7-3151; Nytronics, Inc., file No. 7-3152.

Upon receipt of a request, on or before July 17, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-8028; Filed, July 8, 1969; 8:47 a.m.]

[File No. 7-3153]

AVCO CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 2, 1969.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Avco Corp. Warrants (expiring Nov. 30, 1978), file No. 7-3153.

Upon receipt of a request, on or before July 17, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-8029; Filed, July 8, 1969; 8:47 a.m.]

R. HOE & CO., INC.

Order Suspending Trading

JULY 2, 1969.

The common stock, $1 par value, and the $1 cumulative class A stock, $2.50 par value of R. Hoe & Co., Inc., a New York corporation, being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of R. Hoe & Co., Inc., being traded otherwise than on a national securities exchange; and

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

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, than 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 July 2, 1969, 2 p.m., (e.d.t.) through July 11, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-8030; Filed, July 8, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0224]

BUFFALO SMALL BUSINESS INVESTMENT CORP.

Notice of Surrender of License

Notice is hereby given that pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326), Buffalo Small Business Investment Corp. (Buffalo), 120 Delaware Avenue, Buffalo, N.Y. 14202, has surrendered its license to operate as a small business investment company.

Buffalo, a New York corporation organized and chartered solely for the purposes of operating under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), was licensed by the Small Business Administration (SBA) on December 7, 1962, License No. 02/02-0224.

The license surrender is pursuant to a certain reorganization Agreement and Plan (the Plan) entered into between Buffalo and Coburn Corporation of America (Coburn).

Notice of the Plan was published by the Small Business Administration (SBA) on March 14, 1969, in the FEDERAL REGISTER (34 F.R. 5279).

The transactions contemplated by the Plan having been consummated, the surrender by Buffalo of its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended, is hereby approved and accepted by SBA.

Dated: June 26, 1969.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 69-8013; Filed, July 8, 1969; 8:46 a.m.]

HEMISPHERE CAPITAL CORP.

Notice of Issuance of License

On March 14, 1969, a notice was published in the FEDERAL REGISTER, 34 F.R. 5279, stating that an application for a license to operate as a small business investment company had been filed with the Small Business Administration (SBA) by Hemisphere Capital Corp., 120 Delaware Avenue, Buffalo, N.Y. 14202, pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326).

Interested parties were given until the close of business March 24, 1969, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information and facts with regard thereto, SBA issued License No. 02/02-0271 to Hemisphere Capital Corp., on May 29, 1969, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: June 26, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-8014; Filed, July 8, 1969; 8:46 a.m.]

[License 12-0006]

NEW CAPITAL FOR SMALL BUSINESSES, INC.

Surrender of License

New Capital for Small Businesses, Inc., a California corporation, having its principal place of business located at 235 Montgomery Street, San Francisco, Calif. 94104, was licensed by the Small Business Administration as a small business investment company on December 1, 1960.

On June 16, 1967, a complaint, Civil No. 47254, was filed on behalf of SBA against New Capital for Small Businesses, Inc., in the U.S. District Court, Northern District of California. A Stipulation for Judgment in the amount of $240,024.99, was entered on February 20, 1969. On May 8, 1969, after satisfaction of judgment, New Capital for Small Businesses, Inc., surrendered its license to SBA.

In view of the foregoing, notice is hereby given that the surrender of license by New Capital for Small Businesses, Inc., is hereby approved and accepted, and New Capital for Small Businesses, Inc., is no longer licensed to operate as a small business investment company.

Dated: June 26, 1969.

For the Small Business Administration.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-8015; Filed, July 8, 1969; 8:46 a.m.]

TARIFF COMMISSION

[TEA-I-15]

GLASS

Notice of Investigation and Hearing

Investigation instituted. Following receipt on June 27, 1969, of a petition filed by the American-Saint Gobain Corp., of Kinsport, Tenn., the Libbey-Owens-Ford Co., of Toledo, Ohio, the Mississippi Glass Co., of St. Louis, Mo., and the PPG Industries, Inc., of Pittsburgh, Pa., the U.S. Tariff Commission, on the 2d day of July 1969, instituted an investigation under section 301(b)(1) of the Trade Expansion Act of 1962 to determine whether glass of the kinds provided for in items 541.11-.31, 542.11-.98, 543.11-.69, and 544.31-.32 of the Tariff Schedules of the United States are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.s.t. on October 14, 1969, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection by persons concerned at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York office in the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 3, 1969.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 69-8036; Filed, July 8, 1969; 8:48 a.m.]

[TEA-I-Ex-6]

CERTAIN FLAT GLASS

Notice of Investigation and Hearing Into Probable Effect of Termination of Increased Tariffs

Investigation instituted. On June 27, 1969, the U.S. Tariff Commission, upon a petition filed on behalf of the domestic industry concerned, instituted an investigation in connection with the preparation of advice to the President, pursuant to section 351(d)(3) of the Trade Expansion Act of 1962, with respect to flat glass of the kinds described in items 923.31-.35 and 923.71-.75 in part 2A of the Appendix to the Tariff Schedules of the United States.

Increased rates of duty were imposed by Presidential proclamation upon imports of certain flat glass in 1962 following an escape-clause investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951. On January 11, 1967, the President, pursuant to the provisions of section 351(c)(1)(A) of the Trade Expansion Act, terminated certain of these increased rates and reduced the remainder of them. Pursuant to section 351(c)(1)(B) of the Trade Expansion Act, the escape-clause rates that remained were to have automatically terminated at the close of October 11, 1967, unless extended by the President. By proclamation issued pursuant to section 351(c)(2) of the Act, the President extended these rates to the close of December 31, 1969.

The Commission's function under section 351(d)(3) is to advise the President of its judgment as to the probable economic effect that a termination of these rates would have on the industry concerned.

Public hearing ordered. A public hearing, which has been requested by the petitioner in connection with this investigation, will be held at 10 a.m., e.d.s.t. on October 14, 1969, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 3, 1969.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 69-8037; Filed, July 8, 1969; 8:48 a.m.]

[TEA-I-14]

PIANOS AND PARTS THEREOF

Notice of Investigation and Hearing

Investigation instituted. Following receipt on June 23, 1969, of a petition filed by the National Piano Manufacturers Association, the U.S. Tariff Commission, on the 2d day of July 1969, instituted an investigation under section 301(b)(1) of the Trade Expansion Act of 1962 to determine whether pianos (including player pianos, whether or not with keyboards), and parts thereof, provided for in items 725.02 and 726.80 of the Tariff Schedules of the United States are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.s.t., on October 28, 1969, in the Hearing Room, Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection by persons concerned at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 3, 1969.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 69-8038; Filed, July 8, 1969; 8:48 a.m.]

[TEA-I-EX-5]

CERTAIN FLOOR COVERINGS

Notice of Investigation and Hearing Into Probable Effect of Termination of Increased Tariff

Investigation instituted. On June 27, 1969, the U.S. Tariff Commission, upon a petition filed on behalf of the domestic industry concerned, instituted an investigation in connection with the preparation of advice to the President, pursuant to section 351(d)(3) of the Trade Expansion Act of 1962, with respect to Wilton (including Brussels) and velvet (including tapestry) floor coverings, and floor coverings of like character or description, of the kinds described in item 922.50 in part 2A of the Appendix to the Tariff Schedules of the United States.

An increased rate of duty was imposed by Presidential proclamation upon imports of the subject floor coverings in 1962 following an escape-clause investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951. Pursuant to section 351(c)(1)(B) of the Trade Expansion Act, the increased rate was to have automatically terminated at the close of October 11, 1967, unless extended by the President. By proclamation issued pursuant to section 351(c)(2) of the Act, the President extended the increased rate to the close of December 31, 1969.

The Commission's function under section 351(d)(3) is to advise the President of its judgment as to the probable economic effect that a termination of such increased rate of duty would have on the industry concerned.

Public hearing ordered. A public hearing will be held at 10 a.m., e.d.s.t., on August 27, 1969, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 3, 1969.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 69-8039; Filed, July 8, 1969; 8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

SECRETARY OF LABOR

Delegation of Authorities Regarding Job Corps

1. Pursuant to section 602(d) of the Economic Opportunity Act, the powers of the Director under Title I, Part A (Job Corps) of the Economic Opportunity Act are hereby delegated to the Secretary of Labor except for the reservations specified herein. The powers of the Director under sections 602 (except 602(d)) and 610-1 of the Economic Opportunity Act are also delegated to the Secretary of Labor to the extent he deems necessary or appropriate for carrying out his functions in exercising his powers under Title I, Part A.

2. a. The personnel, property, and records of and in support of the Job Corps are hereby transferred to the Secretary of Labor, except that officers or employees appointed by the President shall not be transferred.

b. The Secretary of Labor is designated contracting officer in all existing contracts implementing Title I, Part A (Job Corps), except contracts identified in Attachment A, and shall succeed to all rights, duties, and obligations (including auditing responsibilities) of the Director under all other agreements; except that OEO shall retain the responsibility for settling termination claims arising under contracts terminated prior to July 1, 1969.

c. Tort claims, and claims lodged under section 116(b) of the Economic Opportunity Act, arising against the Job Corps prior to July 1, 1969, shall be processed and settled by the Labor Department.

3. The delegated powers may be redelegated by the Secretary to personnel within the Labor Department with or without authority for further delegation.

4. The Director will retain and exercise the following authority:

a. The authority to conduct overall planning (including programing and budgeting operations), and to perform evaluations of the Job Corps program.

b. The exclusive power to make grants or contracts for experimental, experimental research, and demonstration projects as specified in sections 113 (b) and (c) of the Economic Opportunity Act.

5. Further, the delegated and retained powers herein shall be exercised pursuant to such memoranda of understanding as have been or shall be agreed to between the Agencies.

Agreements have been or shall be concluded which create procedures for (a) establishing basic policies, (b) formulating budget and program plans, (c) setting criteria for assessing performance, (d) providing guidelines for conducting evaluations, (e) disposing of property which may no longer be required in connection with the Job Corps program, and (f) approval of experimental, experimental research, and demonstration projects.

6. All operating and budget information, evaluation reports, audits, inspection reports, and other data concerning Title I-A, shall be freely exchanged between the Director and the Secretary, pursuant to sections 602(d) and 633(b) of the Act.

7. This delegation is effective July 1, 1969.

Dated: June 24, 1969.

DONALD RUMSFELD, *Director, Office of Economic Opportunity.*

Approved: June 30, 1969.

RICHARD NIXON, *President of the United States.*

ATTACHMENT A

DELEGATION OF AUTHORITIES TO THE SECRETARY OF LABOR

Contract No.	Contractor	Product or services	Amount of contract
4482	State of Maryland	Job Corps Skill Center in Baltimore	$2,748,359
4780	Milwaukee Public Schools	Milwaukee School System Coordination Feasibility Study.	9,112
4773	Seattle Public Schools	Model Program—Career Planning Center	286,299

[F.R. Doc. 69-8033; Filed, July 8, 1969; 8:47 a.m.]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authorities Regarding Project Headstart

1. Pursuant to section 602(d) of the Economic Opportunity Act of 1964 (hereinafter "the Act"), I delegate to the Secretary of Health, Education, and Welfare (hereafter "the Secretary") the powers vested in me by section 222(a)(1) of the Act (Project Headstart).

2. I further delegate to the Secretary subject to the terms of the Memorandum of Understanding referred to in paragraph 5 below those powers under sections 222(b) (except the power to conduct research), 225(c), 230, 231, 233, 241 (except 241(a)(2)), 242, 243, 244 (1), 244(2), 244(7), 602 (except 602(d)), 603(b), 604, 610–1, and 617 of the Act to the extent deemed necessary or appropriate for the performance of functions delegated to him in paragraph 1 above.

3. Resources for Project Headstart shall be included in the OEO budget allocated by OEO to the Secretary. In planning, developing, and allocating the annual budgets and supplementals or amendments thereto, OEO shall consult with the Secretary and obtain his recommendations for requirements. The Secretary shall support and assist OEO in the presentation and justification of the budget to the Bureau of the Budget and the Congress.

4. All operating information, evaluation reports, and other data concerning Project Head Start shall be freely exchanged pursuant to section 602(d) of the Act.

5. The powers delegated herein shall be exercised in accordance with such memoranda of understanding as have been or shall be entered into by HEW and OEO.

6. The powers delegated herein may be redelegated by the Secretary to other officials of HEW with or without authority for further redelegation.

7. This delegation shall take effect on July 1, 1969.

Dated: June 28, 1969.

DONALD RUMSFELD,
Director,
Office of Economic Opportunity.

Approved: June 30, 1969.

RICHARD NIXON,
President of the United States.

[F.R. Doc. 69–8034; Filed, July 8, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1307]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

Correction

In F.R. Doc. 69–7473, appearing at page 9879, in the issue for Thursday, June 26, 1969, make the following change: On page 9881, in the 18th line of "No. MC 67200 (Sub-No. 34)", the word "and" should read "on".

INTENT TO PERFORM INTERSTATE TRANSPORTATION FOR CERTAIN NONMEMBERS

Availability of Form BOp 102

JULY 1, 1969.

Form BOp 102, Notice to Commission of Intent to Perform Interstate Transportation for Certain Nonmembers under section 203(b)(5) of the Interstate Commerce Act, was prescribed by order of the Commission in Ex Parte No. MC–75 published at 34 F.R. 8117 on May 23, 1969. The order is effective July 7, 1969.

Copies of Form BOp 102 are available at the Commission's Regional and detached offices. The locations of the Commission's Regional and detached offices are listed in 49 CFR Part 1001. Copies of Form BOp 102 are also available from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–8044; Filed, July 8, 1969; 8:48 a.m.]

[No. 35120]

MISSISSIPPI INTRASTATE RAIL FREIGHT RATES AND CHARGES, 1969 [1]

JUNE 9, 1969.

Notice is hereby given that the common carriers by railroad shown below have, through their attorneys, filed a petition with the Interstate Commerce Commission, pursuant to section 13 and section 15a(2) of the Interstate Commerce Act, to institute an investigation to determine whether intrastate rates, fares, and charges within the State of Mississippi are unreasonably low to the extent that they do not reflect the general increase authorized in Ex Parte No. 259, Increased Freight Rates, 1968, 332 I.C.C. 590 (1968), 332 I.C.C. 714 (1969). The petitioners are: The Alabama Great Southern Railroad Co.; Bonhomie and Hattiesburg Southern Railroad Co.; Columbus and Greenville Railway Co.; The Corinth and Counce Railroad Co.; Fernwood, Columbia & Gulf Railroad Co.; Gulf, Mobile and Ohio Railroad Co.; Illinois Central Railroad Co.; Louisville and Nashville Railroad Co.; Meridian & Bigbee Railroad Co.; Mississippi & Skuna Valley Railroad Co.; Mississippi Export Railroad Co.; Missippian Railway; Missouri Pacific Railroad Co.; Pearl River Valley Railroad Co.; St. Louis-San Francisco Railway Co.; and Southern Railway Co.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of 2 copies each upon the attorneys for the petitioners, viz.: John H. Doeringer, 135 East 11th Place, Chicago, Ill. 60605; James L. Howe III, Post Office Box 1808, Washington, D.C. 20013; W. A. Kimbrough, Jr., 104 St. Francis Street, Mobile, Ala. 36602; W. B. Kopper, 906 Olive Street, St. Louis, Mo. 63101; and John F. Smith, 908 West Broadway, Louisville, Ky. 40201. Thereafter a determination will be made as to whether an investigation is warranted in this matter.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–8045; Filed, July 8, 1969; 8:48 a.m.]

[1] This correction is solely for the purpose of indicating that the interstate increase involved is Ex Parte No. 259 not Ex Parte 256.

[No. MC–C–6433]

NOTICE OF FILING OF PETITION FOR INTERPRETATION OF OPERATING AUTHORITY

JULY 3, 1969.

Petitioner, JOHN J. SHARP, Woodbury Heights, N.J. Petitioner's representative, Theodore Polydoroff, Suite 1100, 1140 Connecticut Avenue NW., Washington, D.C. 20036. By petition filed June 13, 1969, Petitioner seeks interpretation of its presently held authority, and in regard thereto, states, that in MC 125535, issued January 8, 1968, it holds authority as a contract carrier, by motor vehicle, transporting: *Refrigeration and freezing units, machines and equipment and parts and supplies* connected therewith, uncrated (except those which because of size or weight require the use of special equipment or handling), from the plantsite of Hussman Refrigeration, Inc., at Cherry Hill, N.J., to points in Connecticut, Delaware, New Jersey, that part of Maryland on and east of U.S. Highway 15, that part of Pennsylvania on and east of U.S. Highway 219, New York (except points west of New York Highway 14); and the District of Columbia; and *Damaged and defective equipment* described above, from the above-specified destination points to the plantsite of Hussman Refrigeration, Inc., at Cherry Hill, N.J. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Hussman Refrigeration, Inc., of Cherry Hill, N.J. Petitioner states that following the issuance of its permit it has been performing a continuous transportation service for Hussman Refrigerator Co., and pursuant to his authority Petitioner has been transporting refrigeration and freezing units, machines, and equipment and also *shelves, bins, display cases, and counters.* The transportation of these items has been performed under the interpretation that the phrase "equipment, and parts and supplies connected therewith," as set out in the permit, embraces the above described commodities. Petitioner further states

the question of whether its present permit authorized him to transport shelves, bins, counters, and display cases has now been informally raised, and it is for this reason that the instant petition has been filed. Any interested person desiring to participate may file an original and seven copies of his written representations, views or argument in support of, or against, the petition within 30 days from the date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8046; Filed, July 8, 1969; 8:48 a.m.]

[Notice 558]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 3, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce 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 CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 522) (Cancels Deviations Nos. 260 and 385), GREYHOUND LINES, INC. (Western Division), Market and Fremont Sts., San Francisco, Calif. 94106. Carrier's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Correction: Deviation No. 522, filed May 29, 1969, should be corrected to describe Route (2) of the deviation proposal as follows: (2) from West Jerome Junction over Interstate Highway 80N to junction U.S. Highway 93 (North Twin Falls Junction). The original notice published in the FEDERAL REGISTER on June 11, 1969, incorrectly concludes Route (2) with West Twin Falls Junction rather than *North* Twin Falls Junction.

No. MC 1515 (Deviation No. 524) (Cancels Deviation No. 344), GREYHOUND LINES, INC. (Western Division), Market and Fremont Sts., San Francisco, Calif. 94106. Carrier's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Correction: Deviation No. 524, filed June 6, 1969, should be corrected to describe Route (3) of the deviation proposal as follows: (3) from Bellingham over Interstate Highway 5 to junction unnumbered highway (Alger Junction), thence over unnumbered highway to Alger. The original notice published in the FEDERAL REGISTER on June 18, 1969, inadvertently omitted a portion of the described route.

By the Commission.

[SEAL] ANDREW ANTHONY Jr.,
Acting Secretary.

[F.R. Doc. 69-8047; Filed, July 8, 1969; 8:48 a.m.]

[Notice 1310]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 3, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

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 20802 (Sub-No. 5) (republication), filed September 30, 1968, published in FEDERAL REGISTER issues of October 17, 1968, and November 21, 1968, and republished this issue: Applicant: WHEELER MOTOR EXPRESS, INCORPORATED, 279 Lake Drive West, Dunkirk, N.Y. 14048. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. By application filed September 30, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over regular routes, transporting heavy machinery and general commodities, except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those injurious or contaminating to other lading, (a) between Barcelona, N.Y., and Salamanca, N.Y., (1) over New York Highway 17 to Salamanca serving Ashford Hollow, Cattaraugus, Ellicottville, Ellington, Stockton, and West Valley as intermediate points; and (2) from Barcelona over New York Highway 17 to Mayville, N.Y., thence over New York Highway 17J to Jamestown, N.Y., thence over New York Highway 17 to Salamanca, serving Asheville, Blockville, Clymer, Findley, Lake, North Clymer, Panama, Sherman, and Stedman, N.Y. as off-route points; and (3) return over these routes to Barcelona; (B) between Gowanda, N.Y., and the intersection of U.S. Highway 20, over New York Highway 62, serving all intermediate points, and (C) between Dunkirk, N.Y. and Olean, N.Y., from Dunkirk over New York Highway 39 to Forestville, N.Y., thence over New York Highway 428 to junction New York Highway 83, thence over New York Highway 83 to Conewango Valley, N.Y., thence over New York Highway 62 to junction of unnumbered highway, thence over unnumbered highway by way of East Leon, N.Y., to junction New York Highway 353, thence over New York Highway 353 to Salamanca, N.Y., and thence over New York Highway 17 to Olean and return over the same route, serving all intermediate points and serving Ashford Hollow, Cattaraugus, Ellicottville, Ellington, Stockton, and West Valley as off-route points. Applicant intends to tack at Barcelona, Dunkirk, and Gowanda, N.Y., to serve the proposed territory in conjunction with applicant's present authority between and including Barcelona and Buffalo, N.Y.

An order of the Commission Operating Rights Board, dated May 23, 1969, and served June 4, 1969, 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, over regular routes, transporting *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk (A) between Jamestown, N.Y., and Salamanca, N.Y., over New York Highway 17, serving Randolph as an intermediate point, and serving Ashville, Blockville, Panama, and Sherman, N.Y., as off-route points; (B) between Gowanda, N.Y., and the junction of U.S. Highway 20, and New York Highway 62, over New York Highway 62, serving all intermediate points; (C) between Forestville, N.Y.; and Balcom, N.Y., from Forestville over New York Highway 428 to junction New York Highway 83, thence over New York Highway 83 to Balcom, and return over the same route; (D) between East Leon, N.Y., and Little Valley, N.Y., from East Leon over unnumbered highway to junction New York Highway 353, thence over New York Highway 353 to Little Valley, and return over the same route, serving all intermediate points, and serving Ellicottville and West Valley, N.Y., as off-route points in connection with applicant's existing regular-route operations; and (E) serving Mayville, Chatauqua, Lakewood, Dewittville, and Stow, N.Y., as intermediate points on applicant's existing regular routes between Barcelona and Jamestown, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act the Commission's rules and regulations thereunder. 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 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-10524. Authority sought for control and merger by RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa, of the operating rights and property of ILLINOIS RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa, and for acquisition by JOHN RUAN, also of Des Moines, Iowa, of control of such rights and property through the transaction. Applicants' attorney: Henry L. Fabritz, Post Office Box 855, Des Moines, Iowa 50304. Operating rights sought to be controlled and merged: *Refined petroleum products,* in bulk, as a *common carrier* over irregular routes, from Wood River, Ill., to certain specified points in Missouri; *petroleum products,* in bulk, in tank vehicles, from Wood River, Ill., to certain specified points in Missouri; *ammonium sulfide aqua solution,* in bulk, in tank vehicles, from Hartford, Ill., to Fredericktown, Mo. RUAN TRANSPORT CORPORATION is authorized to operate as a *common carrier* in all points in the United States except Washington, Oregon, Alaska, Hawaii, Nevada, and Rhode Island. Application has not been filed for temporary authority under section 210a(b). NOTE: Petition for Modification in No. MC-107496 Sub-No. 83 has been concurrently filed.

No. MC-F-10525. Authority sought for control and merger by SITES SILVER WHEEL FREIGHTLINES, INC., 1321 Southeast Water Avenue, Portland, Oreg. 97214, of the operating rights and property of LESTER FREIGHT LINES, INC., 1321 Southeast Water Avenue, Portland, Oreg. 97214, and for acquisition by GEORGE A. BROWNING, JR., also of Portland, Oreg., of control of such rights and property through the transaction. Applicants' attorney: Kenneth G. Thomas, 1321 Southeast Water Avenue, Portland, Oreg. 97214. Operating rights sought to be controlled and merged: *General commodities,* excepting, among others, commodities in bulk, but not excepting household goods, as a *common carrier,* over regular routes, from Portland, Oreg., to Hood River, Oreg., serving all intermediate and off-route points within 5 miles of U.S. Highway 30 east of Cascade Locks, Oreg., between Goldendale, Wash., and Hood River, Oreg., serving all intermediate and off-route points within 5 miles of the specified highways, between Maryhill, Wash., and The Dalles, Oreg., serving all intermediate and off-route points within 5 miles of U.S. Highway 197, between junction U.S. Highways 197 and 830, and Hood River, Oreg., serving all intermediate and off-route points within 5 miles of the specified highways, with restriction; *general commodities,* except those of unusual value, and except high 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, between Portland, Oreg., and Parkdale, Oreg., serving certain intermediate and off-route points; *general commodities,* excepting among others, household goods and commodities in bulk, between Portland, Oreg., and Bingen, Wash., serving intermediate points on U.S. Highway 830 within 15 miles of Bingen, and off-route points in Washington within 15 miles of Bingen, with exceptions, over one alternate route for operating convenience only; between Hood River, Oreg., and Parkdale, Oreg., serving all intermediate points; *general commodities,* excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Skamania and Klickitat Counties, Wash., with exceptions; *fresh fruits and vegetables,* from points in Washington within 15 miles of Bingen, Wash., on the one hand, and, on the other, points in Oregon within 30 miles of Portland, Oreg.; *fruit,* from points in Hood River County, Oreg., and those in Wasco County, Oreg., located on and west of U.S. Highway 197 to Vancouver, Wash., with restrictions; *paper products,* from Camas, Wash., to points in Hood River County, Oreg., and those in Wasco County, Oreg., located on and west of U.S. Highway 197, with restrictions; *box shooks,* from Vancouver and Bingen, Wash., to points in Hood River County, Oreg., and those in Wasco County, Oreg., located on and west of U.S. Highway 197, with restrictions; *general commodities,* excepting, among others, commodities in bulk, but not excepting household goods, between points in Hood River County, Oreg., on the one hand, and, on the other, points in Klickitat County, Wash., between certain specified points in Oregon, on the one hand, and, on the other, points in Klickitat and Skamania Counties, Wash., with restriction; *fruit,* from points in Hood River County, Oreg., and those in Klickitat County, Wash., to Portland, Oreg., with restriction; *agricultural commodities,* from certain specified points in Oregon, to Portland, Oreg., with restriction; *petroleum products,* in containers, *fuel, merchandise, farm machinery, salt, bags,* and *twine,* from Portland, Oreg., to certain specified points in Oregon, with restriction; and *fresh fruits and vegetables, fruit-spraying compounds, machinery and machines used in fruit-packing plants, fruit-packing house and cannery waste and byproducts, empty containers,* and *box shook* and *box tops,* between points in Wasco and Hood River Counties, Oreg., on the one hand, and, on the other, points in Yakima County, Wash., with restriction. SITES SILVER WHEEL FREIGHTLINES, INC., is authorized to operate as a *common carrier* in Oregon and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10528. Authority sought for control and merger by MORRISON MOTOR FREIGHT, INC., 100 East Jenkins Boulevard, Akron, Ohio 44306, of the operating rights and property of RAZ DELIVERY, INC., 25 Ackerman Street, Rochester, N.Y. 14609, and for acquisition by MARMAC INSURANCE AGENCY, INC., and in turn by HELKEN, INC., and K. C. HEFFRON, all of 135 South La Salle Street, Chicago, Ill. 60603, of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be controlled and merged: Under a certificate of registration, in docket No. MC-99470 Sub 1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of New York; and *general commodities,* excepting among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Schenectady, N.Y., and Albany, N.Y., serving the intermediate point of Troy, N.Y. MORRISON MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Ohio, Kansas, Missouri, Indiana, Pennsylvania, Illinois, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10529. Authority sought for purchase by MID-AMERICAN LINES, INC., 900 North Indiana Avenue, Kansas City, Mo. 64120, of the operating rights and property of FIVE J MOTOR SERVICE, INC., 2000 West 43d Street, Chicago, Ill. 60609, and for acquisition by LEROY WOLFE and HELEN D. WOLFE, both of 4303 Homestead Drive, Prairie Village, Kans., of control of such rights and property through the purchase. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: Under a certificate of registration, in docket No. MC-121407 Sub 1, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Kansas, Michigan, and Indiana. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-5888 Sub-30 is a matter directly related.

MOTOR CARRIER OF PASSENGERS

No. MC-F-10526. Authority sought for control by GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill.

60606, of (1) OKLAHOMA TRANSPORTATION COMPANY, (2) MID-CONTINENT COACHES, INC., and (3) SOUTHWEST COACHES, INC., all of 1206 Exchange Avenue, Oklahoma City, Okla., and for acquisition by THE GREYHOUND CORPORATION, also of Chicago, Ill., of control of OKLAHOMA TRANSPORTATION COMPANY, MID-CONTINENT COACHES, INC., and SOUTHWEST COACHES, INC., through the acquisition by GREYHOUND LINES, INC. Applicant's attorney: Robert J. Bernard, 10 South Riverside Plaza, Chicago, Ill. 60606. Operating rights sought to be controlled: (1) Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Oklahoma points, serving all intermediate points, between Lawton, Okla., and the Fort Sill Military Reservation, Okla., serving no intermediate points, between Oklahoma City, Okla., and Fort Smith, Ark., between Oklahoma City, Okla., and Wichita Falls, Tex., serving all intermediate points; and passengers and their baggage, and express in the same vehicle with passengers, between junction Oklahoma Highways 3 and 9, approximately 1 mile northwest of Seminole, Okla., and junction Oklahoma Highway 9 and U.S. Highway 271, approximately 3 miles west of Spiro, Okla., serving all intermediate points, with restriction; (2) passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Woodward, Okla., and Seiling, Okla., between Woodward, Okla., and Dodge City, Kans., between Kingfisher, Okla., and Seiling, Okla., between Oklahoma City, Okla., and junction U.S. Highways 64 and 81, near Ford Creek, Okla., between Oklahoma City, Okla., and junction Oklahoma Highway 3 and U.S. Highway 81 near Orarche, Okla., between Liberal, Kans., and junction U.S. Highways 64 and 81, between Oklahoma City, Okla., and Altus, Okla., between El Reno, Okla., and Union City, Okla., between Cyril, Okla., and Lawton, Okla., between Apache, Okla., and junction U.S. Highways 281 and 66, between junction Oklahoma Highways 5 and 36, and Wichita Falls, Tex., between junction Oklahoma Highways 5 and 36, and Lawton, Okla., serving all intermediate points, between Altus, Okla., and Childress, Tex.; serving Altus and all intermediate points between Altus, and Hollis, Okla., restricted against the transportation of newspapers, and all intermediate points between Hollis and junction U.S. Highways 62 and 83, inclusive, without restriction, between Vernon, Tex., and Hobart, Okla., serving all intermediate points, between El Reno, Okla., and Watonga, Okla., serving certain intermediate points between junction Oklahoma Highway 58 and U.S. Highway 270 and junction Oklahoma Highway 51 and U.S. Highway 270; serving the intermediate points of Eagle City, and Canton, Okla., between Hinton Junction, Okla. (at the intersection of U.S. Highways 281 and 66), and Geary Junction, Okla. (approximately 6 miles south of Geary, Okla.), serving no intermediate points; over one alternate route for operating convenience only; and passengers and their baggage, and express in the same vehicle with passengers, between Garden City, Kans., and Liberal, Kans., serving all intermediate points, and the off-route point of Sublette, Kans.; and (3) passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, as a *common carrier*, over regular routes, between Wichita Falls, Tex., and Abilene, Tex., between Haskell, Tex., and Knox City, Tex., between Munday, Tex., and Knox City, Tex., serving all intermediate points. GREYHOUND LINES, 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 not been filed for temporary authority under section 210a(b). NOTE: Applicant requests that this application be consolidated with MC-F-10455 (MISSOURI, KANSAS & OKLAHOMA COACH LINES, INC., CONTROL—OKLAHOMA TRANSPORTATION CO., ET AL), published in the April 30, 1969, issue of the FEDERAL REGISTER, on page 7110.

No. MC-F-10527. Authority sought for purchase by CONNECTICUT-NEW YORK AIRPORT BUS CO., INC., 1503 Post Road, Milford, Conn., of a portion of the operating rights of THE SHORT LINE OF CONNECTICUT, INCORPORATED, doing business as THE SHORT LINE, 667 Cromwell Ave., Rocky Hill, Conn., and for acquisition by ARTHUR BERNACCHIA, 39 Farrell Place, Yonkers, N.Y., and GEORGE BERNACCHIA, 176 Douglas Ave., Yonkers, N.Y., of control of such rights through the purchase. Applicants' attorneys: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021, and Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, and baggage of passengers in separate vehicles, as a *common carrier*, over regular routes, between New Haven, Conn., and Hartford, Conn., serving all intermediate points, with restriction; passengers and their baggage, when moving in the same vehicle with passengers, in special round trip operations, over irregular routes, beginning and ending at Middletown (Middlesex County), Southington, Bristol, and New Britain (Hartford County), Meriden and Wallingford (New Haven County), Conn., and extending to the sites of Lincoln Downs Race Track, Lincoln, R.I., Narragansett Park Race Track, Pawtucket, R.I., Suffolk Downs Race Track, Revere, Mass., Rockingham Park Race Track, Salem, N.H., and Pownal Race Track, Pownal, Vt., beginning and ending at Southington, Bristol, and New Britain (Hartford County), Conn., and extending to the sites of Aqueduct Race Track, Queens County, Long Island, N.Y., Roosevelt Race Track, Nassau County, Long Island, N.Y., and Empire Race Track in Yonkers, Westchester County, N.Y.; and passengers and their baggage, in special operations, in seasonal operations, annually, from May 15 through September 15, inclusive, between points on carrier's authorized regular routes between Hartford and New Haven, Conn., on the one hand, and, on the other, Misquamicut Beach, R.I., with restriction. Vendee is authorized to operate as a *common carrier* in Connecticut and New York. Application has not been filed for temporary authority under section 210a(b). NOTE: This application is filed pursuant to order in MC-F-71029, by Motor Carrier Board, dated May 15, 1969.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8048; Filed, July 8, 1969; 8:48 a.m.]

[Notice 863]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 3, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 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 protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 51146 (Sub-No. 138 TA) (Correction), filed June 18, 1969, published FEDERAL REGISTER, issue of June 26, 1969, and republished as corrected this issue. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Nichols, Wis., to Green Bay, Wis., for 180 days. NOTE: Applicant intends to tack MC 51146 Sub No. 8 and Sub No. 14 at Green Bay, Wis., and interline at Green Bay, Wis., with motor carriers serving the West Coast. The purpose of this republication is to include the supporting shipper, which was inadvertently omitted.

Supporting shipper: Nichols Paper Products Co., 615 Willow Street, Green Bay, Wis. (Donald L. Albers, purchasing agent). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 82063 (Sub-No. 26 TA), filed June 30, 1969. Applicant: KLIPSCH HAULING CO., 119 East Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks, 1301–02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda and antifreeze*, in bulk, in tank vehicles, from St. Joseph, Mo., to points in Colorado, Iowa, Kansas, Missouri, and Nebraska, for 180 days. Supporting shipper: The Dow Chemical Co., 10 South Brentwood Boulevard, St. Louis, Mo. 63105. Attention: F. W. Monahan, distribution manager, Central Region. 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 87717 (Sub-No. 5 TA), filed June 27, 1969. Applicant: FANELLI BROTHERS TRUCKING COMPANY, Centre and Nichols Streets, Pottsville, Pa., 17901. Applicant's representative: S. Berne Smith, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caps for beverage containers*, from the plantsite of Zapata Industries, Inc., in West Mahanoy Township, Schuylkill County, Pa., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Zapata Industries, Post Office Box 2, Franckville, Pa. 17931. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 110525 (Sub-No. 919 TA), filed June 30, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Dowingtown, Pa. 19335. Applicant's representative: Robert K. Maslin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquor*, in bulk, in tank vehicles, from Philadelphia, Pa., to Lakeland, Fla., for 150 days. Supporting shipper: Continental Distilling Corp., 1429 Walnut Street, Philadelphia, Pa. 19102. Send protests to: Peter R. Guman, district supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 114408 (Sub-No. 9 TA) (Correction), filed June 18, 1969, published FEDERAL REGISTER issue of June 26, 1969, and republished as corrected this issue. Applicant: W. E. BEST, INC., State Route 20, Pioneer, Ohio 43554. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, stone, gravel, dirt, and bituminous concrete*, in bulk, in dump vehicles, from points in Williams County, Ohio, to points in Hillsdale County, Mich., for 180 days. Supporting shipper: Northwest Materials, Inc., Bryan, Ohio. NOTE: The purpose of this republication is to show "contract" carrier in lieu of "common" carrier. Send protests to: Keith D. Warner, district supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 124796 (Sub-No. 48 TA), filed June 23, 1969. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, City of Industry, Calif. 91747. Applicant's representative: Max Harding, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning equipment, furnaces, water heaters, and component parts, machinery and accessories* used in connection therewith; (a) from City of Industry, Calif., to Memphis and Morrison, Tenn.; (b) from Collierville, Tenn., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and *returned shipments, materials, equipment and supplies* used in the manufacture and distribution of air conditioning equipment, furnaces and water heaters, in the reverse direction, for 150 days. Supporting shipper: Day and Night Manufacturing Co., 855 Anaheim-Puente Road, La Puente, Calif. 91747. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133725 (Sub-No. 1 TA) (Correction), filed June 13, 1969, published FEDERAL REGISTER issue of June 28, 1969, and republished as corrected this issue. Applicant: SAME DAY TRUCKING CO., INC., 400 Newark Avenue, Piscataway, N.J. 08854. Applicant's representative: Paul Keeler, Post Office Box 253, South Plainfield, N.J. 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tailpipes, exhaust pipes, shock absorbers, brake parts, mufflers, and automotive parts and material* used in the installation of such commodities from Roselle Park, N.J., to Philadelphia, Pa.; New York, N.Y.; points in Nassau and Suffolk Counties, N.Y., points in Massachusetts, Rhode Island, Connecticut, Delaware, and those in Maryland on and east of Highway 15 (except Baltimore, Md.), for 120 days. NOTE: The purpose of this republication is to add the destination points of Massachusetts and Rhode Island, inadvertently omitted from publication. Supporting shipper: Midas International Corp., 410 West Westfield Ave., Roselle Park, N.J. 07204. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 133779 TA (Correction), filed June 5, 1969, published FEDERAL REGISTER issue of June 12, 1969, and republished as corrected this issue. Applicant: FUNDIS COMPANY, a corporation, Broadway at Cornell Street, Lovelock, Nev. 89419. Applicant's representative: Pete Fundis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth*, infusorial or diatomaceous (diatomite); also *earth*, diatomaceous, physically combined with, not to exceed 10 percent alkyl naphthalene sodium sulfonate; also *wood pulp, sulphite*, from Colado Junction (6 miles east of Lovelock, Nev.), Nev., to points in San Luis Obispo, Kings, Fresno, Tulare, Inyo, Mono, Kern, San Bernardino, Riverside, Imperial, San Diego, Orange, Los Angeles, Ventura, and Santa Barbara, Calif., for 180 days. NOTE: The purpose of this republication is to add the destination counties of Los Angeles, Ventura, and Santa Barbara, Calif. Supporting shipper: Eagle Picher Industries, Inc., Post Office Box 1869, Reno, Nev. 89505. Send protests to: District Supervisor Daniel Augustine, Room 24, 222 East Washington Street, Carson City, Nev. 89701.

No. MC 133840 TA, filed June 26, 1969. Applicant: TROY L. SMITH, doing business as TROY L. SMITH TRUCKING COMPANY, 2228 South Santa Fe, Post Office Box 94788, Oklahoma City, Okla. 73109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter and cheese*, in bulk, packages, and containers, (1) from Chillicothe, Emma, Kansas City, Mansfield, Seneca, and Springfield, Mo.; Enid, Mangum, Oklahoma City, and Tulsa, Okla.; and Arkansas City, Hillsboro, Kansas City, and Ottawa, Kans.; to points in Arizona; New Mexico; Amarillo, El Paso, and Wichita Falls, Tex.; and San Francisco, Los Angeles, Oakland, Alameda, San Diego, Torrance, and Camp Pendleton, Calif.; and (2) from Fort Worth, Tex., to points in Arizona; New Mexico; and San Francisco, Los Angeles, Oakland, Alameda, San Diego, Torrance, and Camp Pendleton, Calif., for 180 days. Supporting shipper: C. M. Sorensen, division manager, Wilsey, Bennett Co.,

3949 Northwest 36th Street, Oklahoma City, Okla. 73112. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 133847 TA, filed June 30, 1969. Applicant: NEWPORT TRUCKING CO., Post Office Box 238, Newport, Tenn. 37821. Applicant's representative: Walter Harwood, Suite 1822, Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (1) from the plantsite and storage facilities of the New Line Corp., at or near Newport, Tenn., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, and points in all States east thereof, (2) from the plants and storage facilities of Kroehler Manufacturing Co., at or near the following points: Napersville and Kankakee, Ill.; Cleveland, Ohio; Binghamton, N.Y.; Charlotte, N.C.; Pontotoc, Miss.; Owensboro, Ky.; Thomasville and Lexington, N.C.; Dallas, Tex.; Meridian, Miss.; Shreveport, La.; Welcome, N.C., and Xenia, Ohio, to the plantsite and storage facilities of the New Line Corp., at or near Newport, Tenn., on return, for 180 days. NOTE: Applicant has no other authority held. Supporting shipper: The New Line Corp., Post Office Box 507, Newport, Tenn. 37821. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

MOTOR CARRIERS OF PASSENGERS

No. MC 133722 (Sub-No. 1 TA), filed June 30, 1969. Applicant: PAUL LAWRENCE DRUMMOND, Rural Delivery, Parksley, Va. 23421. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between Salisbury, Md., and points in Virginia as far South as Cheriton, Va., on the Eastern Shore, for 180 days. Supporting shipper: Perdue Foods, Inc., Post Office Box 1537, Salisbury, Md. 21801; Donald W. Mabe, plant manager. Send protests to: Paul J. Lowry, district supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8049; Filed, July 8, 1969; 8:49 a.m.]

[Notice 372]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 3, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), 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-71110. By order of June 25, 1969, the Motor Carrier Board approved the transfer to Mitchell Transportation, Inc., Warren, Ark., of the operating rights in certificates Nos. MC-125227 (Sub-No. 1) and MC-125227 (Sub-No. 2), issued June 29, 1965, and February 28, 1964, respectively, to Record Truck Line, Inc., Henderson, Tenn., authorizing the transportation over irregular routes, of lumber from various points in Arkansas to points in North Carolina, South Carolina, Mississippi, Missouri, Texas, Oklahoma, Kansas, Tennessee, and Louisiana, from Greenville, Miss. to points in Bradley County Ark., and between points in Bradley County, Ark., on the one hand, and, on the other, points in Louisiana; and parts of Sawmill, Dry-kiln, and planing-mill machinery between points in Bradley County, Ark., on the one hand, and, on the other, points in Louisiana, Mississippi, Missouri, Oklahoma, Texas, and Tennessee. R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103, attorney for applicants.

No. MC-FC-71274. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Berline Matthews, Malden, Mo., of the operating rights in certificate No. MC-125527 issued August 10, 1964, to Charles Stanley, Malden, Mo., authorizing the transportation of fertilizer from Walnut Ridge, Ark., to Malden, Mo. Gordon Fritz, 112 East Main Street, Post Office Box 337, Malden, Mo. 63863, attorney for applicants.

No. MC-FC-71415. By order of June 25, 1969, the Motor Carrier Board approved the transfer to Robert A. Brinker, Inc., Iselin, N.J., that portion of certificate No. MC-45630, issued May 26, 1969, to Osar Trucking Co., Inc., Clifton, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Clifton and Caldwell, N.J., on the one hand, and, on the other, New Brunswick, N.J. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, practitioner for applicants.

No. MC-FC-71448. By order of June 26, 1969, the Motor Carrier Board approved the transfer to John Koenig and Robert Koenig, doing business as Koenig Trucking, Fairfax, S. Dak., of the certificate in No. MC-128989, issued October 25, 1968, to Robert M. Schmitz and William A. Schmitz, doing business as Bonesteel Transfer, Bonesteel, S. Dak., authorizing the transportation of specified commodities from South Sioux City, Nebr., and Sioux City, Iowa, to Gregory, Charles Mix, and Tripp Counties, S. Dak. Don A. Bierle, 322 Walnut Street, Yankton, S. Dak. 57078, attorney for applicants.

No. MC-FC-71451. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Paul Langrehr and Timothy J. Durfos, a partnership, doing business as D & L Trucking, Fair Lawn, N.J., of permit No. MC-116075, issued July 18, 1962, to Samuel E. Nutile, doing business as Nu-Ray Trucking Co., Hawthorne, N.J., authorizing the transportation of: Used baking pans, between Fair Lawn, N.J., on the one hand, and, on the other, points in Rhode Island and Massachusetts, and points in a described portion of Maine, New Hampshire, Vermont, and New York, over specified highways, limited to a transportation service to be performed under a continuing contract, or contracts, with Ekco Products Co.; and between Fair Lawn, N.J., on the one hand, and, on the other, points in Connecticut and New Jersey, and points in a described portion of New York and Pennsylvania, over specified highways. Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102, attorney for applicants.

No. MC-FC-71458. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Joe Brawley Trucking, Inc., Statesville, N.C., of permit No. MC-129401 (Sub-No. 1) issued November 15, 1968, to Joe R. Brawley, doing business as Brawley Transportation Co., Statesville, N.C., authorizing the transportation of: Thermoplastic materials, compounds, and products, between specified points in North Carolina, California, Georgia, Illinois, Indiana, Maryland, Minnesota, Nebraska, New York, Pennsylvania, and from Statesville, N.C., to points in the United States, except Alaska and Hawaii. H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8050; Filed, July 8, 1969; 8:49 a.m.]

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NOTICE

New Location of Federal Register Office.

The Office of the Federal Register is now located at 633 Indiana Ave. NW., Washington, D.C. Documents transmitted by messenger should be delivered to Room 405, 633 Indiana Ave. NW. Other material should be delivered to Room 400.

Mail Address.

Mail address remains unchanged: Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

Public Inspection of Documents.

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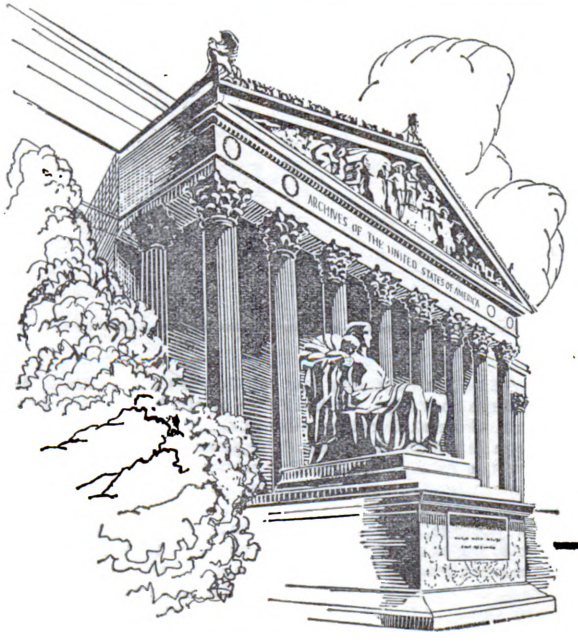

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3116 is amended to show that the Schedule A exception for eight positions of psychodrama interns and residents will not expire on June 30, 1969, as scheduled, but will be extended without time limitation. The section is further amended to reflect the current name of St. Elizabeths Hospital. Effective July 1, 1969, the headnote of paragraph (a), and subparagraph (5), of § 213.3116 are amended as set out below.

§ 213.3116 Department of Health, Education, and Welfare.

(a) *National Center for Mental Health Services, Training, and Research.* * * *

(5) Eight positions of psychodrama trainees, including interns and first- and second-year residents. This authority shall be applied only to positions with compensation fixed under 5 U.S.C. 5351 and 5352.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–8157; Filed, July 9, 1969; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one additional position of Assistant to the Secretary for Special Programs, and three positions of Writer in the Office of the Secretary are excepted under Schedule C. The section is also amended to show that the current title of a position listed as Publications Writer is Writer. Effective on publication in the FEDERAL REGISTER, subparagraphs (3) and (23) of paragraph (a) of § 213.3316 are amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(3) Four Writers.

* * * * *

(23) Five Assistants to the Secretary for Special Programs.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–8160; Filed, July 9, 1969; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the following positions under the Special Assistant to the Secretary for Civil Rights are excepted under Schedule C: one Assistant to the Special Assistant, five Special Assistants for Special Groups, one Special Assistant for Public Affairs, one Special Assistant for Congressional Liaison, and two Special Assistants to the Deputy Special Assistant. The section is further amended to place positions in the Office of the Special Assistant to the Secretary for Civil Rights in a separate paragraph and to reflect the current titles of two Schedule C positions of Confidential Assistant to the Special Assistant. Effective on publication in the FEDERAL REGISTER, subparagraphs (30) and (31) of paragraph (a) are revoked, and paragraph (q) is added to § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(30) [Revoked]

(31) [Revoked]

* * * * *

(q) *Office of the Special Assistant to the Secretary for Civil Rights.* (1) Two Special Assistants to the Special Assistant.

(2) One Confidential Secretary to the Special Assistant.

(3) One Assistant to the Special Assistant.

(4) Five Special Assistants for Special Groups.

(5) One Special Assistant for Public Affairs.

(6) One Special Assistant for Congressional Liaison.

(7) Two Special Assistants to the Deputy Special Assistant.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–8156; Filed, July 9, 1969; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that three positions of Private Secretary to the Secretary of Health, Education, and Welfare are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (34) is added to paragraph (a) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(34) Three Private Secretaries to the Secretary.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–8159; Filed, July 9, 1969; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Assistant to the Deputy Under Secretary and one position of Assistant to the Director of Public Information are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (35) and (36) are added to paragraph (a) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(35) One Confidential Assistant to the Deputy Under Secretary.

(36) One Assistant to the Director of Public Information.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–8158; Filed, July 9, 1969; 8:51 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 18]

PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES

Eminent Domain Acquisition

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) and the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590p(i)). This amendment consolidates prior amendments of § 719.11 which have been previously published (29 F.R. 13370, 30 F.R. 6511, 31 F.R. 4580, 14253, 32 F.R. 14599, 33 F.R. 9145, 11811), rearranges the provisions for greater clarity and includes the following changes in procedure:

1. Paragraph (e) expresses an affirmative requirement that the owner of the farm involved in an eminent domain acquisition notify the county committee in writing of the acquisition and date of his displacement from the farm.

2. Paragraph (g)(2) authorizes the owner to file written notice with the county committee of intention to waive his right to have allotments and bases pooled and to request that such allotments and bases be retained on the acquired farm. Such retention of allotments and bases could be approved only upon a determination by the county committee that the owner fully understands his rights and has not been coerced to waive these rights.

3. Paragraph (g)(5) authorizes the county committee to simplify the procedure where in-county transfers at the time of displacement are requested.

4. Paragraph (l) is expanded to deal with successors in interest more specifically.

Since farms are now being acquired by agencies under eminent domain authority, it is essential that this amendment be made effective as soon as possible. It is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

Section 719.11 of the regulations (29 F.R. 13370, 30 F.R. 6511, 31 F.R. 4580, 14253, 32 F.R. 14599, 33 F.R. 9145, 11811) is amended to read as follows:

§ 719.11 Eminent domain acquisitions.

(a) *Commodities covered.* This section provides a uniform method for handling farm allotments for extra long staple cotton, upland cotton, peanuts, rice in farm States, tobacco and wheat; and feed grain bases for corn, grain sorghums and barley; on land involved in an eminent domain acquisition. If eligible for pooling under this section, such allotments and bases are pooled for the benefit of the owner who is displaced from his farm by an eminent domain acquisition. Such pooling is for a 3-year period from the date of displacement and during such period the owner so displaced may request transfers of allotments and bases from the pool to other farms in the United States owned by him. This section does not apply in the case of extra long staple cotton, upland cotton, peanuts and tobacco to any farm from which the owner was displaced prior to 1950; in the case of wheat to any farm from which the owner was displaced prior to 1954; in the case of rice to any farm from which the owner was displaced prior to 1955; and in the case of feed grains to any farm from which the owner was displaced prior to 1961.

(b) *Eminent domain acquisition.* An eminent domain acquisition is a taking of title to land, or the taking of an impoundment easement to impound water on the land, or the taking of a flowage easement to intermittently flood the land, consummated with respect to land which is, or could be, so taken under the power of eminent domain by a Federal, State, or other agency. Such acquisition may be by court proceedings to condemn the land or by negotiation between the agency and the owner. Any acquisition by an agency with respect to land not subject to the agency's power of eminent domain shall not be an eminent domain acquisition for purposes of this section. All land acquired by an agency for the intended project, including surrounding land not needed for the project but acquired as a package acquisition, shall be considered to be in the eminent domain acquisition if the agency expended funds for the package acquisition on the basis of its power of eminent domain. For example, a governmental agency acquires 150 acres of land from an owner as a package acquisition and requires 130 acres for the public purpose but supports the expenditure of funds for the unneeded 20 acres on the grounds that no additional cost resulted, or that avoidance of condemnation proceedings warranted the package acquisition.

(c) *Owner.* For purposes of this section, owner means the person, or persons in a joint ownership, having title to the land for a period of at least twelve months immediately prior to the date of transfer of title or grant of impoundment or flowage easement under the eminent domain acquisition. If such person or persons have owned the land for less than such 12-month period, they may, nevertheless, be considered the owner if the State committee determines that such person or persons acquired the land for the purpose of carrying out farming operations and not for the purpose of obtaining status as an owner under this section. However, no person shall be considered the owner if he acquired the land subject to an eminent domain acquisition under an outstanding contract to an agency or an option by an agency or subject to pending condemnation proceedings. In any case where the current title holder cannot be considered the owner for purposes of this section, the State committee shall determine the person or persons who previously had title to the land and who qualify for status as the owner under the criteria in this paragraph.

(d) *Displacement.* The owner shall be considered displaced from a farm covered by an eminent domain acquisition on the date (1) the right to produce an allotment or feed grain crop is relinquished voluntarily even though the owner is not required to give up possession of the land; or (2) in the case of a flowage easement the owner determines it is no longer practical to conduct farming operations on the land; or (3) the owner loses possession of the land as owner or as lessee under a lease from the agency or its designee if the lease provided unbroken possession to the owner from the date of acquisition to the end of the lease or extensions of the lease. In cases where the agency and the owner have executed a binding contract for acquisition of the farm, the owner may be considered displaced prior to completion of the acquisition if he wishes to plant the commodity on other land he owns or buys.

(e) *Notice of displacement.* The owner shall notify the county committee in writing of the eminent domain acquisition and furnish the date of displacement as soon as possible so that the allotments and bases may be pooled in accordance with this section. Failure to so notify the county committee shall not operate to extend the 3-year period of the pool.

(f) *Pool.* Whenever the county committee determines, by notice from the owner or otherwise, that an owner has been displaced, the county committee shall establish in a pool for a 3-year period, beginning on the date of displacement, the allotments and bases eligible for pooling under this section. Pooled allotments and bases shall be considered fully planted and for each year in the pool, shall be established in accordance with applicable commodity regulations.

(g) *Cases where pooling not permitted or required—(1) Agency has authority to continue crop production.* Pooling shall not be permitted if the agency files written notice with the county committee within 30 days after the date of acquisition designating the crops it intends to continue producing and the county committee determines that the agency has the authority under its power of eminent domain to make the acquisition solely for the purpose of continued crop production. An agency intention to continue crop production after the date of displacement as an interim revenue producing operation cannot form the basis for retention of allotments and bases on the acquired farm unless it has power of eminent domain to acquire land solely for continued crop production. In general, agencies with such power are limited to experiment stations and educational institutions with vocational agricultural training programs.

(2) *Owner waives right to have pooling.* If the owner files written notice with the county committee of intention to waive his right to have all the allotments and bases, or any part thereof, pooled and the county committee determines that the owner fully understands his right to have allotments and bases pooled and has not been coerced to waive his right, the allotments and bases shall be retained on the agency acquired land.

(3) *Less than 15 percent of cropland acquired.* If an agency acquires part of a farm and the cropland on the land so acquired represents less than 15 percent of the total cropland on the farm, the allotments and bases shall be retained on the portion of the farm not acquired by the agency and shall not be pooled.

(4) *15 percent or more of cropland acquired.* If an agency acquires part of a farm and the cropland on the land so acquired represents 15 percent or more of the total cropland on the farm, the allotments and bases attributable to the acquired land shall be retained on the portion of the farm not acquired by the agency if the owner files a written request with the county committee for such retention. However, only such amounts of allotments and bases may be retained as can be supported on the available cropland and which will not exceed the allotments and bases established on similar farms in the area, taking into consideration the land, labor, and equipment available for the production of the commodity, crop rotation practices and other physical factors affecting production. Allotments and bases not retained shall be pooled.

(5) *In-county transfer upon displacement.* If, prior to pooling, an owner files a request to transfer the allotments and bases to other farms which he owns in the same county, the county committee may approve a direct transfer without formal establishment in the pool. Such transfer shall be subject to the requirements of paragraph (j) of this section.

(h) *Release of pooled allotments.* Pooled allotments, but not feed grain bases, may be released on an annual basis by the owner to the county committee during any year for which the allotments are pooled and not otherwise transferred from the pool. The county committee may reapportion such released allotments to other farms in the same county having allotments for such commodity. Pooled allotments shall not be released on a permanent basis or surrendered after release to the State committee for reapportionment in other counties. Reapportionment shall be on the basis of past acreage of the commodity, land, labor, and equipment available for the production of the commodity, crop rotation practices and soil and other physical facilities affecting the production of the commodity. Released pooled allotment shall be regarded as fully planted in the pool and not on the farm receiving reapportionment. This paragraph shall govern the release and reapportionment of pooled allotments notwithstanding other procedures contained in applicable commodity regulations.

(i) *Sale, lease, and owner transfers.* Pooled allotments for which there is statutory authority implemented in the applicable commodity regulations for transfer of allotments on a permanent or temporary basis by sale, lease, or by owner (within the meaning of owner for such purposes) may be transferred permanently from the pool by the owner or temporarily for the life of the pooled allotment, subject to the terms and conditions in the applicable commodity regulations for such transfers.

(j) *Regular transfers from pool.*—(1) *General rule.* The owner may request transfer of all or part of the pooled allotments and bases to any farm in the United States of which he is the bona fide owner: *Provided,* That there are farms in the receiving county with allotments or bases for the particular commodity, or if there are no such farms, the county committee determines that farms in the receiving county are suitable for the production of the commodity. For purposes of this paragraph:

(i) Receiving farm means the farm to which transfer from the pool is to be made;

(ii) Receiving State and county committees mean those committees for the State and county in which the receiving farm is located; and

(iii) Transferring State and county committees mean those committees for the State and county in which the agency acquired farm is located.

(2) *Application for transfer.* The owner shall file with the receiving county committee written application for transfer of allotment and feed grain base from the pool within 3 years after the date of displacement. The application shall contain a certification by the owner that he has made no side agreement with any person for the purpose of obtaining an allotment or feed grain base from the pool, for a person other than himself. The owner shall attach to the application all pertinent documents pertaining to his ownership or purchase of land and any leasing arrangements; as for example, the deed of trust or mortgage, warranty deed, note, sales agreement, and lease.

(3) *Action by receiving county committee.* The receiving county committee shall consider each application and determine whether the transfer from the pool shall be approved. Before an application is acted upon by the receiving county committee, the owner shall personally appear before the receiving county committee after reasonable notice, bring any additional pertinent documents as may be requested for examination by the receiving county committee, and answer all pertinent questions bearing on the proposed transfer: *Provided,* That the personal appearance requirement may be waived if the receiving county committee determines from facts presented to it on behalf of the owner that such personal appearance would unduly inconvenience the owner on account of illness or other good cause and such personal appearance would serve no useful purpose. Any action by the receiving county committee shall be subject to the approval required under subparagraph (5) of this paragraph.

(4) *Elements of bona fide ownership.* The receiving county committee shall approve the transfer from the pool only where the documents and other evidence presented by the owner show conclusively that the owner has made a normal acquisition of the receiving farm for the purpose of bona fide ownership to reestablish his farming operations. The elements of such an acquisition shall include, but are not limited to, the following conditions:

(i) Appropriate legal documents establishing title to the receiving farm;

(ii) If the owner was the operator of the acquired farm at the date of displacement, such owner shall personally operate and be the operator of the receiving farm for the first year that allotment or feed grain base is transferred;

(iii) If the owner was not the operator of the acquired farm at the date of displacement and he was not a producer because the leasing or rental agreement provided for cash, fixed rent, or standing-rent payment, such owner shall not be required to personally operate and be the operator of the receiving farm but at least 75 percent of the allotment or feed grain base for the receiving farm shall be planted on the receiving farm for the first year;

(iv) If the owner was not the operator of the acquired farm at the date of displacement but he was a producer on the acquired farm at the date of displacement by virtue of receiving a share of the crops produced on the acquired farm, such owner shall not be required to be the operator of the receiving farm but he shall be a producer on the receiving farm the first year that an allotment or feed grain base is transferred;

(v) The contractual arrangements between the owner and the seller of the receiving farm shall not contain a requirement that the receiving farm be leased to the seller or a person designated by or subject to the control of the seller nor shall the seller or a person designated by or subject to the control of the seller lease the receiving farm for the first year the allotment or feed grain base is transferred even though such contractual arrangements are silent as to any lease; and

(vi) Contractual arrangements under which the receiving farm was purchased or leased are customary in the community where the receiving farm is located with respect to purchase price, size of payments due, time when payments are due, and size of rental payments, if any.

(5) *Action of receiving State committee.* The approval of a transfer from the pool under this paragraph by the receiving county committee shall be effective upon concurrence by the receiving State committee. Notwithstanding any other provision of this section, the receiving State committee may authorize a transfer from the pool in any case where the owner presents evidence satisfactory to the receiving State committee that the

eligibility requirements of subparagraph (4)(ii), (iii), or (iv) of this paragraph cannot be met without creating a hardship because of illness, old age, multiple farm ownership, or lack of a dwelling on the farm to which allotment or feed grain base is to be transferred. Notwithstanding any other provisions of this section and particularly subparagraph (4)(v) of this paragraph, the receiving State committee may authorize a transfer from the pool in any case where the owner presents evidence satisfactory to the receiving State committee that the owner has made a normal acquisition of the receiving farm for the purpose of bona fide ownership to reestablish his farming operations although the farm is leased to the seller of the farm for the first year the allotment is transferred.

(6) *Amount of allotment or feed grain base available for transfer.* Upon completion of all necessary approvals under this paragraph, the receiving county committee shall issue an appropriate allotment or feed grain base notice under the applicable commodity regulations. The allotment or feed grain base to be transferred for a commodity shall be no greater than an amount required to establish an allotment or feed grain base comparable with allotments or feed grain bases determined for other farms in the same area which are similar (except for the past acreage of the commodity), taking into consideration the land, labor, and equipment available for the production of the commodity, crop rotation practices, and the soil and other physical factors affecting the production of the commodity. For purposes of determining such amount, the receiving county committee shall consider the receiving tract as a separate farm when such tract is in combination with land under separate ownership. The acreage transferred from the pool shall not exceed the allotment or feed grain base most recently established for the acquired farm and placed in the pool. When all or a part of the allotment or feed grain base placed in the pool is transferred and used to establish or increase the allotment or feed grain base for other farms owned or purchased by the owner, all or the proportionate part of the past acreage history for the acquired farm shall be transferred to and considered for purposes of future allotments or feed grain bases to have been planted on the receiving farm for which an allotment or feed grain base is established or increased under this section. If only a part of the available allotment or feed grain base is transferred from the pool, the remaining part of the allotment and feed grain base, and past acreage history shall remain in the pool for transfer to other farms of the owner until all such allotment or feed grain base acreage has been transferred or until the period of eligibility for establishing or increasing allotments or feed grain bases under this section has expired.

(7) *Cancellation of transfers.* If any allotment or feed grain base is transferred under this paragraph and it is later determined by the receiving county or State committee, or the Deputy Administrator, that the transfer was obtained by misrepresentation by or on behalf of the owner, or the conditions applicable under subparagraph (4) of this paragraph are not met, the allotment or feed grain base for the receiving farm shall be reduced for each year the transfer purportedly was in effect by the amount attributable to the acreage transferred from the pool; and if the time for withdrawal from the pool has not expired, the amount of acreage initially transferred from the pool shall be returned to the pool after the period of time has expired in which the producer could exercise his rights of review and court action. Any cancellation of transfer of allotment or feed grain base by the receiving county committee shall be subject to approval by the receiving State committee. The receiving county committee shall issue any notice of marketing quota and penalty as may be required in accordance with applicable commodity regulations.

(8) *Effect of release of pooled allotment.* Notwithstanding the provisions prescribed in this paragraph, if the displaced owner files a request for the transfer of a pooled allotment within the prescribed period for filing such request but his request for transfer is filed during a year in which all or a part of the pooled allotment was released to the transferring county committee pursuant to paragraph (h) of this section, the application for transfer will be processed in the usual manner but the amount of the commodity released shall not be effective on the receiving farm until the succeeding year. When a request for transfer of a pooled allotment involves a transfer from one State to another, the receiving State committee shall obtain information from the transferring State committee as to whether any part of the allotment for which the transfer is requested has been released to the transferring county committee for the current year.

(k) *Constitution of acquired land.* (1) Where the owner leases part but not all of the agency acquired land, such part shall be constituted as a separate farm on the date of his displacement from the land not so leased.

(2) If a parent farm consists of separate ownership tracts, each such tract being acquired in whole or in part shall be considered as a separate farm for purposes of paragraph (g)(3) and (4) of this section.

(l) *Successors in interest*—(1) *Designation of beneficiary.* The owner may file with the county committee a written designation of beneficiary of his rights in the allotments and bases attributable to the acquired land in the event of his death and may revise such designation from time to time. The beneficiary of a deceased owner may exercise the right to continue a lease or to negotiate a lease with the agency or its designee and exercise the regular transfer rights with respect to farms owned by such beneficiary and may also exercise the release and sale, lease and owner transfer rights under this section.

(2) *Cases where no beneficiary designated.* If the owner does not file a designation of beneficiary under subparagraph (1) of this paragraph and the owner dies before displacement or after pooling occurs, the following persons shall be considered the beneficiary with the rights as provided under subparagraph (1) of this paragraph:

(i) The surviving joint owner of the farm where two persons own the farm as joint tenants with right of survivorship under which title passes to the survivor;

(ii) The person(s) who succeed to the deceased owner's interest under a will or by intestate succession. However, in the case of intestate succession, such person(s) shall be limited to surviving spouse, mother, father, brothers, sisters, or children of the deceased owner. In the settlement of the estate of the deceased owner, the heirs may file a written agreement with the county committee for the division of the deceased owner's rights under this section.

(m) *Limitations on transfers from pool.* (1) No transfer from the pool under paragraph (h), (i), or (j) of this section shall be approved if there remains unpaid any marketing quota penalty due with respect to the marketing of the commodity from the acquired farm or by the displaced owner; or if any of the commodity produced on the acquired farm has not been accounted for as required under applicable commodity regulations.

(2) If the tobacco or peanut allotment for an acquired farm next established after the date of displacement would have been reduced because of false or improper identification of the commodity produced on or marketed from the farm or due to a false acreage report, the allotment shall be reduced in the pool in accordance with the applicable regulations.

(Secs. 375, 378, 379; 52 Stat. 66, as amended, 72 Stat. 995, as amended, 79 Stat. 1211; 7 U.S.C. 1375, 1378, 1379; sec. 16(i), 79 Stat. 1190, as amended; 16 U.S.C. 590p(i))

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 3, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-8090; Filed, July 9, 1969; 8:47 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 3]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Miscellaneous Amendments

On page 8205 of the FEDERAL REGISTER of May 27, 1969, there was published a notice of proposed rule making to provide the following in the Republication of the Processor Wheat Marketing Certificate Regulations (33 F.R. 14676):

(1) Extend the marketing certificate cost of 75 cents per bushel through the marketing year beginning July 1, 1969.

(2) Change the conversion factor for flour derived in a 72-percent extraction-rate-type operation to reflect the most

recent available information concerning the actual average extraction of those processors reporting on the conversion factor basis.

(3) Change the conversion factor for semolina and farina to reflect the same conversion factor provided for flour since these products are often produced as co-products of flour.

(4) Provide the refund rate for flour second clears not used for human consumption for the marketing year beginning July 1, 1969.

After giving consideration to the views and suggestions resulting from the 30-day notice given the public pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) the amendment is hereby issued as set forth in the notice of proposed rule making.

Since the provisions of this amendment as set forth below must be acted on immediately, or are needed immediately in the administration of the regulations, it is hereby found and determined that compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is impracticable and contrary to the public interest and that this amendment shall be effective as provided below.

Effective date. The provisions of this amendment shall be effective with respect to processing report periods beginning on and after July 1, 1969.

Signed at Washington, D.C., on July 1, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

1. Section 777.5(a) is amended by changing the last sentence to read as follows:

§ 777.5 Applicability of certificate requirements.

(a) *General.* * * * The cost of domestic certificates shall be 75 cents a bushel during the marketing years beginning July 1, 1965, through the marketing year beginning July 1, 1969.

* * * * *

2. Section 777.14(c) is amended by changing the conversion factors of the following products to read as follows:

§ 777.14 Conversion factor basis of reporting.

* * * * *

(c) *Conversion factors.* * * *

A—Food product	*B—Bushels of wheat equivalent per 100 pounds of product (conversion factor)*
Flour (including clears) derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent extraction rate operation	2.344
Semolina	2.344
Farina	2.344

* * * * * * *

3. Section 777.19(e) is amended by changing the third sentence to read as follows:

§ 777.19 Industrial users of flour second clears.

* * * * *

(e) *Refund rate.* * * * The refund rate for the marketing years beginning July 1, 1968, and July 1, 1969, shall be $1.68 per hundredweight, which was determined on the basis of a conversion factor of 2.240 multiplied by the applicable certificate cost rounded to the nearest cent. * * *

* * * * *

[F.R. Doc. 69-8139; Filed, July 9, 1969; 8:50 a.m.]

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

[Valencia Orange Reg. 284]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.584 Valencia Orange Regulation 284.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 8, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 11, 1969, through July 17, 1969, are hereby fixed as follows:

(i) District 1: 175,000 cartons;

(ii) District 2: 265,000 cartons;

(iii) District 3: 60,000 cartons.

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

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

Dated: July 9, 1969.

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

[F.R. Doc. 69-8236; Filed, July 9, 1969; 11:23 a.m.]

PART 916—NECTARINES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

On June 17, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9455) regarding proposed expenses and the proposed rate of assessment for the period March 1, 1969, through February 28, 1970, pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 916.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by

the Nectarine Administrative Committee during the period March 1, 1969, through February 28, 1970, will amount to $289,747.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 916.41, is fixed at $0.05 per No. 22D standard lug box of nectarines, or equivalent quantity of nectarines in other containers or in bulk.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of nectarines grown in California are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable nectarines handled during the aforesaid period; and (3) such period began on March 1, 1969, and said rate of assessment will automatically apply to all such nectarines beginning with such date.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California.

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

Dated: July 7, 1969.

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

[F.R. Doc. 69–8141; Filed, July 9, 1969; 8:50 a.m.]

PART 991—HOPS OF DOMESTIC PRODUCTION

Subpart—Administrative Rules and Regulations

TRANSFER OF ALLOTMENT BASES

Notice was published in the June 20, 1969, issue of the FEDERAL REGISTER (34 F.R. 9682) of a proposal to amend § 991.146, based upon the recommendations of the Hop Administrative Committee, to establish a procedure applicable to transfers of allotment bases. This procedure applies to producers having allotment bases issued by the Committee and does not authorize persons other than such producers to effectuate a transfer. This subpart is operative pursuant to Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Committee, and other available information, it is found that to amend § 991.146, Administrative rules and regulations as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, § 991.146 is amended as follows:

§ 991.146 Transfer of allotment bases.

As provided in § 991.46, any producer may transfer all or part of an allotment base from himself to another producer.

(a) Such a transfer shall be recognized, and annual allotments granted thereunder, if in accordance with the following:

(1) Prior to a producer transferring all or a part of his allotment base to another producer, he notifies the Committee in writing of such intent;

(2) The execution by the producers, in the presence of a designated agent of the Committee, of a Committee-approved allotment base transfer form at a time and place mutually agreed upon by the producers and the agent of the Committee; and at such time the producers deliver their applicable allotment base certificates to the agent of the Committee;

(3) The executed allotment base transfer form sets forth, among other things, the amount of the allotment base being transferred and the effective date of the transfer;

(4) The transferee's evidence as to capability to produce and harvest in the first marketing year the annual allotment referable to the allotment base being transferred is accepted by the Committee unless waiver to produce such allotment is granted pursuant to § 991.38 (a)(5); and

(5) Written notification of recognition of the transfer is issued by the Committee to the producers involved.

(b) After the written recognition by the Committee, it shall issue to each producer involved a new allotment base certificate showing the producer's total allotment base as a result of the transfer. However, if a producer transfers all of his allotment base, no new allotment base certificate shall be issued to him.

(c) Whenever a producer transfers all or part of his allotment base to another producer, the annual allotment referable to such transferred allotment base, or part thereof, shall be issued to the transferee only if the transfer is effective prior to the issuance of an annual allotment to the transferor or prior to April 1, whichever is the earlier.

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

Dated July 7, 1969, to become effective 30 days after publication in the FEDERAL REGISTER.

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

[F.R. Doc. 69–8142; Filed, July 9, 1969; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Flaxseed Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Flaxseed Loan and Purchase Program

SUPPORT RATES, PREMIUMS, AND DISCOUNTS

Correction

In F.R. Doc. 69–6732 appearing at page 9059 in the issue of Saturday, June 7, 1969, the following change should be made in § 1421.3068(b): The rate per bushel for Hanson County, S. Dak., now reading "3.75" should read "2.75."

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 250—MISCELLANEOUS INTERPRETATIONS

Bank Mergers

§ 250.182 Terms defining competitive effects of proposed mergers.

The Board has developed and used for some time certain terms to describe the competitive effect of the proposed mergers in reports on competitive factors requested of the Board by the Comptroller of the Currency and the Federal Deposit Insurance Corporation under the Bank Merger Act (12 U.S.C. 1828(c)). Under the Act, a Federal banking agency receiving a merger application must request the views of the other two Federal banking agencies and the Department of Justice on the competitive factors involved. The terms and their definitions are as follows:

(a) The term "monopoly" is used to indicate the Board's view that the proposed transactions must be disapproved in accordance with paragraph (5)(A) of section 1828(c) of 12 U.S.C.

(b) The term "substantially adverse" is used to indicate the Board's view that the proposed transaction would have such actual or potential anticompetitive effects as to forbid approval unless "clearly outweighed" as specified in paragraph (5)(B) of section 1828(c) of 12 U.S.C.

(c) The term "adverse" is used to indicate the Board's view that in appraising the public interest to determine whether the proposal should be approved or disapproved, the actual or potential adverse anticompetitive effects thereof would be such as to necessitate definite consideration as one of the factors covered in the last sentence of paragraph (5) of section 1828(c) of 12 U.S.C.

(d) The term "slightly adverse" is used to indicate the Board's view that the actual or potential anticompetitive

effect of the transaction would be of little importance.

(e) The term "no adverse competitive effects" is used to indicate the Board's view that the situation with respect to actual or potential anticompetitive effects need not weigh against the application.

(12 U.S.C. 248(i). Interprets 12 U.S.C. 1828(c))

Dated at Washington, D.C., this 1st day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-8064; Filed, July 9, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9426; Amdt. 39-794]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1-11 200 and 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) requiring installation of resistors and capacitors into both phases of the heating circuit for the pilot's and copilot's main windshield on the BAC 1-11 200 and 400 Series Airplanes, was published in 34 F.R. 2137.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One of the comments received stated that since the proposed modification is related to installations using the Plessey relays, it should not apply to one air carrier who has replaced all Plessey relays with Leach relays. However, the FAA does not agree. The technical data furnished to date does not support the use of the Leach relay without the additional resistors and capacitors. However, in response to another comment, the compliance time has been changed from 1,000 hours to 1,500 hours' time in service. The original request that compliance be changed to 3,000 hours' time in service was modified due to the elapse of time since this action originated on September 13, 1968. It should also be noted that an "FAA approved equivalent" with respect to the physical location of the 20K ohm resistors may be used in meeting this AD. This should provide the flexibility referred to in the comments.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORPORATION. Applies to Model BAC 1-11 200 and 400 Series Airplanes.

Compliance required within the next 1,500 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the failure of the windshield heating circuit, install 20K ohm resistors and 1-mfd capacitors into both phases of the heating circuit for the pilot's and copilot's main windshield in accordance with British Aircraft Corporation Modification Bulletin No. 30-PM 3092, Revision 8, dated July 22, 1968 or later ARB-approved revision or an FAA approved equivalent.

This amendment becomes effective August 10, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 2, 1969.

JAMES F. RUDOLPH, *Director, Flight Standards Service.*

[F.R. Doc. 69-8085; Filed, July 9, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-78]

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

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the New Haven, Conn. control zone (34 F.R. 4608).

The weather observation and reporting requirements to support the New Haven control zone cannot be met since the Weather Bureau office at Tweed-New Haven Airport was closed on June 15, 1969. These requirements will again be met when the Federal Aviation Administration assumes operation of the Tweed-New Haven tower on December 1, 1969. Meanwhile, this deficiency will require temporary suspension of the New Haven, Conn. control zone designation.

Since this amendment is relieving a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, the Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of New Haven, Conn., the amendment is herewith made effective upon publication in the FEDERAL REGISTER as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations by adding to the New Haven, Conn. control zone the parenthetical statement "(suspended until December 1, 1969)".

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 30, 1969.

WAYNE HENDERSHOT, *Acting Director, Eastern Region.*

[F.R. Doc. 69-8086; Filed, July 9, 1969; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1544]

PART 13—PROHIBITED TRADE PRACTICES

Braeburn Mfg. Co. and John Marcus

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: § 13.1845 *Composition:* 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act. Subpart—Using Misleading Name—Goods: § 13.2280 *Composition:* 13.2280-80 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; 15 U.S.C. 45, 68) [Cease and desist order, Braeburn Manufacturing Co. et al., Lowell, Mass., Docket C-1544, June 11, 1969]

In the Matter of Braeburn Mfg. Co., a Corporation, and John Marcus, Individually and as an Officer of Said Corporation

Consent order requiring a Lowell, Mass., manufacturing of men's and boys' outerwear to cease misbranding the fiber content of its wool products.

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

It is ordered, That respondents Braeburn Mfg. Co., a corporation, and its officers, and John Marcus, 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, or manufacture for introduction, into commerce, or the 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 such 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 the generic names of manufactured fibers established in Rule 7 of the regulations promulgated under the Textile Fiber Products Identification Act, in naming such fibers in required information on stamps, tags, labels or other means of identification attached to wool products.

4. Using the name of a specialty fiber permitted in section 2(b) of the Wool Products Labeling Act in lieu of the word "wool" in setting forth the required information on labels affixed to wool products unless the fibers so described are entitled to such designation and are present in at least the amount stated.

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: June 11, 1969.

By the Commission.

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

[F.R. Doc. 69-8114; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. C-1541]

PART 13—PROHIBITED TRADE PRACTICES

Greater Kansas City Gas Furnace and Air Conditioning Co., Inc., and Dennis G. Svejda

Subpart—Disparaging Competitors and Their Products—Competitors' Products: § 13.990 *Materials;* § 13.1000 *Performance;* § 13.1025 *Safety.* Subpart—Securing Orders by Deception: § 13.2170 *Securing orders by deception.*

(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, Greater Kansas City Gas Furnace and Air Conditioning Co., Inc., et al., Kansas City, Mo., Docket C-1541, June 6, 1969]

In the Matter of Greater Kansas City Gas Furnace and Air Conditioning Co., Inc., a Corporation, and Dennis G. Svejda, Individually and as an Officer of Said Corporation

Consent order requiring a Kansas City, Mo., distributor of furnaces and other heating equipment, to cease making false representations to prospective customers that the condition of their furnace is defective, unsafe, or hazardous.

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

It is ordered, That respondents Greater Kansas City Gas Furnace and Air Conditioning Co., Inc., a corporation, and its officers, and Dennis G. Svejda, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the sale, repair, or servicing of furnaces, heating equipment or the parts thereof, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Respondents will clean a prospective customer's furnace or heating equipment for a nominal fee unless, as a matter of fact, such offer is a bona fide offer to inspect or to clean such furnace or heating equipment;

(b) Any furnace, heating equipment or parts thereof are defective, not repairable or repairable only at extensive cost, unless such are the facts;

(c) The continued use of any furnace, heating equipment or parts thereof is dangerous or hazardous to the health of the owner thereof or his family, due to escaping carbon monoxide, fire or other causes, unless such are the facts;

(d) A furnace which has been inspected by respondents' employees cannot be used without danger of asphyxiation, gas poisoning, fires or other damage, when such is not a fact;

2. Misrepresenting in any manner the condition of any furnace, heating equipment or the parts thereof which have been inspected by respondents or their employees.

It is further ordered, That respondents:

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

b. Distribute a copy of this order to each of their 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: June 6, 1969.

By the Commission.

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

[F.R. Doc. 69-8115; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. C-1546]

PART 13—PROHIBITED TRADE PRACTICES

O.K. Wool Co., Inc., and Oscar Kazarnovsky

Subpart—Invoicing Products Falsely: § 13.1108 *Invoicing products falsely:* 13.1108-40 Federal Trade Commission 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—Using Misleading Name—Goods: § 13.2280 *Composition:* 13.2280-80 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; 15 U.S.C. 45, 68) [Cease and desist order, O.K. Wool Co., Inc., et al., Worcester, Mass., Docket C-1546, June 16, 1969]

In the Matter of O.K. Wool Co., Inc., a Corporation, and Oscar Kazarnovsky, Individually and as an Officer of Said Corporation

Consent order requiring a Worcester, Mass., processor of wool and synthetic fiber yarns to cease misbranding and falsely invoicing its wool products.

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

It is ordered, That respondents O.K. Wool Co., Inc., a corporation, and its officers, and Oscar Kazarnovsky, 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, or manufacture for introduction, into commerce, or the 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 such 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. Setting forth information required under section 4(a)(2) of the Wool Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to wool products.

It is further ordered, That respondents O.K. Wool Co., Inc., a corporation, and its officers, and Oscar Kazarnovsky, 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 offering for sale, sale or distribution of bales of fibrous stock and yarns, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Shetland," or any simulation thereof, either alone or in connection with other words, to designate, describe, or refer to any product which is not composed entirely of wool of Shetland sheep raised on the Shetland Islands or the contiguous mainland of Scotland: *Provided, however,* That in the case of a product composed in part of wool of the aforesaid Shetland sheep and in part of other fibers or materials, such word may be used as descriptive of the Shetland wool content if there are used in immediate connection therewith, with at least equal conspicuousness, words truthfully describing such other constituent fibers or materials.

2. Misrepresenting the character or amount of constituent fibers contained

in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

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 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 of their compliance with this order.

Issued: June 16, 1969.

By the Commission.

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

[F.R. Doc. 69-8116; Filed, July 9, 1969; 8:49 a.m.]

[Docket No. 6534]

PART 13—PROHIBITED TRADE PRACTICES

Israel Rattinger et al.

Subpart—Appropriating trade name or mark wrongfully: § 13.295 *Appropriating trade name or mark wrongfully:* 13.295–20 Competitor. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 *Identity.* Subpart—Simulating another or product thereof: § 13.2240 *Trade name of another:* § 13.2245 *Trade name of product.* Subpart—Using misleading name—goods: § 13,2345 *Source or origin:* 13.2345–50 Maker.

(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) [Modified order to cease and desist, Israel Rettinger et al. Doing business as Rettinger Raincoat Manufacturing Co., New York, N.Y., Docket 6534, May 27, 1969]

In the Matter of Israel Rettinger and David Rettinger, Individually and as Copartners, Doing Business as Rettinger Raincoat Manufacturing Co.

Order modifying a cease and desist order dated August 17, 1956, 21 F.R. 6544, which prohibited a manufacturer of rainwear from misusing the word "Goodyear" by permitting the successor respondent to use the term "Goodyear—Made by Rettinger" and similar words.

The modified order to cease and desist, is as follows:

It is ordered, That respondent David Rettinger, individually and as a former copartner in Rettinger Raincoat Manufacturing Co., a partnership now dissolved, and as a former officer and active stockholder of Rettinger Raincoat Manufacturing Co., Inc., a corporation, which corporation is the successor and assign of said partnership, and respondent's agents, representatives, employees, and successors and assigns, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of rainwear, including rubber raincoats and rainsuits, and other similar kinds of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Using the word "Goodyear," or any other word or words of similar import, to designate or refer to such merchandise unless, in immediate conjunction with such word or words, respondent affirmatively discloses, clearly and conspicuously, either that the Goodyear Tire and Rubber Co. of Akron, Ohio, is not the manufacturer or source of such merchandise or that the manufacturer or source of such merchandise is a firm other than the Goodyear Tire and Rubber Co. of Akron, Ohio: *Provided, however,* That with respect to merchandise manufactured by Rettinger Raincoat Manufacturing Co., Inc., use in the foregoing manner of any of the following disclosure statements, which statements are illustrative but not all-inclusive, will be deemed by the Commission to constitute compliance with this order:

Goodyear—Not Made by Goodyear of Akron, Ohio
Goodyear—Made by Rettinger
Goodyear—Made by Lucky Rainwear,

And provided, further, That with respect to merchandise manufactured by a firm other than Rettinger Raincoat Manufacturing Co., Inc., but distributed by said company use in the foregoing manner of any of the following disclosure statements, which statements are illustrative but not all-inclusive, will be deemed by the Commission to constitute compliance with this order:

Goodyear—Not Made by Goodyear of Akron, Ohio
Goodyear—By Rettinger
Goodyear—By Lucky Rainwear

It is further ordered, That for purposes of compliance, this order shall be considered inapplicable with respect to those articles of merchandise in inventory as of the date of service of this order which bear disclosure statements indicating that such merchandise is made or manufactured by the Rettinger Raincoat Manufacturing Co., Inc., or by Rettinger or by Lucky Rainwear.

It is furthered ordered, That the order to cease and desist contained in the Commission's decision of August 17, 1956, be, and it hereby is, vacated as to decedent Israel Rettinger, a former copartner in the dissolved partnership, Rettinger Raincoat Manufacturing Co.

It is further ordered, That respondent David Rettinger and Rettinger Raincoat Manufacturing Co., Inc., a corporation, shall, within 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 to cease and desist.

Issued: May 27, 1969.

By the Commission.[1]

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

[F.R. Doc. 69-8117; Filed, July 9, 1969; 8:49 a.m.]

[1] Dissenting statement of Commissioner Dixon filed as part of the original document. Commissioner MacIntyre abstaining.

[Docket No. C-1545]

PART 13—PROHIBITED TRADE PRACTICES

Scott Finks Co., Inc., and W. S. Finks

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment or acceptance of commission, brokerage, or other compensation under 2(c): § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Scott Finks Co., Inc., et al., Kansas City, Mo., Docket C-1545, June 13, 1969]

In the Matter of Scott Finks Co., Inc., a Corporation, and W. S. Finks, Individually and as President and a Director of Said Corporation

Consent order requiring a Kansas City, Mo., produce wholesaler to cease making unlawful brokerage payments.

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

It is ordered, That respondents Scott Finks Co., Inc., a corporation, and its officers, and W. S. Finks, individually and as president and a director of Scott Finks Co., Inc., and respondents' agents, representatives, and employees, directly or through any corporate or other device, in or in connection with the sale of produce in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of produce to such buyer for his own account.

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 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: June 13, 1969.

By the Commission.[1]

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

[F.R. Doc. 69-8118; Filed, July 9, 1969; 8:49 a.m.]

[Docket No. C-1543]

PART 13—PROHIBITED TRADE PRACTICES

Texas Refinery Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–65 Financial condition; § 13.60 *Earnings and*

[1] Commissioner Elman not concurring.

profits. Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings.*

(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, Texas Refinery Corp., et al., Fort Worth, Tex., Docket C-1543, June 10, 1969]

In the Matter of Texas Refinery Corp., a Corporation, and Adlai M. Pate, Jr., and Hal B. Brooks, Individually and as Officers of Said Corporation

Consent order requiring a Fort Worth, Tex., marketer of protective coating products to cease using exaggerated earning claims to recruit salesmen and misrepresenting its assets.

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

It is ordered, That respondents Texas Refinery Corp., a corporation, and its officers, and Adlai M. Pate, Jr., and Hal B. Brooks, 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 offering for sale, sale or distribution of protective coating products or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that an agent or salesperson whose earnings will consist of commissions or a combination of salary and commissions will be employed solely on a salary basis; or misrepresenting, in any manner, the basis of remuneration or the terms or conditions of employment of respondents' agents, salespersons, or employees.

2. Representing, directly or by implication, that either full-time or part-time agents or salespersons will earn any stated or gross or net amount; or representing, in any manner, the past earnings of either full-time or part-time agents or salespersons unless in fact the past earnings represented are those of a substantial number of such agents or salespersons and accurately reflect the average earnings of such agents or salespersons under circumstances similar to those of the person to whom the representation is made.

3. Representing, directly or by implication, that Texas Refinery Corp. has assets of $50 million or any other amount in excess of its actual assets; or misrepresenting, in any manner, the assets of any business owned, operated or controlled by respondents.

It is further ordered, That 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 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: June 10, 1969.

By the Commission.

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

[F.R. Doc. 69-8119; Filed, July 9, 1969; 8:49 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Use of Term "Hand Carved" To Describe Furniture

§ 15.353 Use of the term "hand carved" to describe furniture.

(a) The Commission issued an advisory opinion with respect to the use of the term "hand carved" to describe certain furniture.

(b) The manufacturing procedure for the furniture calls for a prototype to be completely constructed and carved by hand. Then, the prototype becomes a pattern for an intricate machine which "rough cuts" the carvings on subsequent pieces for assembly production. Each piece so manufactured then has intricate hand detailing, carving and finishing to the extent that each piece is, in fact, different in artistic detail from the one which follows it. Each piece is numbered and signed by the craftsman who completes it.

(c) The Commission expressed the view that using the term "hand carved" to describe furniture manufactured in the manner described would probably violate the Federal Trade Commission Act, section 5.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: July 9, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-8129; Filed, July 9, 1969; 8:49 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Tripartite Promotional Plan in Grocery Field

§ 15.354 Tripartite promotional plan in the grocery field.

(a) The Commission issued an advisory opinion with respect to a proposed tripartite promotional plan in the grocery field.

(b) The applicant proposed to lease space at a fixed fee in each of all competing food stores in the top 50 markets in the country. On this leased space the applicant will install a display of 15 still-color illustrations of special food dishes. The applicant would sell advertising space to food packagers. The applicant would advertise the availability of his plan in the trade press and notify each store in a direct-mail program. Real estate brokers would also be used in an effort to secure participation by all competing retailers. Retailers with no floor space available for applicant's proposed display could participate by permitting the applicant to install 15 single modular units on shelves for which the retailers would receive the same compensation as retailers having applicant's displays.

(c) The Commission advised the applicant that were the plan implemented as proposed, the Commission would have no objection to it. The Commission pointed out that were the plan implemented in a different manner, the promoter, the supplier, and the retailer might be acting in violation of section 2 (d) or (e) of the Clayton Act, as amended, and/or section 5 of the Federal Trade Commission Act. The Commission also told the applicant: "The promoter must make it clear to each supplier and each retailer that even though an intermediary is employed in this plan, it remains the supplier's responsibility to take all reasonable steps so that each of the supplier's customers, including those who do not purchase directly from the supplier, who compete with one another in reselling his products is offered an opportunity to participate in the promotional assistance plan on proportionally equal terms, which plan should include suitable alternatives if there are customers who may be unable as a practical matter to participate in the primary program; if not, the supplier, the retailer and the promoter participating in the plan may be acting in violation of section 2 (d) or (e) of the Clayton Act and/or section 5 of the Federal Trade Commission Act."

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: July 9, 1969.

By direction of the Commission.[1]

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

[F.R. Doc. 69-8130; Filed, July 9, 1969; 8:49 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Partly Foreign-Made Textile Products

§ 15.355 Disclosure of origin of partly foreign-made textile products.

(a) The Commission advised a manufacturer of men's and boys' slacks that it would not be necessary to disclose the fact that certain assembly and sewing operations are performed in a specified foreign country.

(b) Under the facts presented to the Commission, the slacks consist of cotton and synthetic woven fabrics and threads, and steel hooks and eye enclosures, all of which are made in the United States. Said materials are inspected and cut to pattern in the United States and certain assembly steps, such

[1] Commissioner Elman dissented from this action of the Commission.

as the sewing of belt loops and the attachment of zipper chains, are also performed domestically. Thereafter, they are shipped to the company's plant in a foreign country where they are further assembled and sewn. Finally, they are returned to the United States were the buttonholes are sewn, the buttons attached, and the pants are pressed, inspected, cured, and prepared for shipment to customers.

(c) The cost of the foreign assembly and sewing operations is approximately 13.5 percent of total production costs, and the company wanted to know whether it would be necessary to disclose the nature and extent of the foreign operations either under section 5 of the FTC Act or section 4(b)(4) of the Textile Fiber Products Identification Act. It was further understood that the company does not intend to label the slacks as "Made in U.S.A." or use any other words of similar import.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 72 Stat. 1717; 15 U.S.C. 70)

Issued: July 9, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-8131; Filed, July 9, 1969; 8:49 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 54—GRANTS FOR SPECIALIZED SERVICE FACILITIES

Supersedure of Subpart

The regulations in Subpart B of this Part 54 are superseded effective on the date of publication in the FEDERAL REGISTER of the regulations for the program of the Social and Rehabilitation Service relating to grants for construction and initial staffing of community mental retardation facilities which are codified in Part 416 of Chapter IV of Title 45 of the Code of Federal Regulations.

Dated: June 27, 1969.

BERNARD SISCO, *Acting Assistant Secretary for Administration.*

[F.R. Doc. 69-8133; Filed, July 9, 1969; 8:50 a.m.]

SUBCHAPTER F—QUARANTINE, INSPECTION, AND LICENSING

PART 76—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION FROM FEDERAL GOVERNMENT ACTIVITIES: PERFORMANCE STANDARDS AND TECHNIQUES OF MEASUREMENT

Sulfur Oxide Emissions and Disposal of Waste

On April 4, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6122) setting out proposed amendments to this part which would revise the sections on definitions, emissions of sulfur oxides, and disposal of waste. Interested persons were given 30 days in which to submit written data, views, or arguments, and Federal officials were given opportuntiy for consultation regarding the proposed amendments.

No Federal officials requested consultation. Two written comments were received; only one of which was responsive to the proposal, and that comment misinterpreted the limited nature of these proposed perfecting amendments. Nevertheless, due consideration was given to these comments and further consideration will be given to them when substantive amendments to Part 76 are proposed.

Accordingly, the proposed revisions are hereby adopted without change and are set out below.

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER.

Dated: July 2, 1969.

ROBERT H. FINCH, *Secretary.*

Part 76 is amended as follows:

1. Section 76.1 is amended by revising paragraph (c) and adding paragraphs (g), (h), (i), and (j), as follows:

§ 76.1 Definitions.

* * * * *

(c) "Ringelmann Scale" means the Ringelmann Scale as published in the latest U.S. Bureau of Mines Information Circular entitled "Ringelmann Smoke Chart".

* * * * *

(g) "Unit" means all indirect heat exchangers connected to a single stack.

(h) "Particulate matter" means any material, except uncombined water, that exists as a solid or liquid at standard conditions.

(i) "Standard conditions" means a temperature of 70° Fahrenheit and a pressure of 14.7 pounds per square inch, absolute.

(j) "Waste" means any solid, liquid, or gaseous substance, the disposal of which may create an air pollution problem.

2. Section 76.5 is amended by revising paragraph (c)(1) to read:

§ 76.5 Sulfur oxides.

* * * * *

(c)(1) Effective October 1, 1969, combustion units of all Federal facilities or buildings located in the following areas shall comply with applicable emission limitations and control measures set out below:

(i) In the New Jersey-New York-Connecticut Interstate Air Quality Control Region as defined by 42 CFR Part 81, the emission rate of sulfur oxides (calculated as sulfur dioxide) from fuels used in combustion units shall not exceed 0.35 pounds per million B.t.u. (gross value) heat input.

(ii) In the Metropolitan Chicago Interstate Air Quality Control Region (Indiana-Illinois) and in the Metropolitan Philadelphia Interstate Air Quality Control Region (Pennsylvania-New Jersey-Delaware) as defined in 42 CFR Part 81, the emission rate of sulfur oxides (calculated as sulfur dioxide) from fuels used in combustion units shall not exceed 0.65 pounds per million B.t.u. (gross value) heat input.

* * * * *

3. Section 76.8 is revised to read as follows:

§ 76.8 Disposal of waste.

(a)(1) Waste shall not be burned in open fires in urban areas.

(2) In nonurban areas, there shall not be burned in open fires, within a 24-hour period, more than 25 pounds of waste at a single site nor more than 500 pounds of waste at any number of sites within a 1-mile radius, except that these quantities may be exceeded in the case of on-site burning of waste produced in connection with operations performed at railroad rights-of-way, interurban highways, irrigation canals, forests, agricultural sites, etc., and provided that care is exercised to prevent creation of localized air pollution which endangers health or welfare. Deteriorated or unused explosives, munitions, rocket propellants, and certain hazardous wastes may be burned in open fires, in accordance with recognized procedures.

(3) Wastes shall not be left in open dumps.

(4) Wastes that are disposed of in sanitary landfills shall be disposed of in accordance with procedures described in "Sanitary Landfill Facts" (PHS publication No. 1792, 1968) and any amendments or revisions thereof. Said document is available to any interested person, whether or not affected by the provisions of this part, upon request to the National Air Pollution Control Administration, Arlington, Va. 22203, which maintains an official historic file of the document, or to the Public Health Service Information Center as listed in 45 CFR 5.31 (32 F.R. 9316).

(b)(1) Waste shall be burned only in facilities especially designed for that purpose, except as provided in paragraph (a) of this section.

(2) For incinerators acquired on or after June 3, 1966 the density of any emission to the atmosphere shall not exceed number 1 on the Ringelmann Scale or the Smoke Inspection Guide for a period or periods aggregating more than 3 minutes in any 1 hour, or be of such opacity as to obscure an observer's view to an equivalent degree.

(3) For incinerators acquired prior to June 3, 1966 the density of any emission to the atmosphere shall not exceed number 2 on the Ringelmann Scale or the Smoke Inspection Guide for a period or periods aggregating more than 3 minutes in any 1 hour, or be of such opacity as to obscure an observer's view to an equivalent degree.

(c)(1) In addition, for installations burning more than 200 pounds of waste per hour, emissions shall not exceed 0.2 grain of particulate matter per standard cubic foot of dry flue gas corrected to 12

percent carbon dioxide (without the contribution of carbon dioxide from auxiliary fuel), measured in accordance with the test procedures described in "Specifications for Incinerator Testing at Federal Facilities" (PHS publication, October, 1967) and any amendments or revisions thereof. Said document is available to any interested person, whether or not affected by the provisions of this part, upon request to the National Air Pollution Control Administration, Arlington, Va. 22203, which maintains an official historic file of the document, or to the Public Health Service Information Center or Regional Office Information Center as listed in 45 CFR 5.31 (32 F.R. 9316).

(2) For installations burning 200 pounds of waste per hour or less, emissions shall not exceed 0.3 grain of particulate matter per standard cubic foot of dry flue gas corrected to 12 percent carbon dioxide (without the contribution of carbon dioxide from auxiliary fuel), measured in accordance with the test specifications described in "Specifications for Incinerator Testing at Federal Facilities" (PHS publication, October 1967) and any amendments or revisions thereof.

(3) Test procedures which are approved by the Commissioner, National Air Pollution Control Administration, as equivalent to those prescribed by paragraphs (c) (1) and (c) (2) of this section may be used for the purpose of determining an installation's compliance with the emission standards for particulate matter contained in such paragraphs.

[F.R. Doc. 69-8134; Filed, July 9, 1969; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular 2261]

PART 2240—SALES AND EXCHANGES

Subpart 2243—Public Sales

SALE OF UNINTENTIONAL TRESPASS LANDS

JULY 3, 1969.

On page 7247 of the FEDERAL REGISTER of May 2, 1969, there was published a notice and text of a proposed amendment to Subpart 2243 of Title 43, Code of Federal Regulations. The purpose of the amendment is to implement the Act of September 26, 1968 (43 U.S.C. 1431-1435 (Supp. IV 1968)). This act authorizes the sale of lands which were affected by unintentional trespass on or before September 26, 1968, and which contain some land which has been or can be put to cultivation but which is insufficient because of climatic, topographic, ecologic, soil, or other factors to justify a classification for disposal under the homestead or desert land laws.

Interested persons were given 30 days within which to submit comments, suggestions, or objections to the proposed amendment. Only two comments were received. One comment endorsed the regulations and suggested no changes. The other objected to the provision relating to trespass charges in § 2243.3-4. That provision, however, reflects the requirements of section 3 of the Act of September 26, 1968 (43 U.S.C. 1433 (Supp. IV 1968)).

The proposed amendment is hereby adopted without change, and is set forth below. This amendment shall become effective on publication in the FEDERAL REGISTER.

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

JULY 3, 1969.

1. A new paragraph is added to § 2243.0-1 to read as follows:

§ 2243.0-1 Purpose.

* * * * *

(c) The regulations in § 2243.3 implement the Act of September 26, 1968 (82 Stat. 870). This act authorizes the sale of certain land that was affected by unintentional trespass on or before September 26, 1968.

2. A new section is added to subpart 2243 to read as follows:

§ 2243.3 Procedures under the Act of September 26, 1968.

§ 2243.3-1 General.

(a) *Authority.* The Act of September 26, 1968 (82 Stat. 870) authorizes the Secretary of the Interior to sell at public auction any tract of public lands not exceeding 120 acres that was affected by unintentional trespass by the owner or user of contiguous lands on or prior to September 26, 1968, and which contains some land that has been or can be put to cultivation but which is insufficient because of climatic, topographic, ecologic, soil, or other factors to justify a classification as proper for disposal under the homestead or desert land laws. The act permits sales only if the Secretary of the Interior finds the land is not needed for a public purpose. The act limits the amount of land any person may acquire under its terms to 120 acres. The authority to make such sales expires on September 26, 1971, except that sales for which application has been made prior to September 26, 1971, may be completed after that date.

(b) *Objectives.* The program of the Secretary of the Interior in the administration of the act is to take into consideration the criteria set out in Part 2410 and to sell at public auction for not less than their appraised fair market value on an orderly basis public lands subject to the act which are not needed for a public purpose. To conform with the specific purposes of the act, lands will be sold in the smallest aliquot parts practicable in each situation.

§ 2243.3-2 Lands subject to sale.

(a) The act authorizes the Secretary of the Interior on his own motion or upon application of any person who owns contiguous lands to order into market and sell at public auction for not less than the appraised fair market value any tract of public lands not exceeding 120 acres which on or before September 26, 1968, was affected by unintentional trespass by the owner or user of contiguous lands and which he finds is not needed for public purposes and contains some land that has been or can be put to cultivation.

(b) The Secretary of the Interior has full discretion to determine whether land should be ordered into market under the regulations of this part. Factors that will be taken into consideration in making these determinations are described in Subpart 2410 of this chapter. Lands which are valuable for minerals will not be sold unless the minerals can be reserved to the United States under existing law. (See 30 U.S.C. section 21.)

(c) Only tracts of public land that are classified by the authorized officer under the criteria and procedures in Part 2410 of this chapter can be sold pursuant to the regulations in this section.

§ 2243.3-3 Procedures.

The provisions of § 2243.1 apply to sales under this section except that the owner of contiguous lands who wishes to assert his preference right must offer to purchase the lands at the highest bid received. A credit, determined by the authorized officer, will be given to a preference right purchaser for any value added to the land by him or his predecessors in interest during any period of unintentional trespass.

§ 2243.3-4 Trespass charges.

Purchase of lands in accordance with the act and these regulations shall not relieve any person from liability for unauthorized use of the lands while title was in the United States.

[F.R. Doc. 69-8124; Filed, July 9, 1969; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

[Docket No. 69-13; Notice 1]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS [1]

Motor Vehicle Safety Standards No. 109, New Pneumatic Tires—Passenger Cars, and No. 110, Tire Selection and Rims—Passenger Cars

On October 5, 1968, the Federal Highway Administration published guidelines in the FEDERAL REGISTER (33 F.R. 14964) by which routine additions could be added to Appendix A of Standard No. 109 and the Appendix A of Standard No. 110. These guidelines provided an abbreviated rule making procedure for adding

[1] Formerly contained in 23 CFR Part 255.

tire sizes to Standard No. 109 and alternative rim sizes to Standard No. 110, whereby the addition becomes effective 30 days from date of publication in the FEDERAL REGISTER if no objections to the proposed additions are received. If comments objecting to the amendment warrant, rule making pursuant to the rule making procedures for motor vehicle safety standards (49 CFR Part 353) [2] will be followed.

The Japan Automobile Manufacturers Association, Inc., has petitioned for the addition of the 4.80–10 tire size designation to Table I–C of Appendix A of Standard No. 109 and the 3.50D alternative rim to Table I of Appendix A of Standard No. 110. The Rubber Manufacturers Association has petitioned for the addition of the C78–13 tire size designations to Table I–J of Appendix A of Standard No. 109 and the 5½JJ alternative rim for the C78–13 tire size and the 6JJ alternative rim for the E78–14 tire size to Table I of Appendix A of Standard No. 110.

The Rubber Manufacturers Association also petitioned for adding of a footnote to Table I of Appendix A of Standard No. 110 concerning the interchangeability of JJ, J, and JK rim flanges.

On the basis of the data submitted by the Japan Automobile Manufacturers Association and the Rubber Manufacturers Association indicating compliance with the requirements of Federal Motor Vehicle Safety Standards No. 109 and No. 110 and other information submitted in accordance with the procedural guidelines set forth, and data showing bead unseating values for tires on JJ, J, and JK rims, Appendix A of Federal Motor Vehicle Safety Standard No. 109 is being amended and Table I of Appendix A of Standard No. 110 is being amended.

In consideration of the foregoing, § 371.21 of Part 371 Federal Motor Vehicle Safety Standards, Appendix A of Standard No. 109 (33 F.R. 14964) and Appendix A of Standard No. 110 (34 F.R. 16102) are amended as set forth below effective 30 days from date of publication in the FEDERAL REGISTER.

(Delegation of authority of Oct. 5, 1968 (33 F.R. 14964); secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); delegation from Secretary of Transportation, Part 1 of regulations of the Office of the Secretary (49 CFR 1.4(c)))

Issued on July 2, 1969.

H. M. JACKLIN, Jr.,
Acting Director, Motor Vehicle Safety Performance Service.

[2] Formerly contained in 23 CFR Part 216.

MOTOR VEHICLE SAFETY STANDARD NO. 109

NEW PNEUMATIC TIRES—PASSENGER CARS

1. Table I–C of Appendix A is amended by inserting between the title "Super Balloon" sizes and the tire size designation 5.20–10, the following new tire size 4.80–10 data:

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

TABLE I–C

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
4.80–10	320	355	390	430	470	490	510	535	555	575	595			3½	23.90	5.00

[1] The letter "H," "S," or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

2. Table I–J of Appendix A is amended by inserting between the title and the tire size designation B78–14, the following new tire size C78–13 data:

TABLE I–J

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "78 SERIES" BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures													Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	16	18	20	22	24	26	28	30	32	34	36	38	40			
C78–13			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5½	31.56	7.45

[1] The letter "H," "S," or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

MOTOR VEHICLE SAFETY STANDARD NO. 110

TIRE SELECTION AND RIMS—PASSENGER CARS

Delete Table I of Appendix A and insert the following new Table I of Appendix A:

FMVSS No. 110

APPENDIX A—TABLE I

ALTERNATIVE RIMS

Tire size	*Rim* [1]
4.80–10	*3.50D.*
6.40–15	*4–JJ, 4½–JJ, 4½–K, 4.50E,* 5.00E, 5–JJ, 5–K, 5½–JJ.
7.00–15	*5.00F,* 5–K.
8.25–15	5½–JJ, *6–JJ, 6–K, 6–L.*
8.55–15	5½–JJ, *6–JJ, 6–K, 6–L.*
8.90–15	6–JJ, *6½–L,* 7–L.
9.15–15	5½–JJ.
E50C–16	3½.
F50C–16	3½.
H50C–17	3½.
F60–15	6½–JJ, *7–JJ.*
D70–13	*5½–JJ,* 5½–K.
E70–14	7–JJ.
F70–14	7–JJ.
C70–15	*5½–JJ.*
E70–15	7–JJ.
F70–15	8–JJ.
G70–15	7–JJ.
5.0–15	3.50B, 3.50D, 3½–JJ, *4–JJ, 4.00C.*
5.5–15	3.50D, 3½–JJ, *4–JJ,* 4½–JJ.
145–10	3.50B.
145–13	3½–JJ, 4½–JJ.
165–13	*4½–JJ.*
185–15	4½–JJ.
5.20–13	4½–JJ.
5.60–13	3½–JJ, 4–JJ.
6.00–13	*4–JJ.*
5.60–15	5–K.
155R13	5–JJ.
155–13/ 6.15–13	5–JJ.
B78–14	*4½–JJ, 4½–K,* 5–JJ, 5–K.
C78–14	4½–JJ, *5–JJ, 5–K,* 5½–JJ, 6–JJ.
D78–14	*5–JJ, 5–K.*
E78–14	4½–JJ, 5–JJ, 5–K, *5½–JJ, 5½–K,* 6–JJ, 6½–JJ.
F78–14	5–JJ, 5–K, *5½–JJ, 5½–K,* 6–JJ, 6–K, 6½–JJ.
G78–14	5–JJ, 5½–JJ, 5½–K, *6–JJ, 6–K,* 7–JJ.
H78–14	5½–JJ, *6–JJ, 6–K,* 6½–JJ, 6½–K.
J78–14	*6–JJ, 6–K,* 6½–JJ.
C78–15	4½–JJ, 4½–K, *5–JJ, 5–K.*
D78–15	*5–JJ, 5–K.*
E78–15	4½–K, *5–JJ, 5–K,* 5½–JJ, 5½–K, 6–JJ.
F78–15	4½–K, 5–JJ, 5–K, *5½–JJ,* 5½–K, 6–JJ.
G78–15	5–JJ, 5–K, *5½–JJ, 5½–K,* 6–JJ, 6–K, 6–L.
H78–15	5½–JJ, 5½–K, *6–JJ, 6–K, 6–L,* 6½–K.
J78–15	*6–JJ, 6–K, 6–L,* 6½–JJ.
L78–15	*6–JJ, 6–K, 6–L,* 6½–JJ.

[1] Italicized designations denote Test Rims.

NOTE: Where JJ rims are specified in the above table, J and JK rim contours are permissible.

[F.R. Doc. 69–8035; Filed, July 9, 1969; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray, and fox squirrels on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Gardner Division designated by signs as open to hunting. This open area, comprising 4,200 acres of the total Gardner Division area, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge is from September 1, 1969, through October 15, 1969, inclusive.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Mark Twain National Wildlife Refuge headquarters, Quincy, Ill.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1969.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JULY 3, 1969.

[F.R. Doc. 69-8123; Filed, July 9, 1969; 8:49 a.m.]

PART 32—HUNTING

Crescent Lake National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse and ring-necked pheasants on the Crescent Lake National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 40,900 acres, is delineated on maps available at refuge headquarters, Ellsworth, Nebr. 69340, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting of sharp-tailed grouse and ring-necked pheasant is permitted during the established State seasons. Hunting shall be in accordance with all applicable State regulations covering the hunting of sharp-tailed grouse and ring-necked pheasants subject to the following special conditions:

(1) Vehicle entrance and travel will be permitted only on well-defined trails. No travel is permitted beyond posted points, or off the trails in the hills or meadows.

(2) Overnight camping is not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1970.

DON R. PERKUCHIN,
Refuge Manager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebr.

JULY 3, 1969.

[F.R. Doc. 69-8067; Filed, July 9, 1969; 8:45 a.m.]

PART 32—HUNTING

Crescent Lake National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of antelope and deer on the Crescent Lake National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 40,900 acres, is delineated on maps available at refuge headquarters, Ellsworth, Nebr. 69340, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting of antelope and deer shall be in accordance with all applicable State regulations covering the hunting of antelope and deer subject to the following special conditions:

(1) Vehicle entrance and travel will be permitted only on well-defined trails. No travel is permitted beyond posted points, or off the trails in the hills or meadows.

(2) Overnight camping is not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas, generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1969.

DON R. PERKUCHIN,
Refuge Manager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebr.

JULY 3, 1969.

[F.R. Doc. 69-8066; Filed, July 9, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

CHEWING GUM

Enforcement Regulations for Fair Packaging and Labeling Act; Revision of Proposed Exemption

In the FEDERAL REGISTER of January 17, 1969 (34 F.R. 758), it was proposed that § 1.1c(a)(4) be revised to exempt chewing gum in packages containing less than one-half ounce from the declaration of net quantity of contents required by § 1.8b under the Fair Packaging and Labeling Act. The proposal was in response to a petition submitted by the National Association of Chewing Gum Manufacturers (NACGM), 336 Madison Avenue, New York, N.Y. 10017.

Four States submitted comments in support of the proposal, one recommending that the regulation be clarified to show that it does not apply to multipack individually wrapped pieces of gum.

The petitioner, Leaf Brands Division of W. R. Grace & Co., and the National Confectioners Association (NCA) submitted comments urging that the proposed exemption be expanded to afford individually wrapped pieces of chewing gum weighing less than one-half ounce the same exemption granted for "penny candy" by § 1.1c(a)(4).

1. The NACGM comments that based on the competition that exists among all competing "penny" goods, whether candy or gum, it is demonstrably reasonable to grant the same labeling exemption or apply the same labeling requirements to all items in such direct competition and it is demonstrably unnecessary to impose the container labeling requirements where the individual piece labeling requirements are retained.

2. The NCA comments that the regulation would be clearer and simpler if it read "individually wrapped pieces of confectionery of less than one-half ounce net weight," since "confectionery" encompasses candy and gum and is more specific than the term "penny candy."

3. Leaf Brands comments that there is no apparent reason why individually wrapped pieces of gum should be treated differently from any other small package. The problem—utter lack of enough space for all the information required—is the same, no matter what the package contains. Also, to require all mandatory information on such small packages could be a "death blow" to marketers of the subject gum since it would be virtually impossible to print it on the wrapper.

The Commissioner of Food and Drugs, having considered the comments and other relevant information, concludes that the proposal should be revised to read as set forth below.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 1.1c(a)(4) be revised to read as follows and this supersedes the proposal of January 17, 1969 :

§ 1.1c Exemptions from required label statements.

* * * * *

(a) *Foods.* * * *

(4) Individually wrapped pieces of "penny candy" and other confectionery of less than one-half ounce net weight per individual piece shall be exempt from the labeling requirements of this part when the container in which such confectionery is shipped is in conformance with the labeling requirements of this part. Similarly, when such confectionery items are sold in bags or boxes, such items shall be exempt from the labeling requirements of this part, including the required declaration of net quantity of contents specified in this part when the declaration on the bag or box meets the requirements of this part.

* * * * *

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: July 2, 1969.

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

[F.R. Doc. 69-8120; Filed, July 9, 1969; 8:49 a.m.]

[21 CFR Part 15]

BONTRAE AND TEXTURED VEGETABLE PROTEIN

Withdrawal of Petitions and Termination of Proposed Rule Making

In the matter of establishing a definition and a standard of identity for a class of food vegetable protein products:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of October 13, 1967 (32 F.R. 14237), based on a petition for "bontrae" filed by General Mills, Inc., 9200 Wayzata Boulevard, Minneapolis, Minn. 55440, and a petition for "textured vegetable protein" filed by Archer Daniels Midland Co., 733 Marquette Avenue, Box 532, Minneapolis, Minn. 55440. Notice is given that the petitioners have withdrawn their petitions and the rule-making proceeding in this matter is terminated. The withdrawal of these petitions is without prejudice to future filings.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 2, 1969.

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

[F.R. Doc. 69-8121; Filed, July 9, 1969; 8:49 a.m.]

[21 CFR Part 191]

TOY ROCKET PROPELLANT DEVICES

Proposed Exemption From Classification as Banned Hazardous Substance

The Commissioner of Food and Drugs has received requests from the National Association of Rocketry, 1239 Vermont Avenue NW., Washington, D.C. 20005, and Estes Industries, Box 227, Penrose, Colo. 81240, submitted pursuant to section 2(q)(1)(B)(i) of the Federal Hazardous Substances Act and § 191.62(c) of the regulations thereunder, to exempt the articles described below from classification as "banned hazardous substances," as defined by section 2(q)(1)(A) of the act, because the functional purpose of the articles requires inclusion of a hazardous substance, they bear labeling giving adequate directions and warnings for safe use, and are intended for use by children who have attained sufficient maturity, and may reasonably be expected, to read and heed such directions and warnings.

Grounds given in support of the requested exemption are that the lack of availability of properly designed, commercially-made toy propellant devices may encourage use of makeshift substitutes with resulting serious accidental injury or death.

Accordingly, pursuant to the provisions of the act (sec. 2(q)(1)(B)(i), 74 Stat. 374, 80 Stat. 1304, 15 U.S.C. 1261) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 191.65(a) be amended by adding thereto two subparagraphs, as follows:

§ 191.65 Exemptions from classification as banned hazardous substances.

(a) * * *

(8) Model rocket propellant devices designed for use in lightweight, recoverable, and refiyable model rockets, provided such devices:

(i) Are designed to be ignited by electrical means.

(ii) Contain no more than 62.5 grams (2.2 ounces) of propellant material and produce less than 80 newton-seconds (17.92 pound seconds) of total impulse with thrust duration not less than 0.050 second.

(iii) Are constructed such that all the chemical ingredients are preloaded into a cylindrical paper or similarly constructed nonmetallic tube that will not fragment into sharp, hard pieces.

(iv) Are designed so that they will not burst under normal conditions of use, are incapable of spontaneous ignition, and do not contain any type of explosive or pyrotechnic warhead other than a small parachute or recovery-system activation charge.

(9) Separate delay train and/or recovery system activation devices intended for use with premanufactured model rocket engines wherein all of the chemical ingredients are preloaded so the user does not handle any chemical ingredient and are so designed that the main casing or container does not rupture during operation.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: June 30, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-8122; Filed, July 9, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

WAPATO INDIAN IRRIGATION PROJECT, WAPATO-SATUS UNIT, YAKIMA INDIAN RESERVATION, WASH.

Operation and Maintenance Charges

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U.S.C. 1001) and pursuant to the Acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs in Secretary's Order 2508 (10 BIAM 2.1, section 15(a)), and by virtue of authority delegated by the Commissioner of Indian Affairs to Area Directors by 10 BIAM 3.1, notice is hereby given of the intention to modify § 221.86 *Charges*, of title 25, Code of Federal Regulations, dealing with the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Wapato-Satus Unit, Yakima Indian Reservation, Wash., beginning with calendar year 1970 and for subsequent years until further notice, as follows:

By increasing the annual operation and maintenance assessments under paragraph (a)(1) minimum charges for all tracts in noncontiguous single ownership from $8.65 to $9.30 and under paragraph (a)(2) from $8.65 to $9.30 per acre.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Dale M. Baldwin, Area Director, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oreg. 97208, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

DALE M. BALDWIN,
Area Director.

[F.R. Doc. 69-8068; Filed, July 9, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 9702]

AIRWORTHINESS DIRECTIVE

Pilatus Model PC-6 Series Aircraft Serial Numbers 1 Through 723 and 2001 Through 2050

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to certain Pilatus PC-6 Series Aircraft. There have been reports that the rudder trim system cable has worked off the pulley located aft of the fuselage bulkhead No. 6. This situation could result in a jammed rudder trim system. Since this condition is likely to exist or develop in other aircraft of the same type design, the proposed airworthiness directive would require inspection for proper clearance between the pulley and the cable keeper.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 11, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423, and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

PILATUS AIRCRAFT WORKS, INC. Applies to Model PC-6 Series Aircraft Serial Numbers 1 through 723 and 2001 through 2050.

Compliance required as indicated unless already accomplished.

To prevent the rudder trim control cable from coming off the pulleys aft of Bulkhead 6 (rear cabin wall), accomplish the following:

(a) Within the next 100 hours' time in service, inspect the clearance between the cable keeper and the cable pulleys aft of bulkhead 6 in accordance with Pilatus Service Bulletin No. 92, dated March 1969, or later Swiss Federal Air Office approved revision or an FAA approved equivalent.

(b) If the clearance between the keeper and the cable pulleys is found to be greater than 0.04 inch, replace the old cable keeper, P/N 6201.16, with a redesigned cable keeper, P/N 916.96.06.244 in accordance with Pilatus Service Bulletin No. 92, dated March 1969, or later Swiss Federal Air Office approved revision or an FAA approved equivalent.

Issued in Washington, D.C. on July 2, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-8088; Filed, July 9, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 218]

[Docket No. 21080; EDR-166A]

LEASE BY FOREIGN AIR CARRIER OR OTHER FOREIGN PERSON OF AIRCRAFT WITH CREW

Supplemental Notice of Proposed Rule Making

JULY 3, 1969.

The Board, by circulation of EDR-166, dated June 13, 1969, and by publication at 34 F.R. 9621, gave notice that it had under consideration adoption of a new Part 218. This regulation would apply to foreign air carriers and other persons not citizens of the United States who, as lessors, enter into so-called "wet leases" providing for the furnishing of aircraft and crew for the performance of foreign air transportation services of another foreign air carrier. Interested persons

were invited to participate in the proceeding through submission of twelve (12) copies of written data, views and arguments pertaining thereto to the Docket Section of the Board on or before July 21, 1969.

Counsel for several foreign air carriers state that the proposed regulation appears to raise important political, legal, and economic issues which will require intensive research before constructive comments can be formulated. Furthermore, counsel assert, the necessary coordination of comments with the head offices of the carriers will be complicated by vacations and involvement of the carriers in the peak travel season. Counsel request that the time for filing comments be extended to October 1, 1969.

The undersigned finds that good cause has been shown for the extension of time requested. Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)), the undersigned hereby extends the time for submitting comments to October 1, 1969.

All relevant communications received on or before October 1, 1969, will be considered by the Board before taking action on the proposed rules. Copies of these communications will be available for examination in the Docket Section, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. upon receipt thereof.

(Sec. 204(a), Federal Aviation Act, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates Division.

[F.R. Doc. 69-8143; Filed, July 9, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 18590; FCC 69-721]

RADIOLOCATION SERVICE AND SURVEY OPERATIONS

Allocation of Bands and Increase in Maximum Permitted Power

In the matter of amendment of Part 2 of the Commission's rules to provide for the allocation of the bands 3100–3600 MHz and 33.4–36 GHz to the radiolocation service on a secondary basis and an increase in the maximum permitted power in bands used for survey operations; docket No. 18590.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The frequency bands 3100–3600 MHz and 33.4–36 GHz are presently allocated primarily for Government operations. An existing footnote, US61, provides that non-Government access to the band 3300–3500 MHz is limited to the amateur service. Existing footnote US58 provides for the non-Government use of the band 10000–10500 MHz by the amateur and radiolocation services, on the condition that interference is not caused to Government stations, and that the power into the antenna for survey operations shall not exceed one watt. A reevaluation of Government requirements in these bands now permits a relaxation of the limitations presently imposed against the non-Government radiolocation service. Despite the relaxation to provide non-Government access to additional bands now used for Government survey operations, it should be noted that future planned use of the bands 3100–3600 MHz and 10000–10500 MHz may prove detrimental to low power survey operations. Accordingly, developers of new equipment in this field are urged to consider the band 33.4–36 GHz, and more particularly that portion between 33.4 and 35.6 GHz in the interest of international standardization, in preference to the two lower bands.

3. It is proposed herein to provide for non-Government radiolocation service access to the bands 3100–3600 MHz, 10,000–10,500 MHz and 33.4–36.0 GHz, on a secondary basis, for survey operations with a maximum permissible peak power of 5 watts into the antenna.

4. This proposed amendment is issued pursuant to authority contained in sections 303 (b), (c), and (r) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 12, 1969, and reply comments on or before August 22, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. The Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: July 2, 1969.

Released: July 3, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioners Bartley, Wadsworth, and Johnson absent.

Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations is amended as follows:

1. In § 2.106, the *Table of Frequency Allocations*, is amended to read as follows in columns 5 through 11, with respect to the bands 3100–3300, 3300–3500, 3500–3600 Mc/s, 10,000–10,500 Mc/s and 33.4–38.6 Gc/s.

United States Federal Communications Commission

Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of stations / OF SERVICES
5	6	7	8	9	10	11
• • •	• • •	• • •	• • •	• • •	• • •	• • •
3100-3300	G, NG. (369) (US45)/(US61) (US46)/(US #)	3100-3300	Radiolocation.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.
3300-3500	G, NG. (US61) (US #)	3300-3500	Amateur. Radiolocation.	Amateur. Radiolocation land. Radiolocation mobile.		AMATEUR. RADIOLOCATION.
3500-3600	G, NG. (US61)/(US #)	3500-3600	Radiolocation.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.
3600-3700	G.					
• • •	• • •	• • •	• • •	• • •	• • •	• • •
10000-10500	G, NG. (401A) (US58) (US #)	10000-10500	Amateur. Radiolocation. (NG42)	Amateur. Radiolocation land. Radiolocation mobile.		AMATEUR. RADIOLOCATION.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
33.4-36	G, NG. (US100) (US #) (US ##)	33.4-36	Radiolocation.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.
36-38.6	G, (US100)					
• • •	• • •	• • •	• • •	• • •	• • •	• • •

2. In § 2.106, U.S. Footnotes 58 and 61 are amended and 2 new U.S. Footnotes are added to read as follows:

US58 In the band 10,000–10,500 MHz, pulsed emissions are prohibited, except for weather radars on board meteorological satellites in the band 10,000–10,025 MHz. The amateur service and the non-Government radiolocation service, which shall not cause harmful interference to the Government radiolocation service, are the only non-Government services permitted in this band. The non-Government radiolocation service is limited to survey operations as specified in footnote US —.

US61 Non-Government use of the band 3100–3600 MHz is limited to the radiolocation service, as specified in footnote US —, except in the band 3300–3500 MHz, where the amateur service is also authorized.

US — Survey operations using transmitters with a peak power not to exceed 5 watts into the antenna, may be authorized for Government and non-Government use on a secondary basis in the radiolocation service within the bands 3100–3600 MHz, 10,000–10,500 MHz and 33.4–36.0 GHz.

US — Non-Government use of the band 33.4–36.0 GHz is limited to the radiolocation service as specified in footnote US —.

[F.R. Doc. 69–8054; Filed, July 9, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[363.2]

IMPORTED VINYL-CLAD CHAIN LINK FENCING

Notice of Tentative Ruling Regarding Country of Origin Marking

JULY 1, 1969.

The Bureau of Customs has recently caused an investigation to be made regarding the foreign country of origin marking of imported vinyl-clad chain link fencing. The investigation disclosed that such fencing is usually marked to indicate the country of origin by means of a large label or tag, on which the country of origin is prominently marked, attached to or extending from the end of each roll of fencing. However, the investigation also disclosed that such labels or tags frequently become detached or are removed prior to the delivery of the fencing to the ultimate purchaser in the United States or an installation of the fencing at the latter's premises.

Accordingly, the Bureau tentatively is of the opinion that imported vinyl-clad chain link fencing should be legibly and conspicuously marked as permanently as the nature of the article permits to indicate the country of origin to the ultimate purchaser in the United States, in order to meet the requirements of section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304). The imprinting of the required legend at intervals of not less frequency than approximately each 10 feet of length of rolled fencing, impressed into the vinyl covering, shall represent compliance with a standard of permanency sufficient for imports of this product. An acceptable alternative means of marking would be by pressure sensitive or other securely applied adhesive labels affixed to the fencing at intervals of not less frequency than approximately each 10 feet of length. There would be no objection to the continued use of the tags now being employed additionally to the specified marking requirements of this ruling.

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

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

[F.R. Doc. 69-8126; Filed, July 9, 1969; 8:49 a.m.]

[T.D. 69-162]

AIRCRAFT IN FOREIGN TRADE

Supplies and Equipment for Aircraft of Foreign Registry

JULY 3, 1969.

In accordance with section 309(d), Tariff Act of 1930, as amended (19 U.S.C. 1309(d)), the Department of Commerce has found and under date of June 11, 1969, has advised the Treasury Department that except for ground equipment South Africa allows privileges to aircraft registered in the United States and engaged in foreign trade substantially reciprocal to those provided for in sections 309 and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317). Corresponding privileges are accordingly extended to aircraft registered in South Africa and engaged in foreign trade effective as of the date of such notification.

The applicable provisions of §§ 10.59 to 10.65, Customs Regulations (19 CFR 10.59–10.65), shall be applied to withdrawals for these aircraft.

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

[F.R. Doc. 69-8135; Filed, July 9, 1969; 8:50 a.m.]

Office of the Secretary

AMINOACETIC ACID (GLYCINE) FROM THE NETHERLANDS

Determination of Sales at Not Less Than Fair Value

JUNE 26, 1969.

On May 6, 1969, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that Aminoacetic Acid (Glycine) from the Netherlands is not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until June 5, 1969, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that Aminoacetic Acid (Glycine) from the Netherlands is not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 53.33(c), Customs Regulations (19 CFR 53.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-8127; Filed, July 9, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 2694]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 2, 1969.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial No. S 2694 for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2) but not the mineral leasing laws.

The applicant desires the land for the construction, operation and maintenance of the planned facilities of the Auburn-Folsom South Unit of the Central Valley Project, Calif.

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, U.S. Department of the Interior, Room E-2807, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

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.

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

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 13 N., R. 10 E.,
Sec. 19, lots 19 and 20.

The above-described area contains approximately 70.20 acres in Placer County.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-8069; Filed, July 9, 1969; 8:45 a.m.]

[C-2899, etc.]

COLORADO

Notice of Classification of Public Lands for Disposal

JUNE 30, 1969.

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412) the public lands within the areas described below are hereby classified for disposal through public sale under section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171). The notices of proposed classification were published in 33 F.R. 8605 of June 12, 1968, 33 F.R. 8512 of June 8, 1968; and 33 F.R. 8351 and 8352 of June 5, 1968.

No protests were received and there has been no change in the classification.

SIXTH PRINCIPAL MERIDIAN, COLORADO

(C-2899)

SEDGWICK COUNTY

T. 11 N., R. 44 W.,
Sec. 30, lots 7 and 8.
T. 10 N., R. 47 W.,
Sec. 17, NE¼SW¼.

The area involved is approximately 77.80 acres of public land in Sedgwick County.

(C-2901)

LOGAN COUNTY

T. 10 N., R. 48 W.,
Sec. 22, NE¼SW¼, N½SE¼.
T. 10 N., R. 49 W.,
Sec. 34, NE¼SW¼.
T. 6 N., R. 52 W.,
Sec. 7, lot 4;
Sec. 20, E½NW¼.
T. 11 N., R. 53 W.,
Sec. 17, SE¼NE¼;
Sec. 27, E½NE¼, NW¼NW¼.
T. 10 N., R. 54 W.,
Sec. 14, SE¼SE¼.
T. 10 N., R. 55 W.,
Sec. 21, SW¼SW¼.
T. 11 N., R. 55 W.,
Sec. 4, SE¼SE¼;
Sec. 8, SW¼NW¼, NW¼SW¼;
Sec. 20, SW¼SW¼.

The area involved is approximately 676 acres of public land in Logan County.

(C-2902)

MORGAN COUNTY

T. 2 N., R. 56 W.,
Sec. 22, SE¼SE¼.
T. 5 N., R. 57 W.,
Sec. 19, NE¼NE¼.
T. 2 N., R. 58 W.,
Sec. 1, SW¼SE¼.
T. 5 N., R. 58 W.,
Sec. 22, SW¼SW¼;
Sec. 23, E½SE¼;
Sec. 27, NW¼NE¼, NE¼NW¼.
T. 6 N., R. 58 W.,
Sec. 26, NE¼SE¼.
T. 2 N., R. 59 W.,
Sec. 17, NE¼NE¼.
T. 3 N., R. 59 W.,
Sec. 31, NE¼SE¼.
T. 1 N., R. 60 W.,
Sec. 24, NW¼SE¼.
T. 5 N., R. 60 W.,
Sec. 12, NE¼SW¼.

The area involved is approximately 520 acres of public land in Morgan County.

(C-2905)

YUMA COUNTY

T. 3 S., R. 42 W.,
Sec. 22, lot 3.
T. 5 S., R. 44 W.,
Sec. 22, lot 30;
Sec. 23, lot 25;
Sec. 28, lot 13;
Sec. 31, lot 16;
Sec. 32, lot 3.
T. 5 S., R. 45 W.,
Sec. 27, lots 12 and 13;
Sec. 31, lot 14;
Sec. 32, SW¼NE¼, SW¼SW¼.
T. 1 S., R. 46 W.,
Sec. 27, lots 13 and 16.
T. 4 S., R. 46 W.,
Sec. 5, lot 1.
T. 3 N., R. 43 W.,
Sec. 24, NE¼NE¼;
Sec. 25, NE¼SE¼.

The area described aggregates approximately 377.31 acres of public land in Yuma County.

(C-2906)

WASHINGTON COUNTY

T. 3 S., R. 50 W.,
Sec. 21, SW¼NE¼;
Sec. 23, SE¼NW¼, E½SW¼.
T. 5 N., R. 54 W.,
Sec. 6, lots 6 and 7.

The described land aggregates approximately 243.45 acres of public land in Washington County.

(C-2909)

DOUGLAS COUNTY

T. 9 S., R. 68 W.,
Sec. 28, NW¼NE¼.

The area described aggregates approximately 40 acres of public land in Douglas County.

(C-2910)

ELBERT COUNTY

T. 6 S., R. 57 W.,
Sec. 24, SE¼SE¼.
T. 13 S., R. 57 W.,
Sec. 27, SE¼SE¼.
T. 6 S., R. 58 W.,
Sec. 6, lot 4.
T. 13 S., R. 58 W.,
Sec. 26, NW¼SW¼.
T. 7 S., R. 62 W.,
Sec. 30, N½ of lot 2.
T. 8 S., R. 62 W.,
Sec. 14, NW¼NE¼.

The area involves approximately 266.83 acres of public land in Elbert County.

(C-2911)

KIT CARSON COUNTY

T. 5½ S., R. 44 W.,
Sec. 32, SE¼SW¼.
T. 6 S., R. 44 W.,
Sec. 6, lot 1;
Sec. 14, SE¼SE¼;
Sec. 23, NE¼NE¼.
T. 11 S., R. 44 W.,
Sec. 5, lot 3.

The area described aggregates approximately 173.22 acres of public land in Kit Carson County.

The total area involved in this proposal aggregates approximately 2,374.61 acres of public land.

3. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

E. I. ROWLAND,
State Director.

[F.R. Doc. 69-8070; Filed, July 9, 1969; 8:45 a.m.]

[Colo. 3357]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

JULY 3, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the lands described below were classified for multiple-use management by classification appearing in the FEDERAL REGISTER of March 26, 1968, at page 4998. It has been determined that these lands should be further segregated to protect public recreational values therein. Publication of this notice has the effect of further segregating the described lands from all forms of appropriation under the public land laws including the United States mining laws (30 U.S.C. Ch. 2) but not the mineral leasing laws.

2. No adverse comments were received following publication of a notice of proposed classification (34 F.R. 5082) as amended (34 F.R. 6336).

HINSDALE AND SAGUACHE COUNTIES

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

Powderhorn Lakes Site

T. 45 N., R. 3 W.,
Sec. 23, lots 9 and 10.

Cochetopa Creek

T. 47 N., R. 2 E.,

Those lands within 300 feet of either side of Cochetopa Creek within sec. 17.

The areas described contain approximately 114 acres.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c.

E. I. ROWLAND,
State Director.

[F.R. Doc. 69-8071; Filed, July 9, 1969; 8:45 a.m.]

[C-2649]

COLORADO

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

JULY 3, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the lands described below were classified for multiple-use management by classification appearing in the FEDERAL REGISTER of April 17, 1968, at page 5894.

This classification segregated these lands from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the revised statutes (43 U.S.C. 1171). It has been determined that the land described below should be further segregated to protect public recreational values therein. Accordingly, publication of this notice has the effect of further segregating the described lands from all forms of appropriation under the public land laws including the U.S. mining laws (30 U.S.C. Ch. 2), but not the mineral leasing laws.

2. The public lands are shown on a map on file in the Glenwood Springs District Office, Bureau of Land Management, Glenwood Springs, Colo. 81601 and in the Land Office, Bureau of Land Management, 15019 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

EAGLE COUNTY

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 2 S., R. 84 W.,
Sec. 8, SW¼SW¼.
T. 3 S., R. 85 W.,
Sec. 7, N½NE¼.
T. 4 S., R. 86 W.,
Sec. 18, lot 14.

For a period of 60 days from the date of publication in the FEDERAL REGISTER, all persons who wish to submit comments or suggestions in connection with the proposed classification may present their views in writing to the Glenwood Springs District Manager, Bureau of Land Management, Post Office Box 1009, Glenwood Springs, Colo. 81601.

E. I. ROWLAND,
State Director.

[F.R. Doc. 69-8072; Filed, July 9, 1969; 8:45 a.m.]

[Serial No. I-2448]

IDAHO

Notice of Classification of Public Lands for Multiple-Use Management

JULY 2, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the area described below are hereby classified for multiple-use management. Publication of this notice has the effect (a) of segregating all of the public lands within the described area below from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) of further segregating the lands described in paragraph 4 of this notice from the operation of the general mining laws (30 U.S.C., Ch. 2). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. 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. Comments were received during the 60 days following publication of the Notice of Proposed Classification (33 F.R. 15351). Comments were also received at the public hearing of October 30, 1968, at Dubois, Idaho. All comments concerning the proposed classification have been considered and carefully evaluated. Two tracts of land, SE¼SE¼, sec. 17, and NW¼SW¼, sec. 21, T. 10 N., R. 33 E., Boise Meridian, in the notice of proposed classification are not included in this notice of classification. The segregative effect of the notice of proposed classification was canceled by publication of a notice of termination of proposed classification (34 F.R. 2139) as to these two tracts.

The record showing the comments received and other information is on file and can be examined in either the Idaho Falls District Office, Idaho Falls, Idaho, or the Idaho Land Office, Boise, Idaho.

3. The public lands affected by this classification are located within the following-described areas in Clark County and are shown on maps on file in the Idaho Falls District Office, Idaho Falls, Idaho, and the Idaho Land Office, Boise, Idaho:

BOISE MERIDIAN, IDAHO

CLARK COUNTY

T. 9 N., R. 29 E.,
Secs. 1 through 3, inclusive;
Sec. 10, N½;
Sec. 11, N½;
Secs. 12, 13, 24, 25, and 36.
T. 10 N., R. 29 E.,
Secs. 1 through 3, inclusive;
Secs. 10 through 15, inclusive;
Secs. 22 through 27, inclusive;
Secs. 34 through 36, inclusive.
T. 8 N., R. 30 E.,
Secs. 1 through 23, inclusive;
Secs. 26 through 28, inclusive;
Sec. 29, E½;
Sec. 32, NE¼;
Secs. 33 through 35, inclusive.
T. 9 N., R. 30 E.,
Secs. 2 through 11, inclusive;
Secs 13 through 36, inclusive.
T. 10 N., R. 30 E.,
Secs. 5 through 8, inclusive;
Secs. 17 through 20, inclusive;
Secs. 29 through 33, inclusive.
T. 8 N., R. 31 E.,
Secs. 1 through 18, inclusive.
T. 9 N., R. 31 E.,
Secs. 22 and 23;
Secs. 25 through 27, inclusive;
Secs. 34 through 36, inclusive.
T. 9 N., R. 32 E.,
Secs. 1 through 3, inclusive;
Sec. 4, E½;
Secs. 10 through 14, inclusive;
Sec. 15, E½;
Sec. 22, E½;
Secs. 23 through 26, inclusive;
Sec. 27, E½;
Secs. 30 through 36, inclusive.
T. 10 N., R. 32 E.,
Secs. 1 through 4, inclusive;
Secs. 10 through 15, inclusive;
Secs. 22 through 27, inclusive;
Sec. 33, E½;
Secs. 34 through 36, inclusive.
T. 11 N., R. 32 E.,
Sec. 1, E½;
Sec. 12, NE¼;
Secs. 25 through 27, inclusive;
Secs. 33 through 36, inclusive.
T. 12 N., R. 32 E.,
Secs. 1 through 3, inclusive;
Secs. 10 through 13, inclusive;
Secs. 24 and 25;
Sec. 36.
T. 13 N., R. 32 E.,
Secs. 13 through 15, inclusive;
Secs. 22 through 27, inclusive;
Secs. 34 through 36, inclusive.
T. 9 N., R. 33 E.,
Secs. 1 through 11, inclusive;
Secs. 14 through 23, inclusive;
Secs. 26 through 35, inclusive.
T. 10 N., R. 33 E.,
Secs. 1 through 15, inclusive;
Sec. 17, N½, SW¼, N½SE¼, SW¼SE¼;
Secs. 18 and 19;
Sec. 20, W½, W½SE¼;
Sec. 21, N½, E½SW¼, SE¼;
Secs. 22 through 35, inclusive.
T. 11 N., R. 33 E.,
All.
T. 12 N., R. 33 E.,
All.
T. 13 N., R. 33 E.,
Secs. 13 through 36, inclusive.
T. 9 N., R. 34 E.,
Sec. 4, N½N½;
Sec. 5, N½N½;
Sec. 6;
Sec. 11, S½;
Sec. 12, S½;
Secs. 13 and 14;
Sec. 22, SE¼SW¼ and SE¼;
Secs. 23 through 26, inclusive;
Sec. 27, E½ and E½W½;
Secs. 33 through 36, inclusive.
T. 10 N., R. 34 E.,
Secs. 1 through 33, inclusive.
T. 11 N., R. 34 E.,
Secs. 2 through 11, inclusive;
Secs. 16 through 21, inclusive;
Secs. 28 through 33, inclusive.
T. 12 N., R. 34 E.,
All.
T. 9 N., R. 35 E.,
Secs. 1 and 2;
Sec. 3, E½;
Sec. 7, S½;
Sec. 8, S½;
Sec. 9, S½;
Sec. 10, NE¼ and S½;
Secs. 11 through 36, inclusive.
T. 10 N., R. 35 E.,
Secs. 11 through 14, inclusive;
Sec. 21, E½ and E½W½;
Secs. 22 through 27, inclusive;
Sec. 28, E½ and E½W½;
Sec. 33, N½NE¼ and NE¼NW¼;
Sec. 34, E½ and N½NW¼;
Secs. 35 and 36.
T. 11 N., R. 35 E.,
Secs. 1 through 4, inclusive;
Sec. 5, E½E½;
Sec. 10, N½;
Sec. 11, N½.
T. 12 N., R. 35 E.,
Secs. 19 through 36, inclusive.

T. 9 N., R. 36 E.,
Sec. 2, W½;
Sec. 3;
Sec. 4, E½;
Secs. 6, 7, and 10;
Sec. 11, W½;
Sec. 14, W½;
Secs. 15, 18, 19, and 22;
Sec. 23, W½;
Sec. 27, W½;
Sec. 28;
Secs. 30 through 32, inclusive;
Sec. 33, N½;
Sec. 34, NW¼.
T. 10 N., R. 36 E.,
Sec. 10, E½ and E½W½;
Secs. 13 and 14;
Sec. 15, E½;
Sec. 22, E½;
Secs. 23 through 26, inclusive;
Sec. 27, E½.
T. 11 N., R. 36 E.,
Secs. 5 and 6.
T. 12 N., R. 36 E.,
Secs. 19 through 23, inclusive;
Secs. 26 through 35, inclusive.
T. 9 N., R. 37 E.,
Sec. 1, S½S½;
Sec. 2, S½S½;
Sec. 3, S½S½;
Secs. 10 through 36, inclusive.
T. 10 N., R. 37 E.,
Sec. 1, NW¼NE¼ and N½NW¼;
Sec. 2, N½ and SW¼;
Secs. 3 through 5, inclusive;
Secs. 8 through 10, inclusive;
Sec. 11, W½;
Sec. 14, W½;
Secs. 15 through 21, inclusive;
Secs. 28 through 32, inclusive.
T. 10 N., R. 38 E.,
Secs. 11 through 16, inclusive;
Secs. 21 through 28, inclusive;
Secs. 33 through 36, inclusive.
T. 11 N., R. 38 E.,
Secs. 3 and 4;
Sec. 9, N½;
Sec. 10, N½.
T. 12 N., R. 38 E.,
Sec. 2, S½;
Sec. 8, S½;
Secs. 9 through 11, inclusive;
Sec. 14, N½;
Sec. 15, N½;
Secs. 16 and 17;
Sec. 20, N½;
Sec. 21, N½;
Sec. 26, SW¼SW¼;
Sec. 27, S½ and S½N½;
Secs. 33 and 34.
T. 10 N., R. 39 E.,
Sec. 8, E½E½;
Sec. 9;
Secs. 16 through 18, inclusive.

The area described aggregates approximately 301,300 acres.

4. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the general mining laws:

BOISE MERIDIAN, IDAHO

PASS CREEK RECREATION SITE

T. 9 N., R. 29 E.,
Sec. 3, SW¼SW¼.

RENO DIVERSION SITE

T. 8 N., R. 30 E.,
Sec. 3, S½NE¼, N½SE¼.

JOHN DAY RECREATION SITE

T. 9 N., R. 30 E.,
Sec. 5, lots 2 and 3, S½NE¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, SW¼NW¼, W½SW¼, SE¼SW¼.

SCOTT BUTTE RECREATION SITE

T. 9 N., R. 30 E.,
Sec. 21, E½E½.

BIRCH CREEK CROSSING RECREATION SITE

T. 9 N., R. 30 E.,
Sec. 27, SW¼NW¼, NW¼SW¼;
Sec. 28, SE¼NE¼, NE¼SE¼.

RENO DITCH RECREATION SITE

T. 8 N., R. 31 E.,
Sec. 7, SE¼SE¼;
Sec. 17, NW¼NW¼;
Sec. 18, NE¼NE¼.

WARM SPRINGS ARCHEOLOGICAL SITE

T. 11 N., R. 32 E.,
Sec. 25, E½NE¼.

MEDICINE LODGE RECREATION SITE NO. 1

T. 11 N., R. 33 E.,
Sec. 2, lot 4 and SW¼NW¼;
Sec. 3, lot 1 and SE¼NE¼.

HORSE PASTURE RECREATION SITE

T. 11 N., R. 33 E.,
Sec. 12, NW¼NE¼.

SPRING HOLLOW ARCHEOLOGICAL SITE

T. 12 N., R. 33 E.,
Sec. 22, NE¼NW¼.

MEDICINE LODGE RECREATION SITE NO. 2

T. 11 N., R. 34 E.,
Sec. 17, NW¼NW¼;
Sec. 18, NE¼NE¼.

PATELZICK CREEK RECREATION SITE NO. 1

T. 12 N., R. 35 E.,
Sec. 24, SE¼NE¼NE¼, NE¼SE¼NE¼.
T. 12 N., R. 36 E.,
Sec. 19, SW¼NW¼NW¼, NW¼SW¼NW¼.

PATELZICK CREEK RECREATION SITE NO. 2

T. 12 N., R. 36 E.,
Sec. 19, NE¼SW¼.

These areas aggregate 1,644.84 acres.

5. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

JOE T. FALLINI,
State Director.

[F.R. Doc. 69-8073; Filed, July 9, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

DOMESTIC BEET SUGAR PRODUCING AREA

1970 Crop Proportionate Shares

Notice is hereby given that the Secretary of Agriculture, acting pursuant to the Sugar Act of 1948, as amended, will conduct a hearing to receive the views and recommendations of interested persons on the need for establishing proportionate shares (farm acreage allotments) for the 1970 crop of sugarbeets in the Domestic Beet Sugar Area. Also, for use by the Secretary if he determines that proportionate shares are needed, views and recommendations are desired on all phases of the proportionate share program, including the level of the National Sugarbeet Acreage Requirement.

In accordance with the provisions of paragraph (1), subsection (b) of section 302 of the Sugar Act of 1948, as amended (7 U.S.C. 1132(b)), the Secretary must determine for each crop year whether the production of sugar from any crop of sugarbeets will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

The hearing on this matter will be conducted in the Hotel Canterbury, 750 Sutter Street, San Francisco, Calif., beginning at 10 a.m. on July 23, 1969.

Proportionate shares are not in effect for the current crop and were not in effect for either the 1967 or 1968 crops of sugarbeets. Latest estimates indicate that sugar production from 1968-crop acreage of about 1,495,000 will total approximately 3,502,000 short tons, raw value. Latest industry estimates indicate that 1969-crop acreage planted or to be planted will total about 1,650,000.

Views and recommendations on the need for establishing proportionate shares and the details of the program may be presented orally at the hearing, preferably supported in writing by an original and two copies of the oral statement. Views and recommendations may also be submitted in writing (original and two copies) at the hearing without an oral presentation or they may be mailed to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, postmarked not later than August 15, 1969.

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

Signed at Washington, D.C., on July 2, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-8140; Filed, July 9, 1969; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

JOHNS HOPKINS 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. 69–00452–00–46040. Applicant: Johns Hopkins University, Purchasing Department, Baltimore, Md. 21218. Article: Conversion kit for electron gun (Siemens). Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to convert the fixed high-voltage electron-gun cable of an existing electron microscope to a plug connection. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for a priorly imported electron microscope which was manufactured by the same source from which the accessory is being purchased. The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article, or can readily be adapted to the electron microscope with which the foreign article is intended to be used.

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

[F.R. Doc. 69–8091; Filed, July 9, 1969; 8:47 a.m.]

NORTHEASTERN 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. 69–00335–65–46040. Applicant: Northeastern University, 360 Huntington Avenue, Boston, Mass. 02115. Article: Electron microscope, Model JEM–120. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used in a wide range of research and teaching programs in materials science. The graduate research programs will have as their scientific objectives a detailed and quantitative understanding of the role of structure on the following phenomena: (1) Deformation characteristics of single and two-phase materials, (2) fracture at high temperature and pressure, (3) precipitation and phase transformations in alloys, (4) interaction among point defects, (5) electrical and optical properties of metallic, semiconducting, and insulating thin films. 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 the article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a maximum accelerating voltage of 120 kilovolts. The most closely comparable domestic electron microscope is the Model EMU–4B manufactured by the Radio Corporation of America (RCA). The RCA Model EMU–4B has a maximum accelerating voltage of 100 kilovolts. The higher accelerating voltage affords more penetrating power for the electron beam, which is necessary in investigating the properties of thicker specimens and, therefore, is pertinent for the purposes for which the foreign article is intended to be used.

For these reasons, we find that the RCA EMU–4B electron microscope 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 such purposes as this 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. 69–8092; Filed, July 9, 1969; 8:47 a.m.]

STANFORD 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. 69–00578–00–10100. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Temperature-jump apparatus accessories. Manufacturer: Messanlagen Studiengesellschaft GmbH., West Germany. Intended use of article: The article will be used to update a temperature-jump apparatus which is used to study the kinetics of fast reactions in solution. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Application relates to replacement parts for temperature-jump apparatus which had been priorly imported from the same foreign source from which the parts have been purchased. The Department of Commerce knows of no similar replacement parts that are interchangeable with those described in the application, or which can be readily adapted to the equipment in which these parts are to be used.

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

[F.R. Doc. 69–8093; Filed, July 9, 1969; 8:47 a.m.]

STANFORD 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. 69–00579–00–10100. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Temperature-jump apparatus accessories. Manufacturer: Messanlagen Studiengesellschaft GmbH., West Germany. Intended use of article: The article will be used to update a temperature-jump apparatus which is used to study the kinetics of fast reactions in solution. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Application relates to replacement parts for temperature-jump apparatus which had been priorly imported from the same foreign source from which the parts have been purchased. The Department of

Commerce knows of no similar replacement parts that are interchangeable with those described in the application, or which can be readily adapted to the equipment in which these parts are to be used.

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

[F.R. Doc. 69-8094; Filed, July 9, 1969; 8:47 a.m.]

STANFORD 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. 69-00580-00-10100. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Temperature-jump apparatus accessories. Manufacturer: Messanlagen Studiengesellschaft GmbH., West Germany. Intended use of article: The article will be used to update a temperature-jump apparatus used to study the kinetics of fast reactions in solution. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Application relates to replacement parts for temperature-jump apparatus which had been priorily imported from the same foreign source from which the parts have been purchased. The Department of Commerce knows of no similar replacement parts that are interchangeable with those described in the application, or which can be readily adapted to the equipment in which these parts are to be used.

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

[F.R. Doc. 69-8095; Filed, July 9, 1969; 8:47 a.m.]

STATE UNIVERSITY OF NEW YORK

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. 69-00349-00-87200. Applicant: State University of New York, Stony Brook, N.Y. 11790. Article: Tandem Voltage regulator, Model TVS-11. Manufacturer: Elron Electronic Industries, Ltd., Israel. Intended use of article: The article will be used for readjusting terminal voltage of the electrostatic voltage producing machine during research and graduate study. Comments: No comments received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a tandem voltage regulator with the capability of stabilizing the terminal voltage of a Van de Graaff Accelerator in the applicant's possession without the necessity of modifying the existing accelerator.

We are advised by the National Bureau of Standards (NBS) in a memorandum dated April 15, 1969, that the only known comparable domestic instrument, the Model 9024 Slit Feedback System manufactured by Varian Associates (Varian), Palo Alto, Calif., would require considerable modification of the existing accelerator. We therefore find that the Varian Model 9024 Slit Feedback System is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 69-8096; Filed, July 9, 1969; 8:47 a.m.]

UNIVERSITY OF ILLINOIS

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. 69-00337-98-77030, Applicant: University of Illinois at Chicago, Circle, 601 South Morgan Street, Chicago, Ill. 60607. Article: Nuclear magnetic resonance pulse spectrometer, pulse gated integrater, and liquid helium probe head, Model B-KR 322 S. Manufacturer: Bruker, West Germany. Intended use of article: The article will be used to produce the requisite train of pulses to insure saturation in the study of magnetic alloys at high and low temperatures. Previous studies on the magnetic alloys of rate earths with hydrogen have shown that microscopic information on magnetization distribution in the paramagnetic state can be obtained by using steady state nuclear magnetic resonance techniques. The application of pulse NMR techniques (using the hydrogen (proton) nucleus and in some cases the rare earth nucleus) can be even more fruitful. 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 the article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a nuclear magnetic pulse spectrometer which has the capabilities of a frequency crystal controlled with a stability of one part in one hundred million (10^8) and a frequency range variable in 20 kilohertz steps over a 4 to 62 megahertz range. We are advised by the National Bureau of Standards (NBS) in a memorandum dated April 25, 1969, that the capabilities of a frequency crystal controlled with a stability of one part in one hundred million and a frequency range variable in 20 kilohertz steps over a range of 4 to 62 megahertz are both pertinent characteristics. NBS further advises that it knows of no instrument or apparatus being manufactured in the United States of equivalent scientific value to the foreign article for the purposes for which the foreign article is intended to be used.

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

[F.R. Doc. 69-8097; Filed, July 9, 1969; 8:47 a.m.]

UNIVERSITY OF ILLINOIS

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. 69–00574–00–46040. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Accessories to an electron microscope, Model Elmiskop IA. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an attachment to an existing electron microscope to improve the quality of the electron micrographs obtained in studies concerning plant viruses, bacterial spores, Drosophilia eggs, and lipid absorption of the jejunum. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for a priorily imported electron microscope which was manufactured by the same source from which the accessory is being purchased. The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article, or can readily be adapted to the electron microscope with which the foreign article is intended to be used.

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

[F.R. Doc. 69–8098; Filed, July 9, 1969; 8:47 a.m.]

UNIVERSITY OF MISSOURI

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. 69–00582–00–46040. Applicant: University of Missouri, Rolla, General Services Building, Purchasing Department, Rolla, Mo. 65401. Article: Wide angle tilting device, Model HK–3A. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article will be used as an attachment to an existing electron microscope, Model HU–11A, to study defects in high purity aluminum specimens. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for a priorly imported electron microscope which was manufactured by the same source from which the accessory is being purchased. The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article, or can readily be adapted to the electron microscope which the foreign article is intended to be used.

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

[F.R. Doc. 69–8099; Filed, July 9, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 19047, 21163; Order 69–7–28]

TRANSCONTINENTAL BUS SYSTEM, INC., ET AL.

Order Regarding Family Fare Tariffs

Adopted by the Civil Aeronautics Board at its office in Washington D.C., on the 3d day of July 1969.

Family fare tariffs complaint of Transcontinental Bus System, Inc., Docket No. 19047; investigation of currently effective family fare tariffs, Docket No. 21163.

On June 13, 1969 the U.S. Court of Appeals for the First Circuit set aside our decision in this proceeding (Order E–26431, February 29, 1968) insofar as it dismissed the complaint of Transcontinental Bus System, Inc. against the effective family fare tariffs of 28 air carriers without conducting an investigation of whether such tariffs were unreasonable and unjustly discriminatory. Trailways of New England, et al. v. Civil Aeronautics Board, C.A. 1, Nos. 7112 and 7162. The Court concluded that "petitioners are entitled to the investigation sought in the complaint," and remanded the case to the Board for further proceedings consistent with its opinion.

In order to comply with the judgment of the Court, we shall vacate our earlier order and direct the institution of an investigation of the presently effective family fare tariffs of the various air carriers.

Accordingly, pursuant to the judgment of the U.S. Court of Appeals for the First Circuit, and pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, and 1002 thereof:

It is ordered, That:

1. Order E–26431, adopted February 29, 1968, be and the same hereby is vacated.

2. An investigation be instituted under Docket 21163 to determine whether the fares and provisions described in Appendix A hereto,[1] including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such fares and provisions are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations or practices affecting such fares and provisions.

3. Copies of this order be served upon Trailways of New England, Inc., Transcontinental Bus System, Inc., Air West, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., Aloha Airlines, Inc., American Airlines, Inc., Apache Airlines, Inc., Aspen Airways, Inc., Braniff Airways, Inc., Cape and Island Flight Service, Inc., Combs Airways, Inc., Command Airways, Inc., Continental Airlines, Inc., Crown Airways, Inc., Delta Air Lines, Inc., Downeast Airlines, Inc., Eastern Air Lines, Inc., Executive Airlines, Inc., Frontier Airlines, Inc., Hawaiian Airlines, Inc., Henson Aviation, Inc., Mohawk Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Pennsylvania Commuter Airlines (Division of L. B. Smith Aircraft Corp. of Pa.), Piedmont Aviation, Inc., Pocono Airlines, Inc., Ransome Air, Inc., doing business as Ransome Airlines, Sedalia, Marshall, Boonville Stage Line, Inc., Southern Airways, Inc., Trans Caribbean Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Vercoa Air Service, Inc., Western Air Lines, Inc., and they are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–8144; Filed, July 9, 1969; 8:50 a.m.]

[Docket No. 21162; Order 69–7–32]

OHIO/INDIANA POINTS NONSTOP SERVICE INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of July 1969.

For the reasons set forth below, the Board has decided to institute a proceeding designated as the Ohio/Indiana Points Nonstop Service Investigation. The investigation will focus on the need for first competitive nonstop service between Cincinnati, Columbus, Dayton, and Indianapolis, on the one hand, and Philadelphia and Los Angeles, on the other hand. We will also consider whether one or more additional carriers should be authorized to operate nonstop between Indianapolis, on the one hand, and Cleveland and Pittsburgh, on the other hand. The Ohio-Indiana points in issue are among the largest in their respective states. Each of the above 10 markets is a TWA monopoly nonstop market, and

[1] Filed as part of the original document.

experienced traffic in each has been relatively heavy, ranging from almost 36,000 passengers to about 66,000 passengers in 1967. We conclude, therefore, that these circumstances warrant consideration of the need for competitive nonstop authority.

In order to limit the size and complexity of the investigation, we shall impose a pretrial restriction requiring that any new certificate authority awarded pursuant to this proceeding shall be in the form of a new segment instead of an addition to an existing segment, and that each new segment shall be limited to one of the 10 markets.

There are presently on file applications from carriers in part requesting authority which would be at issue in the investigation as hereinabove described. Rather than severing out portions of these applications for consolidation, sua sponte, we shall await the filing of new motions seeking consolidation of applications or parts thereof which are within the scope of the investigation.[1]

Interested applicants, of course, may file amended or additional applications consistent with the scope of the investigation within the time for filing as hereinafter established. However, in the event new or amended applications for new or additional routes consistent with the scope of this case are filed, each applicant should file one new composite application covering clearly and specifically all of the authority sought in this proceeding. This procedure will obviate the confusion resulting from the consolidation of several separately-filed applications or portions thereof and will assist the parties, the Examiner, and the Board in analyzing and considering the precise proposals of each applicant.

Accordingly, it is ordered, That:

1. An investigation designated as the Ohio/Indiana Points Nonstop Service Investigation, be and it hereby is instituted in Docket 21162 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the alteration, amendment, or modification of any air carrier certificates so as to authorize competitive nonstop service in the following markets:

Philadelphia-Cincinnati
Philadelphia-Columbus
Philadelphia-Dayton
Philadelphia-Indianapolis
Los Angeles-Cincinnati
Los Angeles-Columbus
Los Angeles-Dayton
Los Angeles-Indianapolis
Indianapolis-Pittsburgh
Indianapolis-Cleveland

2. Any authority awarded herein shall be without subsidy eligibility and shall be in the form of a separate segment;

3. Motions to consolidate, applications, and motions or petitions seeking modifications or reconsideration of this order shall be filed no later than 20 days after the service date of this order and answers to such pleadings shall be filed no later than 10 days thereafter;

4. This proceeding shall be set for hearing at a time and place to be hereafter designated; and

5. A copy of this order shall be served upon the State of California, State of Indiana, State of Ohio, State of Pennsylvania; the cities of Cincinnati, Cleveland, Columbus, Dayton, Indianapolis, Los Angeles, Philadelphia, and Pittsburgh; Air West, Inc., Airlift International, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line, Inc., Frontier Airlines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8145; Filed, July 9, 1969; 8:51 a.m.]

[Docket No. 21169; Order 69-7-36]

TIME PAYMENT PLAN TARIFF

Order of Investigation

Revisions to the time payment plan tariff proposed by 11 U.S. carriers and one Canadian carrier.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of July 1969.

By tariff revisions [1] filed May 29, 1969, and marked to become effective July 1, 1969, 11 U.S. carriers [2] and one Canadian carrier [3] propose certain revisions in their deferred payment charges associated with their time payment plan. In addition, Eastern is proposing to become a participant in the tariff for the first time. The revised charges generally involve (a) an increase in minimum charges from $5 to $10; (b) an increase in interest charges from approximately 18 percent to 24 percent per annum for unpaid balances of $2,000 or less; and (c) a decrease in annual interest charges from approximately 18 percent to about 17 percent for unpaid balances of $3,000 to $5,000, with interest rates decreasing gradually for balances between $2,000 and $3,000.

No complaints have been filed.

Upon consideration of all relevant matters, the Board finds that the carriers' proposed increases in deferred payment charges related to the time payment plan may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated.

The carriers' proposal involves raising the deferred payment charges by amounts ranging between 33 percent and 100 percent of present charges. An increase in charges of this magnitude must be justified by an adequate showing that the current charges are not economic and that the proposed charges are not excessive in the light of costs and/or other factors. However, no explanation of the revised charges or statements supporting the proposed tariff revisions have been provided.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the charges and provisions described in Appendix A attached hereto,[4] including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such charges and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. This investigation be assigned for hearing before an examiner of the Board at a time and place to be hereafter designated; and

3. A copy of this order shall be served on Alaska Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Canadian Pacific Air Lines, Ltd., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Trans World Airlines, Inc., Western Air Lines, Inc., and Wien Consolidated Airlines,

[1] Allegheny has filed a Subpart M application, Docket 20085, requesting Philadelphia - Columbus/Dayton/Indianapolis nonstop authority. Allegheny's application is being dismissed by Order 69-7-33 issued contemporaneously herewith, so that the needs of the Philadelphia-Ohio/Indiana points markets may be considered in the single proceeding instituted herein focusing on first competitive east-west nonstop service for the Ohio/Indiana points. For the same reason, we are also dismissing by Order 69-7-34 issued contemporaneously herewith, American's Subpart N applications, Dockets 20892 and 20893, requesting Indianapolis-Los Angeles nonstop authority and Cincinnati-Los Angeles nonstop authority, respectively. United's application, Docket 20127, requesting, inter alia, Columbus/Dayton-Los Angeles/Philadelphia nonstop authority and Delta's application, Docket 18499, requesting, inter alia, Dayton/Indianapolis-Los Angeles nonstop authority are also being dismissed by Order 69-7-35 issued contemporaneously herewith, for the reasons set forth in that order.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 116.

[2] The U.S. carriers participating in this tariff are: Alaska Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Trans World Airlines, Inc., Western Air Lines, Inc., and Wien Consolidated Airlines, Inc.

[3] The one Canadian carrier participating in this tariff is Canadian Pacific Air Lines, Ltd.

[4] Filed as part of the original document.

Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8146; Filed, July 9, 1969; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

PACIFIC COAST EUROPEAN CONFERENCE

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, 1405 I Street NW., Room 1202; or may inspect agreements at the office 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. David Lindstedt, Chairman, Pacific Coast European Conference, 417 Montgomery Street, San Francisco, Calif. 94104.

Agreement No. 5200-27 between the member lines of the Pacific Coast European Conference deletes from the basic agreement the present requirement for payment of $12,500 by a carrier seeking readmission to conference membership within a period of 3 years from the date of resignation or expulsion therefrom.

Dated: July 7, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8128; Filed, July 9, 1969; 8:49 a.m.]

PACIFIC WESTBOUND CONFERENCE ET AL.

Agreements Filed Pursuant to Commission Decision; Clarification

Notice is hereby given that in the notice of publication with respect to the subject agreements appearing in the FEDERAL REGISTER, Volume 34, No. 128, Friday, July 4, 1969, the caption appearing on page 11282 should read "Notice of Agreements Filed Pursuant to Commission Decision", and the line immediately preceding the name of counsel appearing on page 11283 should read "Notice of Agreements Filed By".

This notice of clarification is not intended to change the due date of comments which may be submitted with reference to the subject agreements.

Dated: July 8, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8196; Filed, July 9, 1969; 8:51 a.m.]

[5] Concurring and dissenting statement of Vice Chairman Murphy and Member Minetti filed as part of the original document.

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

JULY 2, 1969.

Pursuant to docket No. HM-1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277), 49 CFR Part 170, following is a list of DOT Special Permits upon which Board action was completed during June 1969:

Special permit No.	Issued to—Subject	Mode or modes of transportation
AA208	ASM Enterprises, Incorporated, for the use of U-69 type cargo tanks in liquefied petroleum gas service.	Highway.
5935	Wacker Chemical Corporation, for the shipment of silicon chloride in a non-DOT specification reusable stainless steel cylindrical container of not over 5½ gallons capacity.	Water and highway.
5943	U.S. Atomic Energy Commission and the Department of Defense for the shipment of large quantities of nongamma radioactive material in the Sandia Corporation Model No. AL-S4 Shipping Container.	Cargo-only and passenger-carrying aircraft, highway, and rail.
5975	Shippers upon specific registration with this Board, for the shipment of special form fissile radioactive materials in the Schlumberger Well Services Model NLS-L or NLS-M Logging Tool, within a carrier shield and DOT-15A wooden box or equivalent.	Cargo-only and passenger-carrying aircraft, highway, and rail.
5981	Shippers upon specific registration with this Board, for the shipment of fissile radioactive materials in the NERVA Fuel Element Shipping Container.	Cargo-only aircraft, highway, and rail.
5982	Shippers upon specific registration with this Board, for the shipment of fissile radioactive materials in the TRIGA Fuel Element (unirradiated) Shipping Container.	Water, cargo-only, and passenger-carrying aircraft, highway, and rail.
5985	Nuclear Fuel Services, Inc., for the shipment of low specific activity radioactive material in sealed inner metal cans, overpacked in DOT-17C, 17H, or 37A 5-gallon packagings.	Water, highway and rail.
5989	Shippers upon specific registration with this Board, for the shipment of rubber buffings in DOT-44P plastic bags.	Highway and rail.
5993	Fresno Oxygen and Welding Suppliers, Inc., for the shipment of oxygen, argon, nitrogen, helium, compressed air, and mixtures thereof in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
5995	Chemetron Noury Corp., for the shipment of certain benzoyl peroxide pastes in a single-trip, open-head, molded polyethylene container without overpack.	Highway and rail.
5996	Power-Pak Products, Inc., for the shipment of a dry powder fire extinguisher incorporating a non-DOT specification seamless aluminum cylinder.	Water, highway, and rail.
5998	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials in the General Electric Corp., Model 400, 500, 900, 1000, 1100, or 1400 Shielded Container.	Water, cargo-only aircraft, highway, and rail.
6001	Shippers upon specific registration with this Board, for the shipment of fissile radioactive material in the modified DOT-6L Model AX-20036.	Highway.
6002	Shippers upon specific registration with this Board, for the shipment of fissile radioactive material in the Model S3W/S4W New Subassembly Shipping Container.	Cargo-only aircraft, highway, and rail.
6003	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive material in the M-130 Standardized Spent Fuel Shipping Container.	Water, highway, and rail.
6006	Shippers upon specific registration with this Board, for the shipment of liquid cleaning compounds containing not more than 30 percent hydrofluoric acid, in DOT-37M/2SL cylindrical steel packagings.	Highway and rail.
6009	Stauffer Chemical Co., for the shipment of ethyl chlorothiolformate in DOT-51 portable tanks.	Water, highway, and rail.
6010	Lee S. Wolfe & Co., for the shipment of oxygen, nitrogen, argon, hydrogen, helium, and mixtures thereof in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
6011	Mitsubishi International Corp., for one shipment of special form fissile radioactive material in Mitsubishi Atomic Power Industries cylindrical steel packages.	Cargo-only aircraft.
6012	Shippers upon specific registration with this Board, for the shipment of type B quantities of special form radioactive materials in the French Model No. GN 150 (BZ 150B) Packaging.	Cargo-only aircraft and highway.
6013	Walter Kidde & Co., Inc., for the shipment of helium in a device consisting of a high pressure non-DOT specification welded cylinder.	Cargo-only aircraft, highway, and rail.
6014	Shippers upon specific registration with this Board, for the shipment of corrosive liquids (which must be identified to the Board), in non-DOT specification cylinders conforming with DOT-4B, 4BA, or 4BW except for DOT specification marking.	Highway and rail.
6015	Alabama Oxygen Co., Inc., for the shipment of oxygen, nitrogen, argon, helium, compressed air, and mixtures thereof in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
6016	Air Reduction Co., Inc., for the shipment of liquefied oxygen, nitrogen, or argon in modified Airco VE-500 and VE-800 cryogenic portable tanks.	Highway.
6017	Mason & Hanger-Silas Mason Co., for one shipment of bulk quantities of trinitrotoluene in special cylindrical tank-type devices.	Highway.
6018	Monsanto Co., for the shipment of anhydrous ammonia in proposed DOT Specification 120A300W tank car tanks.	Rail.
6019	Shippers upon specific registration with this Board, for the shipment of propylene, butadiene, and other compressed gases authorized in DOT-112A series tank car tanks, in DOT-112A400W tank car tanks which may be designed to E=1.0 under 49 CFR 179.100-6 and which may be constructed of AAR Specification M-128-B steel.	Rail.
6020	H.M.H. Corporation, for the shipment of a dichlorodifluoromethane powered fire alarm unit.	Highway and rail.

Special permit No.	Issued to—Subject	Mode or modes of transportation
6021	U.S. Atomic Energy Commission for the shipment of tritiated heavy water in DOT-5B or 42B drums overpacked in special outer containers.	Highway.
6034	Shippers upon specific registration with this Board, for the shipment of propylene oxide in DOT-105A200W tank car tanks which may be designed on the basis of E=1.0 under § 179.100-6, and which may be fabricated from ASTM A-515 Grade 70 steel.	Rail.

WILLIAM C. JENNINGS,
Chairman, Hazardous Materials Regulations Board.

[F.R. Doc. 69-8125; Filed, July 9, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF CO.

Order Suspending Trading

JULY 3, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. 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 exchanges 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 the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 4, 1969, through July 13, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8074; Filed, July 9, 1969; 8:45 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

JULY 3, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 4, 1969, through July 13, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8075; Filed, July 9, 1969; 8:45 a.m.]

[812-2448]

DIKEWOOD FUND, INC.

Notice of and Order for Hearing on Application for Order of Exemption

JULY 3, 1969.

Notice is hereby given that the Dikewood Fund, Inc. ("Applicant"), 1009 Bradbury Drive SE., Albuquerque, N. Mex. 87106, an open-end, nondiversified management investment company registered under the Investment Company Act of 1940 (the "Act"), has applied pursuant to section 6(c) of the Act for an order exempting Applicant from Rule 22c-1 of the rules and regulations under the Act to the extent that said rule requires that shares of Applicant be priced for sale on the day orders for the purchase of such shares are received. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant presently offers its shares for sale only on the last trading day of each week on the New York Stock Exchange. The shares are valued on the basis of closing prices on that day. All orders received during the week are executed at these closing prices, but may be canceled or withdrawn by the investor at any time prior to execution.

As of December 31, 1968, applicant had 183 shareholders and net assets of approximately $353,000. From August 1968, when shares of Applicant were first offered to the public, to the end of 1968, 189 separate orders for the purchase of Applicant's shares were executed. This is an average of about 10 purchase orders per week. Applicant estimates that it costs approximately $75 for each calculation of net asset value.

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant assets that in views of its relatively small asset size and the limited number of transactions in its shares, the addition cost imposed by daily pricing of Applicant's shares would be an excessive financial burden.

Applicant represents that its pricing method, under which shares are prospectively valued, is consistent with the objective of Rule 22c-1 to prevent dilution in the value of shares and prevent short-term speculation resulting from sale of shares at a previously determined price, and would afford its shareholders the opportunity to shape the policies of their fund in the manner deemed best by them.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation under the Act, if and to the extent 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.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the fourth day of August 1969, at 10 a.m. l.t., in room 3010, New Federal Building, 500 Gold SW., Albuquerque, N. Mex. 87101. Any person, other than the Applicant, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 31st day of July 1969, his application pursuant to Rule 9(c) of the Commission's rules of practice. 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 noted above, and proof of service (by affidavit, or, in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters are presented for consideration without prejudice to its specifying additional matters upon further examination:

Whether the exemption requested 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.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to the Applicant, and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

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

[F.R. Doc. 69-8076; Filed, July 9, 1969; 8:46 a.m.]

[812-2377]

FML GROWTH FUND, INC., AND FML FUNDS DISTRIBUTION CO.

Notice of Filing of Application for Order of Exemption

JULY 1, 1969.

Notice is hereby given that FML Growth Fund, Inc. ("FML Fund"), an open-end investment company, registered under the Investment Company Act of 1940 (the "Act") and FML Funds Distribution Co. ("FML Distribution"), Post Office Box 7318, Philadelphia, Pa. 19101, the distributor of the shares of FML Fund, have applied pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 22(d) of the Act to permit the sale of FML Fund shares, without the usual sales charge, to the officers, directors or full-time employees for a period of at least 90 days of the Fidelity Mutual Life Insurance Co. ("Fidelity"), the parent of FML Distribution and FML Funds Advisory Corp. ("FML Advisory"), the investment adviser to FML Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Shares of FML Fund are customarily sold with a maximum sales charge of 7½ percent of the public offering price. Officers, directors, and employees of FML Fund, FML Advisory, or FML Distribution, who have acted as such for at least 90 days, may purchase FML Fund shares at net asset value without a sales charge, provided the purchaser supplies written assurance that the purchase is made for investment purposes and that shares so acquired will not be resold except through regular redemption by FML Fund.

All persons engaged in activities on behalf of FML Advisory and FML Distribution are employees of Fidelity. The officers of FML Fund are also officers of Fidelity and FML Fund shares are presently marketed by properly registered agents of Fidelity.

The exemption would allow FML Fund to place Fidelity employees, directors, and officers in a position of equality with employees, directors, and officers of FML Fund, FML Advisory and FML Distribution in respect to purchases of FML Fund Shares, provided the Fidelity employees, directors, and officers also given written assurance that their purchase is made for investment purposes and that they will not be resold except through redemption or repurchase by or on behalf of the issuer. The price at which shares would be sold to such persons would be uniform and would be set forth in the prospectus of FML Fund.

FML Fund and FML Distribution contend that the exemption would aid Fidelity in improving its relationships with its employees and would give recognition to Fidelity's desire not to make a profit from its employees. It is also maintained that the exemption may be granted without detriment to the other shareholders of FML Fund or to the general public.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at a current offering price described in the prospectus. Section 6(c) permits the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act, 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 July 22, 1969, 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 Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

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

[F.R. Doc. 69-8077; Filed, July 9, 1969; 8:46 a.m.]

[812-2338]

HARTWELL & CAMPBELL FUND, INC., AND H & C SALES CO., INC.

Notice of Filing of Application for Order of Exemption

JULY 1, 1969.

Notice is hereby given that Hartwell & Campbell Fund, Inc. ("H & C Fund"), an open-end investment company, registered under the Investment Company Act of 1940 (the "Act") and its underwriter, H & C Sales Co., Inc. ("H & C Sales"), 245 Park Avenue, New York, N.Y., have applied pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 22(d) of the Act to permit the sale of H & C Fund shares, at net asset value but without the usual sales charge, to the persons who were already shareholders of H & C Fund on May 1, 1968, when its present schedule of sales charges was first imposed. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

From January 31, 1967, to April 30, 1968, shares of H & C Fund were sold at net asset value per share without any sales charge or commission. A sales charge of up to 8½ percent was put into effect on May 1, 1968, at which time H & C Fund had about 4,850 shareholders and net assets of $41,363,258.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at a current offering price described in the prospectus. Section 6(c) permits the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act, 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.

H & C Fund and H & C Sales seek an exemption from section 22(d) to permit the sale of shares of H & C Fund without any sales load to any person who has continuously been a shareholder of H & C Fund since on, or before, April 30, 1968, provided that the purchase is made upon the written assurance of the purchasers that the purchase is made for investment purposes and that the shares

will not be resold except through redemption or repurchase by or on behalf of the issuer. The prospectus of H & C Fund will disclose such sales.

H & C Fund and H & C Sales represent that the shareholders who purchased shares of H & C Fund before a sales charge was imposed discovered H & C Fund on their own without the paid services of H & C Sales or any broker-dealer or salesman, and that if in the future they purchase additional shares, no substantial services will be rendered by H & C Sales or any broker-dealer or salesman which would justify the 8½ percent sales charge. Expenses entailed in making future sales to these shareholders will not be greater than those entailed in making the original sales for which no sales charge was collected. H & C Sales states that it does not wish to receive a sales charge on such sales because such charge would serve no useful purpose but would merely be an unearned commission constituting a windfall which it does not desire.

Notice is further given that any interested person may, not later than July 22, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by the 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 should 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 H & C Fund and H & C Sales at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

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

[F.R. Doc. 69–8078; Filed, July 9, 1969; 8:46 a.m.]

INTERCONTINENTAL INDUSTRIES, INC.

Order Suspending Trading

JULY 3, 1969.

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

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

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 6, 1969, through July 15, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69–8079; Filed, July 9, 1969; 8:46 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

JULY 3, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Rajac Industries, Inc. (a New York corporation), is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 6, 1969, through July 15, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69–8080; Filed July 9, 1969; 8:46 a.m.]

TELSTAR, INC.

Order Suspending Trading

JULY 3, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 4, 1969, through July 13, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69–8081; Filed, July 9, 1969; 8:46 a.m.]

[812–2347]

TRANSAMERICA CAPITAL FUND, INC., AND TRANSAMERICA FUND SALES, INC.

Notice of Filing of Application for Order of Exemption

JULY 1, 1969.

Notice is hereby given that Transamerica Capital Fund, Inc. ("Transamerica Fund"), a Delaware corporation and an open-end investment company registered under the Investment Company Act of 1940 ("Act") and Transamerica Fund Sales, Inc. ("Transamerica Fund Sales"), Post Office Box 2438, Los Angeles, Calif. 90054, a Delaware corporation which distributes the shares of Transamerica Fund, have filed an application pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 22(d) of the Act to permit the shares of any registered investment company which is managed by Transamerica Fund Management Co. ("Transamerica Fund Management"), and which shares are distributed by Transamerica Fund Sales, to be sold without the usual sales charge to the approximately 22,621 persons who are related to Transamerica Corp., or one of its subsidiaries, as an officer, director, or full-time employee. Transamerica Fund and Transamerica Fund Sales are sometimes hereafter referred to as "Applicants." All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Shares of the registered investment companies will ordinarily be offered to the general public at a public offering price which is the net asset value per share at the time of purchase plus a maximum sales charge of 8 percent of the public offering price, reduced on a graduated scale for sales involving larger amounts.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at a current offering price described in the prospectus. Section 6(c) permits the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision or provisions of the Act, 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.

Transamerica Corp. is a company with over 100 subsidiary corporations engaged

in various businesses. Both Transamerica Fund Management and Transamerica Fund Sales are subsidiaries of Transamerica Corp. Applicants seek an exemption from section 22(d) to permit the shares of any registered investment company that is managed by Transamerica Fund Management and whose shares are distributed by Transamerica Fund Sales, to be offered at net asset value to the officers, directors, and full-time employees, who have acted as such for not less than 90 days, of Transamerica Corp., its subsidiaries and affiliates; to any trust, pension, profit sharing, deferred compensation, stock purchase and savings, or other benefit plan for such persons; and to the Transamerica Corp., its subsidiaries and affiliates. Such sales will be made pursuant to a uniform offer described in the prospectus of the investment company involved and will be made only upon the written assurance of the purchaser that the purchase is made for investment purposes and that the securities will not be resold except through redemption or repurchase by or on behalf of the issuer.

Transamerica Fund Sales sells only through its own salesmen who are authorized to sell only the shares sold by Transamerica Sales. Almost every new investment is the result of direct personal contact on the part of one of the salesmen.

No sales expense will be incurred in the sales of shares for which exemption from the provisions of section 22(d) is sought. There will be no personal contact by a sales representative in connection with such sales. Announcement of the availability of shares of the mutual funds involved will be made in a house publication or on a bulletin board of the various subsidiaries and investments will ordinarily be made through a payroll deduction plan. Transamerica Fund Sales will not bear the expense of either the announcements or the payroll deduction plan.

Notice is further given that any interested person may, not later than July 22, 1969, 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 Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–8082; Filed, July 9, 1969; 8:46 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

JULY 3, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 5, 1969, through July 14, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–8083; Filed, July 9, 1969; 8:46 a.m.]

[70–4768]

UTAH POWER & LIGHT CO. AND WESTERN COLORADO POWER CO.

Notice of Proposed Mortgage Amendments Removing Limitations on Permissible Bond Indebtedness and of Proposed Solicitation of Proxies

JULY 3, 1969.

Notice is hereby given that Utah Power & Light Co. ("Utah"), 1407 West North Temple Street, Post Office Box 899, Salt Lake City, Utah 84101, a registered holding company and an electric utility company, and its wholly owned electric utility subsidiary company, The Western Colorado Power Co. ("Western"), 423 Main Street, Montrose, Colo. 81401, have filed a joint declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), proposing an amendment to Utah's Mortgage and Deed of Trust dated as of December 1, 1943, as supplemented, and a corresponding amendment to Western's indenture also dated as of December 1, 1943, as supplemented. Utah and Western have designated sections 6(a), 7, and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed amendments.

Utah's mortgage has a provision which fixes a ceiling of $250 million as the aggregate principal amount of permissible bond indebtedness which may be outstanding under the mortgage at any one time. Utah now has outstanding under its mortgage an aggregate of $186 million principal amount of bonds and believes that within a period of 3 years its construction expenditures will be such as to require bond financing which will approach, if not exceed, this mortgage limitation. Utah proposes to amend its mortgage to remove this restrictive provision. The mortgage has other provisions limiting the issue of new bonds none of which will be altered. Western's common stock and a note held by Utah are pledged by the parent company as collateral under its mortgage. Western's indenture contains a provision which corresponds in substance to the provision of Utah's mortgage described above. It limits to $250 million the amount of obligations for which Western's indenture can be collateral security. If Utah's mortgage is amended as proposed, Western proposes to amend its indenture thereby removing the debt ceiling limitation.

The proposed amendment of Utah's mortgage requires the affirmative vote of the holders of 70 percent in principal amount of Utah's outstanding bonds at a meeting called for that purpose. To effect this vote Utah proposes to call a meeting of its bondholders to be held on or about November 7, 1969. Utah proposes to solicit proxies from its bondholders through the use of solicitation material which will state in full the proposed modification of the mortgage and the reasons therefor. It is stated that proxies may be solicited by directors, officers, and regular employees of Utah and by Halsey, Stuart & Co., Inc., retained to advise Utah in connection with the bondholders' meeting and the proposed amendments and to assist in obtaining proxies for the amendment.

Fees and expenses in connection with the proposed amendments are estimated at $53,000, including trustees fee of $10,000, legal fees of $10,000 and financial adviser's fee of $20,000.

It is stated that the Idaho Public Utilities Commission, the Public Service Commission of Wyoming, and the Public Utilities Commission of Colorado have jurisdiction over the proposed amendments. Copies of the orders of the Idaho and Wyoming Commissions approving the amendment to Utah's mortgage and a copy of the order of the Colorado Commission approving the amendment to Western's indenture will be filed by amendment. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 31, 1969, request in writing that a hearing

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

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8064; Filed, July 9, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 447]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JULY 7, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, and application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior-filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File number, applicant, call sign, and nature of application

7963-C2-P-69—P. L. Woodbury, doing business as Mobilfone of Kansas (New), C.P. for a new 2-way station to be located at 1.2 miles north of St. Marys, Kans., to operate on base frequency 152.18 MHz.

7964-C2-P-69—Brandenburg Telephone Co. (KIY459), C.P. to replace transmitter operating on base frequency 152.81 MHz off U.S. Highway No. 60, approximately 1 mile southeast of Guston, Ky.

7965-C2-P-69—Services Unlimited, Inc. (KIY449), C.P. for additional base channel to be located at a new site described as location No. 4: Robert E. Lee Hotel, corner Fifth and Cherry Streets, Winston-Salem, N.C., to operate on frequency 152.15 MHz.

7966-C2-P-(4)-69—Northwestern Bell Telephone Co. (KAA817), C.P. for additional base channels to operate on frequencies 152.69, 152.78, 152.60, 152.54 MHz. Also add auxiliary test frequencies 157.95, 157.86, 157.80, 158.04 MHz at 224 South Fifth Street, Minneapolis, Minn.

7968-C2-P-69—Otis L. Hale, doing business as Mobilfone Communications (KLB500), C.P. for additional base channel to be located at a new site described as location No. 4: 30th and Maple Streets, Little Rock, Ark., to operate on frequency 152.03 MHz.

7969-C2-P-69—Alco Telephone Answer-Ring Service of Greenville, Miss., Inc. (KFL932), C.P. to replace transmitter operating on base frequency 152.03 MHz at 719 Washington Avenue, Greenville, Miss.

7970-C2-P-69—Commonwealth Telephone Co. of Virginia (KIY597), C.P. to replace transmitter operating on base frequency 152.66 MHz at approximately 250 feet opposite point when county road No. 642 joins State route No. 234, Manassas, Va. Also correct coordinates to read: latitude 38°39'31" N., longitude 77°26'30" W.

7971-C2-P-(4)-69—Michigan Bell Telephone Co. (KQA767), C.P. for additional base channels to operate on frequencies 454.375, 454.475, 454.550, 454.625 MHz at location No. 6: 25189 Lahser Road, Southfield, Mich.

8037-C2-AL-69—William A Houser (KSD313), Consent to assignment of license from: William A. Houser, Assignor, to: Joliet Telephone Answering Service, Inc., Assignee.

8038-C2-P-69—Southwestern Bell Telephone Co. (KAA698), C.P. to change antenna system operating on base frequency 152.63 MHz at 0.75 mile southwest of Kingdom City, Mo.

01-C2-P-70—Henry M. Zachs, doing business as Massachusetts-Connecticut Mobile Telephone Co. (New), C.P. for a new 1-way station to be located at 750 Main Street, Hartford, Conn., to operate on base frequency 158.70 MHz.

02-C2-P-70—Electronics Unlimited Corp. (New), C.P. for new 1-way station to be located at Signal Hill, St. Thomas, V.I., to operate on base frequency 158.70 MHz.

03-C2-P-70—Electronics Unlimited Corp. (WWA336), C.P. to relocate control facilities at location No. 1: Long Bay No. 1, Sugar Estate, Charlotte Amalie, V.I., operating on frequencies 158.52, 158.64 MHz. Also change antenna system and replace transmitter for base frequencies 152.06, 152.18 MHz at location No. 2: Signal Hill, St. Thomas, V.I.

04-C2-P-(2)-70—Rochester Telephone Corp. (KEK284), C.P. to change antenna system operating on base frequencies 152.54, 152.60 MHz at 95 North Fitzhugh Street, Rochester, N.Y.

05-C2-P-(2)-70—O. L. Hale, doing business as Mobilfone Communications (KLB500), C.P. for additional base channels to be located at a new site described as location No. 4: 30th and Maple Streets, Little Rock, Ark., to operate on frequencies 454.20, 454.30 MHz.

06-C2-P-70—Guy P. McSweeney, doing business as Radio Telephone Service (KJU819), C.P. to change antenna system operating on base frequency 152.09 MHz located at 0.2 mile west of Catlettsburg, Ky.

Major Amendment

5066-C2-P-69—Credit Bureau of Decatur, Inc. (New), amend to read: C.P. to operate on frequency 158.70 MHz. All other particulars remain the same as reported on public notice dated March 10, 1969, Report No. 430.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

7972-C1-P-69—Pacific Northwest Bell Telephone Co. (KTF28), C.P. to add 2128 MHz directed toward Quinault, Wash., via passive reflector at its station Saddle Hill, 2.6 miles east of Ocean City, Wash.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

7973–C1–P–69—Pacific Northwest Bell Telephone Co. (New), C.P. for a new fixed station. Frequency: 2178 MHz. Location: 1 mile southwest of Quinault, Wash.

8021–C1–AL–69, 8022–C1–AL–69—Southern Bell Telephone & Telegraph Co. (KRT55) (KRT54), Consent to assignment of licenses from Southern Bell Telephone & Telegraph Co., Assignor, to: General Telephone Co. of Florida, Assignee. (Knights & Tampa, Fla.)

8023–C1–AP/AL–69, 8024–C1–AP/AL–69—American Telephone & Telegraph Co. (KJD20) (KJJ91), Consent to assignment of permits and licenses from American Telephone & Telegraph Co., Assignor, to: General Telephone Co. of Florida, Assignee. (Knights & Tampa, Fla.)

8039–C1–P/L–69—The Chesapeake & Potomac Telephone Co. (New), C.P. and license for a new station. Frequency: 5962.5 MHz. Location: 2400 Sixth Street NW. Administration Bldg., Howard University, Washington, D.C.

8040–C1–P/L–69—The Chesapeake & Potomac Telephone Co. (New), C.P. and license for a new station. Frequencies: 6330.7 and 10,995 MHz. Location: 725 13th Street NW., Washington, D.C.

7–C1–P–70—Illinois Bell Telephone Co. (KIL65), C.P. to add 6271.4 and 11,155 MHz directed toward Woodstock at its station Silver Lake, 1.3 miles northwest of Oakwood Hills, Ill.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

8050–C1–P–69—Mountain Microwave Corp. (KBI22), C.P. to power split 6145.0 MHz on azimuth 103°36′ toward Eads, Colo. Station location is Almagre Mountain, 8 miles west of Broadmoor, Colo., at latitude 38°47′29″ N., longitude 104°59′34″ W.

8051–C1–MP–69—Mountain Microwave Corp. (KZI39), Modification of C.P. to change location of Dodge City, Kans., receiving site to latitude 37°46′40″ N., longitude 100°03′41″ W., and change azimuth to 99°25′. Frequencies 6256.5 and 6315.9 MHz. (Informative: Applicant is making changes in a previously authorized system.)

Major Amendments

3387–C1–P–69—Interdata Communications, Inc. (New), Change point of communication from Baltimore to Towson, Md., and change azimuth to 40°55′.

3388–C1–P–69—Interdata Communications, Inc. (New), Change location of station to northwest corner of Joppa Road and Fairmont Avenue, Towson, Md., at latitude 89°24′08″ N., longitude 76°35′50″ W. Change azimuth to: 204°54′ and 70°54′ toward Jessup and Perryman, Md., respectively.

3387–C1–P–69—Interdata Communications, Inc. (New), Change point of communication from Baltimore to Towson, Md., and change azimuth to 250°54′. (All other particulars same as reported in public notice dated Dec. 16, 1968.)

LOCAL TELEVISION TRANSMISSION SERVICE

7967–C1–P/L–69—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new mobile TV-pickup station. Frequency bands: 6425–6525 and 11,700–12,200 MHz. To operate at any temporary location in the State of Arizona.

Major Amendments

1517–C1–P–68—Mountain Microwave Corp. (New), Application amended to replace equipment and change frequency 6887.5 MHz to 6212.0 MHz toward Diamond Lake, S. Dak., on azimuth of 303°13′. Transmitter location: Sioux Falls, 1 mile east of Rowena, S. Dak.

1518–C1–P–68—Mountain Microwave Corp. (New), Application amended to (a) replace equipment and delete Lake Henry, S. Dak., as a point of communication; and (b) add frequency 5960.0 MHz toward new point of communication at DeSmet, S. Dak. (latitude 44°26′29″ N., longitude 97°37′10″ W.), on azimuth of 333°03′. Transmitter location: Diamond Lake, 8 miles north of Montrose, S. Dak.

1519–C1–P–68—Mountain Microwave Corp. (New), Application amended to (a) replace equipment and change station location from Lake Henry to DeSmet, S. Dak.; and (b) change frequency 6887.5 MHz to 6212.0 MHz toward Garden City and Huron, S. Dak., on azimuths of 03°25′ and 256°33′, respectively. Transmitter location: 5 miles northwest of DeSmet, S. Dak.

1520–C1–P–68—Mountain Microwave Corp. (New), Application amended to (a) replace equipment and change station location from 2 miles southwest of Huron to 1.2 miles southwest of Huron, S. Dak. (latitude 44°20′05″ N., longitude 98°14′00″ W.); and (b) change frequency 6937.5 MHz to 6019.0 MHz toward Spring Lake, S. Dak., on azimuth 267°28′. Transmitter location: 1.2 miles southwest of Huron, S. Dak.

1521–C1–P–68—Mountain Microwave Corp. (New), Application amended to replace equipment and change frequency 6887.5 MHz to 6241.0 MHz toward Medicine Butte, S. Dak., on azimuth of 229°05′. Transmitter location: Spring Lake, 9.5 miles west-northwest of Danforth, S. Dak. Other particulars are same as reported in public notice dated Oct. 9, 1967.

[F.R. Doc. 69–8132; Filed, July 9, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69–841, etc.]

TEXACO, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 30, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 15, 1969.

By the Commission.

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

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-841	Texaco, Inc., Post Office Box 3109, Midland, Tex. 79701.	9	25	Northern Natural Gas Co. (West Panhandle Field, Carson County, Tex.) (RR. District No. 10).	$38	6- 4-69	[2] 7- 5-69	12- 5-69	13.2668	[3 4] 13.3088	RI68-694.
RI69-842	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	301	[5] 8	Panhandle Eastern Pipe Line Co. (Guymon Hugoton (Deep) Field, Texas County, Okla.) (Panhandle Area).	605	6- 4-69	[6] 7- 5-69	12- 5-69	[8] 17.0	[6 7 8] 17.6	
	do	404	[9] 4	Natural Gas Pipeline Company of America (Northeast Custer City Field, Custer County, Okla.) (Oklahoma "Other" Area.)	504	6- 4-69	[6] 7- 5-69	12- 5-69	[11] 15.0	[6 10 11] 17.0	
RI69-843	Mobil Oil Corp. (Operator).	434	[12] 5	Panhandle Eastern Pipe Line Co. (Putnam Field, Dewey County, Okla.) (Oklahoma "Other" Area).	7,063	6- 4-69	[2] 7- 5-69	12- 5-69	[11 13] 16.35	[6 10 11 13] 18.53	
RI69-844	Kewanee Oil Co., Post Office Box 2239, Tulsa, Okla. 74101.	1	3	Panhandle Eastern Pipe Line Co. (Nichols Field, Kiowa County, Kans.).	1,470	[14] 5-29-69	[6] 7- 1-69	12- 1-69	14.0	[6 15] 16.0	
RI69-845	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, Kans. 67202.	30	6	Panhandle Eastern Pipe Line Co. (West Valley Center Field, Dewey County, Okla.) (Oklahoma "Other" Area).	10,568	6- 9-69	[6] 7-10-69	12-10-69	[17] 17.015	[6 16 17] 18.015	RI68-608.
RI69-846	Cabot Corporation (SW) Post Office Box 1101, Pampa, Tex. 79065.	75	2	Panhandle Eastern Pipe Line Co. (Camrick Field, Texas County, Okla.) (Panhandle Area).	350	6- 9-69	[6] 8- 1-69	1- 1-70	17.0	[6 16] 18.0	
RI69-847	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	462	1	Michigan Wisconsin Pipe Line Co. (Northwest Mendota Field, Roberts and Hemphill Counties, Tex.) (RR. District No. 10).	31,500	6- 9-69	[6] 8- 9-69	1- 9-70	[19] 17.850	[6 18 19] 18.900	
RI69-848	Northern Natural Gas Producing Co. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	2	[20] 108	Northern Natural Gas Co. (Hugoton Field, Stevens et al., Counties, Kans.).	4,680	6-11-69	[2] 7-12-69	12-12-69	[3] 16.0	[6 8 16] 17.0	RI68-442.
RI69-849	Mobil Oil Corp. et al., Post Office Box 1774, Houston, Tex. 77001.	282	[20] 12	Northern Natural Gas Co. (Hugoton Field, Stevens County, Kans.).	9,720	6-11-69	[2] 7-12-69	12-12-69	[8] 16.0	[6 8 16] 17.0	RI68-124.
RI69-850	W. M. Gallaway et al., Post Office Box 630, Farmington, N. Mex. 87401.	2	[21] 4	El Paso Natural Gas Co. (Ignacio Blanco Field, LaPlatta County, Colo.).	12,600	[22] 5-15-69	[2] 7-17-69	12-17-69	13.0	[6 16] 14.0	
RI69-851	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	308	6	El Paso Natural Gas Co. (Yucca Butte and Cobblestone Areas, Pecos and Terrell Counties, Tex.) (RR. District Nos. 7-C and 8) (Permian Basin Area).	4,808	6- 6-69	[6] 8- 1-69	1- 1-70	16.72	[6 16] 17-7363	
	do	386	4	El Paso Natural Gas Co. (Cooper Jal Field, Lea County, N. Mex.).	[23]	6- 6-69	[6] 8- 1-69	1- 1-70	[24 25] 16.8882	[6 16 24] 17.9117	
RI69-852	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	241	1	Natural Gas Pipeline Co. of America (Crittendon Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	1,559	6-11-69	[6] 7-12-69	12-12-69	16.8557	[6 26] 18.88	
RI69-853	Shell Oil Co. (Operator) et al., 50 West 50th St., New York, N.Y. 10020.	260	2	United Gas Pipe Line Co. (Little Creek Field, Lincoln and Pike Counties, Miss.).	365	6-12-69	[6] 7-13-69	12-13-69	[8] 19.0	[8 16 27] 20.0	RI64-791.
RI69-854	Sue Trammell Whitfield and W. B. Trammell, Jr., c/o Vinson, Elkins, Sears & Connally, First City National Bank Bldg., Houston, Tex. 77002.	1	3	Natural Gas Pipeline Co. of America (Old Ocean Field, Brazoria and Matagorda Counties, Tex.) (RR. District No. 3).	342	6- 5-69	[6] 7- 6-69	12- 6-69	14.0	[6 28 29] 16.37588	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Redetermined rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Applicable only to wellhead sales of gas from acreage added by Supplement No. 6.
[6] The stated effective date is the effective date requested by respondent.
[7] "Fractured" rate increase. Contractually due 19.5 cents per Mcf.
[8] Subject to a downward B.t.u. adjustment.
[9] Applicable to acreage added by Supplement Nos. 2 and 3.
[10] Filing from certificated rate to initial contract rate.
[11] Subject to upward and downward B.t.u. adjustment.
[12] Applicable to acreage added by Supplement No. 3.
[13] Includes base rate of 15 cents plus 1.35 cents upward B.t.u. adjustment (1090 B.t.u. gas) before increase and base rate of 17 cents plus 1.53 cents upward B.t.u. adjustment after increase.
[14] Filing completed by letter dated June 5, 1969, submitted on June 6, 1969.
[15] Two-step periodic rate increase.
[16] Periodic rate increase.
[17] Rate includes 0.015 cent tax reimbursement and is subject to upward and downward B.t.u. adjustment. B.t.u. content ranges from 1,166 to 1,172 for the Units involved.
[18] "Fractured" rate increase. Contractually due 19 cents base rate.
[19] Includes base rate of 17 cents plus 0.850 cent upward B.t.u. adjustment (1050 B.t.u. gas) before increase and base rate of 18 cents plus 0.90 cent upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[20] Applicable only to production from below Top of the Morrow Sand.
[21] Applies to acreage added by Supplement Nos. 1 and 2.
[22] Additional material filed May 16, 1969, requesting the date the certificate is issued for the acreage added by Supplement Nos. 1 and 2. Order issued June 16, 1969.
[23] No deliveries being made.
[24] Includes partial reimbursement for the full 2.55-percent New Mexico Emergency School Tax.
[25] Initial rate conditioned by temporary certificate issued in Docket No. CI66-606 to include Humble's possible refunding of that part of the New Mexico Emergency School Tax in excess of 0.55 percent which is being protested by the buyer.
[26] Increase from applicable area ceiling rate to contract rate.
[27] Pressure base is 15.025 p.s.i.a.
[28] "Fractured" rate increase to contractually due rate.
[29] Contractually provided for rate.

Mobil Oil Corp. (Operator), requests that its proposed rate increase be permitted to become effective as of June 11, 1969, and Mobil Oil Corp., et al., request an effective date of July 1, 1969. Northern Natural Gas Producing Co. (Operator), et al., also request an effective date of July 1, 1969 for their proposed rate increase. W. M. Gallaway, et al., request that their rate increase be permitted to become effective as of June 16, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Mobil Oil Corp., and Mobil Oil Corp. (Operator) (both referred to herein as Mobil), request that should the Commission suspend their proposed rate increases that the suspension periods with respect thereto be shortened to 1 day. Good cause has not been shown for granting Mobil's request for limiting to 1 day the suspension periods with respect to Mobil's rate filings and such request is denied.

Supplement No. 4 to Humble Oil & Refining Co. (Humble), FPC Gas Rate Schedule No. 386 reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased on April 1, 1963. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increase in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearing herein shall concern itself with the contractual basis for the rate filing, as well as the statutory lawfulness of Humble's proposed increased rate and charge.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56), with the exception of the rate increases filed by Humble and Sun Oil Co. in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69–8002; Filed, July 9, 1969; 8:45 a.m.]

[Docket No. R169–858, etc.]

UNION OIL CO. OF CALIFORNIA ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 30, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 20, 1969.

By the Commission.

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

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-858	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017. Attention: Mr. C. E. Smith.	197	[3] 1	Transcontinental Gas Pipe Line Corp. (Block 274 Field, Ship Shoal Area) (Offshore Louisiana).	$108,000	6-4-69	[4] 7-5-69	[5] 7-6-69	[8] [9] [10] 18.5	[6] [7] [10] 20.0	
	do	192	[11] 1	Transcontinental Gas Pipe Line Corp. (Block 89 Field, East Cameron Area) (Offshore Louisiana).	135,000	6-4-69	[4] 7-5-69	[5] 7-6-69	[8] [10] [12] 18.5	[6] [7] [10] 20.0	
RI69-859	Texas Gas Exploration Corp., First City National Bank Bldg., Houston, Tex. 77052.	26	[14] 1	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Block 180 Field, West Cameron Area) (Offshore Louisiana).	9,000	6-5-69	[4] 7-6-69	[5] 7-7-69	[8] [10] [13] 18.5	[6] [7] [10] 20.0	
RI69-860	The Preston Oil Co., Post Office Box 1350, Houston, Tex. 77001. Attention: Mr. Howard B. Noyes.	36	[15] 1	do	1,807	6-11-69	[4] 7-12-69	[5] 7-13-69	[8] [10] [16] 18.5	[6] [7] [10] 20.0	

[3] Contract dated Feb. 27, 1969.
[4] The stated effective date is the first day after expiration of the statutory notice period, or the date of initial delivery, whichever is later.
[5] The suspension period is limited to 1 day.
[6] Rate increase filed pursuant to paragraph (A) of Opinion No. 546-A issued Mar. 20, 1969.
[7] Pressure base is 14.65 p.s.i.a.
[8] Area base rate for gas-well gas sold under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.
[9] Initial rate as conditioned by temporary certificate issued June 2, 1969, in Docket No. CI69-979.
[10] Subject to upward and downward B.t.u. adjustment.
[11] Contract dated Dec. 2, 1968.
[12] Initial rate as conditioned by temporary certificate issued Feb. 14, 1969, in Docket No. CI69-563.
[13] Initial rate as conditioned by temporary certificate issued June 2, 1969, in Docket No. CI69-979.
[14] Contract dated Apr. 10, 1969.
[15] Contract dated Apr. 11, 1969.
[16] Initial rate as conditioned by temporary certificate issued June 2, 1969, in Docket No. CI69-967.

These four proposed rate increases, from 18.5 cents to 20.0 cents per Mcf (subject to upward and downward B.t.u. adjustment), involve sales of third vintage gas well gas in Offshore Louisiana and were filed pursuant to Ordering Paragraph (A) of Opinion No. 546–A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20-cent base rate established in Opinion No. 546 for onshore gas well gas. The producers involved herein were issued conditioned temporary certificates in dockets as set forth below authorizing the collection of the third vintage prices established in Opinion No. 546 (18.5 cents for offshore gas well gas and 17 cents for casinghead gas subject to quality adjustment).[1] Deliveries of gas have not as yet commenced thereunder.

We conclude that these producers' proposed rate increases should be suspended for 1 day from the date shown in the "Effective date column" on appendix "A" hereof, or for 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Act pending the outcome of the area rate proceeding in docket No. AR69–1.

[F.R. Doc. 69–8003; Filed, July 9, 1969; 8:45 a.m.]

[Docket No. CP69–354]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

JULY 3, 1969.

Take notice that on June 30, 1969, Algonquin Gas Transmission Co. (Applicant), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in docket No. CP69–354 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity requesting authorization to provide the Connecticut Gas Co. (Connecticut Gas), an existing customer of Applicant, with a new delivery point to an unserved portion of its authorized service territory, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant states Connecticut Gas can provide service to a new plant being built by Uniroyal, Inc., in Oxford, Conn., part of their existing service territory, at substantially less cost, by having a new delivery point from Applicant, than the estimated cost of extending its distribution system to Oxford.

Estimated cost of facilities is $7,696, which will be financed out of cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69–8102; Filed, July 9, 1969; 8:47 a.m.]

[Docket No. E–7492]

ARIZONA PUBLIC SERVICE CO.

Notice of Application

JULY 2, 1969.

Take notice that on June 25, 1969, Arizona Public Service Co. (Applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing the sale and disposition by it of certain undivided interests in certain 230-KV switchyard facilities located at the so-called Four Corners Generating Station located in northwestern New Mexico.

Applicant is incorporated under the laws of the State of Arizona, with its principal place of business in Phoenix, Ariz., and it is engaged in the electric utility business in 10 counties in the State of Arizona.

The Applicant proposes to sell undivided interests in the switchyard facilities to Salt River Project Agricultural Improvement and Power District (Salt River) and to Public Service Co. of New Mexico (PSNM). It is proposed that upon completion of the transaction, Applicant will retain 57.5 percent of the capacity of the switchyard, PSNM will own 12.5 percent and Salt River 30 percent of the capacity of the switchyard. Under an agreement between the three parties, the Applicant will sell to the other two parties undivided interests in the percentages above set out. In consideration thereof, the two parties will pay the Applicant a total of $109,084 of which amount Salt River will pay $77,000 and PSNM will pay $32,084.

The facilities now serve as a path for the transferral of electric power and energy for Applicant between its 230-KV switchyard at Four Corners and its two 345-KV transmission lines. After the sale of the undivided interests in the switchyard facilities, they will then be used to serve as a path for the transferral of electric power and energy for Applicant, PSNM and Salt River between the 230-KV and the 345-KV switchyards.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69–8110; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. CP69–351]

CARNEGIE NATURAL GAS CO.

Notice of Application

JULY 3, 1969.

Take notice that on June 27, 1969, Carnegie Natural Gas Co. (Applicant), 3904 Main Street, Munhall, Pa. 15120, filed in docket No. CP69–351 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon points of connection and appurtenant transportation facilities in Allegheny and Greene Counties, Pa., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to terminate service at the following connections:

(1) A connection with Equitable Gas Co. located in West Mifflin Borough, Allegheny County.

(2) A connection with Columbia Gas of Pennsylvania, Inc., located in Springhill Township, Greene County, Pa.

Applicant states that an alternate connection with Equitable Gas Co. is available less than 5 miles distant in Washington County, Pa.; and that its customer for transportation service in Greene County, Pa., has terminated its contract to purchase gas at this connection.

[1] Dockets Nos. CI68–1027 and CI69–563, Union Oil Co. of California; docket No. CI69–979, Texas Gas Exploration Corp.; docket No. CI69–967, The Preston Oil Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8103; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. CP69-352]

CITIES SERVICE GAS CO.

Notice of Application

JULY 2, 1969.

Take notice that on June 27, 1969, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP69-352 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to install and operate measuring and regulating equipment and the sale of natural gas to the North Key Gas Co., Inc., for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to tap its existing Drumright to Tallant 16-inch and 18-inch transmission line in Osage County, install measuring, regulating and appurtenant facilities, and sell and deliver natural gas to the North Key Gas Co., Inc. for resale and distribution in the community of Pine, Okla., in Osage County.

The total estimated cost of the proposed facilities is $6,440, which will be paid from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8108; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. E-7493]

COMMUNITY PUBLIC SERVICE CO.

Notice of Application

JULY 2, 1969.

Take notice that on June 26, 1969, Community Public Service Co. (Applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing the purchase from Otero County Electric Cooperative, Inc., and merger into Applicant's existing system of certain electric facilities in Lincoln and Otero counties in N. Mex. Applicant seeks, alternatively, an order disclaiming the jurisdiction of the Federal Power Commission over the proposed purchase and merger of the said electric facilities.

Applicant is incorporated in the State of Texas with its principal business office in Fort Worth, Tex. Applicant also conducts business in the State of New Mexico, its principal New Mexico business office being at Silver City, N. Mex.

The facilities to be purchased consist of approximately 34 miles of electric distribution circuits of 14.4-kv and lower voltages together with transformers, services, poles, meters, easements, permits, and other appurtenances located in part within and in part outside of the municipal limits of the villages of Ruidoso and Ruidoso Downs, in Lincoln County, and in Tularosa and the city of Alamogordo, in Otero County, N. Mex. The total purchase price of the facilities is $245,000 plus adjustments for additions made prior to the closing date of the contract.

After the acquisition the facilities will continue to be used to provide the same service now provided. Most of the consumers to be transferred will receive an immediate reduction in the rates paid for electric service.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8112; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. E-7494]

IOWA POWER AND LIGHT CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Application

JULY 2, 1969.

Take notice that on June 27, 1969, Iowa Power and Light Co., 823 Walnut Street, Des Moines, Iowa 50303, and Iowa-Illinois Gas and Electric Co., 206 East Second Street, Davenport, Iowa 52801 (Applicant), filed an application pursuant to section 203 of the Federal Power Act (16 U.S.C. sec. 824(b)), seeking authority to consummate a Plan of Consolidation pursuant to which Applicants will be consolidated into a new corporation, Iowa Energy Co., and the outstanding common and preferred stock of Applicants converted into shares of Iowa Energy Co.

Under the Plan of Consolidation, preferred stockholders of each company will receive preferred stock of the new company, reflecting rights and privileges substantially similar to those of the

outstanding preferred stock of the constituent companies; common stockholders of Iowa-Illinois will receive common stock of the new company on a share-for-share basis; and common stockholders of Iowa Power will receive 1.15 shares of the common stock of Iowa Power.

Iowa Energy Co. will assume all rights and liabilities of Applicants, including all gas and electric utility facilities, contracts (including contracts for the purchase, sale or interchange of electric energy), and franchises, and will continue to conduct all of the business now conducted by Applicants. Applicant, Iowa Power and Light Co., an Iowa corporation, is presently engaged in the business of supplying electric and gas service in the Central and Southwestern sections of Iowa, including Des Moines, Iowa, and Council Bluffs, Iowa. Applicant, Iowa-Illinois Gas and Electric Co., an Illinois corporation, is presently engaged in the business of supplying electric and gas service in the Central and Eastern sections of Iowa and the Western section of Illinois, including the Quad-Cities (Rock Island, Moline, and East Moline, Ill., and Davenport, Iowa), and Fort Dodge, Iowa City, Cedar Rapids, and Ottumwa, Iowa.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8109; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. CP69-356]

MIDWEST NATURAL GAS CO. AND MONTANA-DAKOTA UTILITIES CO.

Notice of Application

JULY 3, 1969.

Take notice that on June 30, 1969, Midwest Natural Gas Co. (Applicant) 600 Denver Club Building, Denver, Colo. 80202, filed in docket No. CP69-356 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Montana-Dakota Utilities Co. (Respondent) to establish physical connection of its transportation facilities with Applicant's proposed facilities, and to sell and deliver to Applicant the volumes of natural gas required for initiation of gas service in 20 communities situated in North Dakota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the pipeline and transmission facilities of Respondent provides the most feasible and economical source of supply of natural gas for the 20 communities Applicant proposes to serve. Applicant further states such sales and deliveries as may be required will not impair Respondent's ability to render adequate service to its existing customers or subject it to any undue burden.

Estimated cost of the proposed facilities is $11,610,000, which will be financed by the issuance of common stock and convertible debentures.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 1, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8101; Filed, July 9, 1969; 8:47 a.m.]

[Docket No. RP70-1]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

JULY 3, 1969.

Take notice that Mississippi River Transmission Corp. (Mississippi) on July 1, 1969, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, to become effective on August 1, 1969. The proposed rate changes would increase charges for jurisdictional sales by $8,117,059 annually, based on volumes for the 12-month period ended March 31, 1969, as adjusted. The proposed increase would be applicable to Mississippi's Rate Schedules CD-1 and PI-1. Mississippi also proposes to revise Rate Schedule PI-1 to make it available on a continuing basis in lieu of its present availability which is limited to the period November 1, 1968 through October 31, 1969, and proposes various minor modifications to its Rate Schedules CD-1 and PI-1.

Mississippi states the principal reasons for the proposed rate increases are: increases in the cost of purchased gas, increased operating costs and taxes and increased financing costs. The proposed increased rates reflect a rate of return of 9 percent.

Copies of the filing were served on Mississippi's customers and interested State Commissions.

Any persons desiring to be heard or to make any protest with reference to said application should on or before July 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8104; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. CP69-353]

MISSISSIPPI VALLEY GAS CO. AND TENNESSEE GAS PIPELINE CO.

Notice of Application

JULY 2, 1969.

Take notice that on June 27, 1969, Mississippi Valley Gas Co. (Applicant), Post Office Box 3348, Jackson, Miss. 39207, filed in docket No. CP69-353 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Tennessee Gas Pipe Line Co. to establish physical connection of its transmission facilities with the proposed facility of Holcomb, Miss., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a distribution system in Holcomb, Miss. The total estimated cost of the proposed facility is $47,445, which will be financed from funds on hand.

Applicant estimates peak day and annual gas requirements as follows:

Year	Maximum daily (Mcf)	Annual quantity (Mcf)
1	133	13,260
2	145	15,130
3	160	17,340

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8111; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. CP69-350]

SABINE PIPE LINE CO.

Notice of Application

JULY 3, 1969.

Take notice that on June 26, 1969, Sabine Pipe Line Co. (Applicant), 1111 Rusk Avenue, Houston, Tex. 77002, filed in docket No. CP69-350 a "budget-type" application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 of the regulations thereunder authorizing rearrangement of Applicant's existing transportation facilities in Jefferson County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to make rearrangements in those facilities used to transport gas to the Texaco, Inc. plant in Port Arthur, in order to be in a position to promptly satisfy any requests for rearrangements which might be made by Texaco, Inc. Applicant proposes to expend not more than $10,000 during the 12-month period, and states that no material change will result in the service presently rendered by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8105; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. CP69-222 (Phase II)]

TENNESSEE GAS PIPELINE CO.

Order Setting Dates for Filing of Testimony and for Formal Hearing

JUNE 13, 1969.

By our order of June 10, 1969, Tennessee Gas Pipeline Co. (Tennessee), a division of Tenneco, Inc., was authorized, in what has been designated as Phase I, to construct and operate the facilities requested in its application in docket No. CP69-222. Additionally, we indicated that the issue raised by certain interveners as to the propriety of Tennessee's proposed manner of allocation of additional service to its customers would be resolved in the Phase II part of the proceeding. We shall here set a date for the filing of testimony and for the commencement of formal hearings in Phase II.

The Commission orders:

(A) The applicant will serve its direct prepared testimony on all parties of record, including the staff and the office of Hearing Examiners in a manner consistent with our rules on or before July 11, 1969.

(B) Pursuant to the authority conferred on the Federal Power Commission by the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on July 21, 1969, at 10 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the matters reserved for resolution in Phase II. Cross-examination of the testimony served pursuant to (A) above will commence at that time.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8106; Filed, July 9, 1969; 8:48 a.m.]

[Docket No. RP69-41]

TEXAS GAS TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

JULY 3, 1969.

Take notice that Texas Gas Transmission Corp. (Texas Gas) on June 27, 1969, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, and Original Volume No. 2, to become effective on August 12, 1969. The proposed rate changes would increase charges for jurisdictional sales and transportation services by $36,813,407 annually, based on volumes for the 12-month period ended March 31, 1969, as adjusted. The proposed increase would be applicable to all of Texas Gas' jurisdictional rate schedules. Texas Gas also proposes a modification of the billing demand ratchet provision under Rate Schedules G-1, G-2, G-3, and G-4 from the existing 90 percent of contract demand to 95 percent of contract demand, and a modification of the measurement provisions in the General Terms and Conditions.

Texas Gas states the principal reasons for the proposed rate increases are: (1) Increases in its cost of purchased gas; (2) costs of transportation by others of new offshore gas supplies and costs related to new underground storage facilities; (3) the proposed reversion from liberalized depreciation to straight line depreciation for tax purposes; (4) salary and wage increases; and (5) the need for an 8.5 percent rate of return.

Texas Gas' filing consists of two alternative sets of revised tariff sheets, the first of which contains a proposed new section, to be included in the General Terms and Conditions of the tariff, providing for monthly billing adjustments to reflect current changes in Texas Gas' unit cost of purchased gas. Texas Gas requests that, if the Commission finds that the proposed purchased gas adjustment provision is prohibited by § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act and does not waive the terms of that section for purposes of Texas Gas' filing, the Commission accept for filing the alternative set of revised tariff sheets, which does not contain a purchased gas adjustment provision.

Copies of the filing were served on Texas Gas' customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8100; Filed, July 9, 1969; 8:47 a.m.]

[Docket No. RP69-40]

WESTERN TRANSMISSION CORP.

Notice of Proposed Change in Rate and Charge

JULY 3, 1969.

Notice is hereby given that Western Transmission Corp. (Western) on June 26, 1969, filed a proposed change in its FPC Gas Tariff, Original Volume No. 1, to be effective as of January 1, 1969. The proposed change would increase the rate charged to Colorado Interstate Gas Co. for gas sold under Rate Schedule F from 20 cents per Mcf to 21 cents.

Western alleges that the increase is of the periodic type provided by contract in the sale authorized by Opinion No. 429, issued May 26, 1964, 31 FPC 1295, in consolidated dockets CI63-1460 and CP63-329.

Any person desiring to be heard or to make any protest with reference to said tender should on or before July 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing herein must file applications to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8107; Filed, July 9, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

MARINE CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of The Marine Corp., Milwaukee, Wis., for approval of acquisition of 80 percent or more of the voting shares of The First State Bank, West Bend, Wis.

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

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Wisconsin Commissioner of Banking and requested his views and recommendation. He advised the Board that he would take no action to disapprove of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 22, 1969 (34 F.R. 6749), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

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

Dated at Washington, D.C., this 1st day of July 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8065; Filed, July 9, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1311]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JULY 3, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures), will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinatfer set forth reflect the scope of the applications as filed by applicants, 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.

No. MC 694 (Sub-No. 6), filed June 16, 1969. Applicant: CLETUS E. MUMMERT, INC., East Berlin, Pa. 17316. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Wood mouldings and wood dimension parts,* from East Berlin, Pa., to points in New York, N.Y., commercial zone and points in New Jersey, under a continuing contract or contracts with Beau Products, Inc.; and (2) *lumber,* from East Berlin, Pa., to points in New York, N.Y., commercial zone and points in New Jersey, under a continuing contract or contracts with Penn Wood Products Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

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

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, Brimmer, and Cherrill. Absent and not voting: Governor Daane.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 11207 (Sub-No. 286), filed June 11, 1969. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Savannah, Ga., to points in Alabama. NOTE: Applicant states it does not intent to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 20894 (Sub-No. 12), filed June 12, 1969. Applicant: P. CALLAHAN, INC., 5240 Comly Street, Philadelphia, Pa. 19135. Applicant's representatives: Terrence L. Bowers (same address as applicant), and Edward F. Kane, 522 Swede Street, Norristown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the site of the warehouse of the Singer Co. at Warwick, N.Y., on the one hand, and, on the other, points in New Jersey on and south of a line extending from U.S. Highway 206 at Trenton, N.J., northerly to Princeton, N.J.; thence in an easterly direction over New Jersey Highway 571 to Hightstown, N.J.; thence over New Jersey Highway 33 to Asbury Park, N.J., and points in Pennsylvania and Delaware on and east of U.S. Highway 202 from New Hope, Pa., to and including Wilmington, Del. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 119140 Sub-No. 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 28517 (Sub-No. 6), filed June 10, 1969. Applicant: FARNY TRUCK SERVICE, INC., 1605 Northwest Pettygrove Street, Portland, Oreg. 97209. Applicant's representative: John R. Winkler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, in tank vehicles, and household goods as defined by the Commission); (A) between Rainier and Astoria, Oreg., over U.S. Highway 30; and (B) between Astoria and Seaside, Oreg., over U.S. Highway 101 and off-route points within 5 miles of the described route in (A) and (B); serving all intermediate points between Rainier and Seaside. NOTE: If a hearing is deemed necessary, applicant requests it be held at Astoria, Oreg.

No. MC 30844 (Sub-No. 278), filed June 16, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery ingredients*, from Kansas City, Mo., and points within its commercial zone to Rochester, St. Paul, and Minneapolis, Minn., and points within its commercial zone. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Minneapolis, Minn.

No. MC 30867 (Sub-No. 177), filed June 16, 1969, Applicant: CENTRAL FREIGHT LINES INC., 303 South 12th Street, Post Office Box 238, Waco, Tex. 76703. Applicant's representative: Phillip Robinson, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission in 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Waco, Tex., and Hempstead, Tex.: From Waco, over Texas Highway 6 to Hempstead, and return over the same route, serving all intermediate points; (2) between Caldwell, Tex., and Bryan, Tex.; from Caldwell, over Texas Highway 21 to Bryan, and return over the same route, serving all intermediate points; and (3) between junction of Texas Highway 6 and Texas Highway 14 at or near Bremond, Tex., and Corsicana, Tex.; from junction of Texas Highway 6 and Texas Highway 14 over Texas Highway 14 to its junction with U.S. Highway 75, thence over U.S. Highway 75 to Corsicana, Tex., and return over the same route, serving no intermediate points. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 31600 (Sub-No. 643) (Amendment), filed May 23, 1969, published in the FEDERAL REGISTER issue of June 19, 1969, and republished as amended, this issue. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., Suite 705, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, dry in bulk, from Paulsboro, N.J., to Philadelphia, Pa., and points in Michigan, Ohio, and Delaware. NOTE: Applicant states that the authority pending under its Sub 639 for clay, from Paulsboro, N.J., to Alma, Mich., will be amended to delete that portion. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. The purpose of this republication is to add Delaware as a destination State. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 36556 (Sub-No. 17), filed June 9, 1969. Applicant: HOWARD E. BLACKMON, Post Office Box 186, Somers, Wis. 53171. Applicant's representative: Earle Munger, 520 58th Street, Kenosha, Wis. 53140. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials and supplies and ground clay products* in bulk, and packages and mixed bulk and packages, between the plantsites and the storage facilities of N. S. Koos & Son Co., in Kenosha, Wis., on the one hand, and, on the other, points in Illinois; and Lake County, Ind. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 36974 (Sub-No. 5) (Amendment), filed May 23, 1969, published FEDERAL REGISTER issue of June 12, 1969, amended June 22, 1969, and republished as amended, this issue. Applicant: HMIELESKI TRUCKING CORP., 108 New Era Drive, South Plainfield, N.J. 07080. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances*, from Edison, N.J., to points in Orange, Rockland, Putnam, Ulster, Sullivan, and Dutchess Counties, N.Y., and Fairfield County, Conn., and *returned shipments*, on return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to add Sullivan and Dutchess to the New York counties. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 43716 (Sub-No. 27) (Amendment), filed May 6, 1969, published in the FEDERAL REGISTER issue of May 22, 1969, amended and republished this issue. Applicant: BIGGE DRAYAGE CO., a corporation, 10700 Bigge Avenue, San Leandro, Calif. 94577. Applicant's representative: R. A. Doty (same address as applicant). Authority sought to operate at a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment or special handling, including classes A and B explosives, and related parts, equipment, materials, and supplies, when their transportation is incidental to the transportation of the commodities which because of size or weight require the use of special equipment or handling; (a) between points in California, Idaho, Nevada, Oregon, and Washington; and (b) between points in (a) above on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic moving (1) on Government bills of lading or (2) on commercial bills of lading to be converted

to Government bills of lading; or (3) on commercial bills of lading endorsed with the legend, "Transportation hereunder is for the U.S. Government and the actual cost paid to the carrier by the shipper or receiver is to be reimbursed by the U.S. Government". NOTE: The purpose of this republication is to clarify the commodity description and to limit the territorial scope to the area that can best be served by applicant. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or San Francisco, Calif.

No. MC 50493 (Sub-No. 44) (Amendment), filed April 3, 1969, published in the FEDERAL REGISTER issue of April 24, 1969, amended and republished this issue. Applicant: P.C.M. TRUCKING, INC., 1063 Main Street, Orefield, Pa., Applicant's representative: Frank A. Doocey, 601 Hamilton Street, Allentown, Pa. 18101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and animal feed ingredients*, between Allentown, Pa., and points in Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant states it intends to tack at Allentown, Pa., from points in Florida, Georgia, North Carolina, and South Carolina, to serve points in New York and New Jersey. The purpose of this republication is to amend the tacking information. Applicant holds contract carrier authority under MC-115859 and Subs. Applicant states upon approval of application, it will surrender such contract carrier rights as are duplicated by application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 52657 (Sub-No. 663) (Amendment), filed May 5, 1969, published FEDERAL REGISTER issue of May 29, 1969, amended June 13, 1969, and republished as amended, this issue. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bierberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles* (except trailers), and *parts and accessories* thereof, when moving with the vehicles being transported, in initial movements in truckaway and driveway service, from Boyertown, Pa., to points in the United States, including Alaska (but excluding Hawaii), restricted against the transportation of vehicles which require the use of special equipment for transporting such vehicles; (2) *motor vehicles* (except trailers), and *parts and accessories* thereof, when moving with the vehicles being transported, in secondary movements in truckaway service, between Boyertown, Pa., and points in the United States, including Alaska (but excluding Hawaii), restricted to the transportation of vehicles which have been previously manufactured or assembled at Boyertown, Pa., and which have had a prior movement from Boyertown, Pa., and further restricted against the transportation of vehicles which require the use of special equipment for transporting such vehicles. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this amendment is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa. SPECIAL NOTE: The publication hereinabove set forth reflects the scope of the application as filed and amended 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 application here noticed will not necessarily reflect the phraseology set forth in the application as filed, and also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 56640 (Sub-No. 25), filed June 2, 1969. Applicant: DELTA LINES, INC., Post Office Box 8155, Emeryville, Calif. 94608. Applicant's representative: Marshall G. Berol, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and except commercial trailers in towaway service other than commercial trailers furnished by a shipper for the transportation of its products; (1) between junction California Highways 198 and 41 near Lemoore, Calif., and Lodgepole (Tulare County) Calif., over California Highway 198; and (2) between junction California Highways 198 and 276 and Mineral King, Calif., over California Highway 276, serving all intermediate points in connection with (1) and (2) above. NOTE: Applicant states it presently holds authority in its MC 56640 (Sub-No. 22) to serve as off-route points those points which are within 20 miles of U.S. Highway 99. Applicant further states this application seeks regular route authority to points that are within 20 miles of U.S. Highway 99, and to points beyond 20 miles. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 59367 (Sub-No. 69), filed June 18, 1969. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa, 50501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites of and storage facilities used by Farmbest, Inc., and World Wide Meats, Inc., located at or near Denison, Iowa, to points in Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 60012 (Sub-No. 81), filed June 16, 1969. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, Colo. 80221. Applicant's representatives: Warren D. Braucher and Ernest Porter, 604 Rio Grande Building, Denver, Colo. 80217. Authority sought as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities of unusual value, household goods as defined by the Commission, and those injurious or contaminating to other lading; (1) between Antonito, Colo., and the Colorado-New Mexico State line, from Antonito, Colo., over Colorado Highway 17 to the Colorado-New Mexico State line, and return over the same route, serving all intermediate points and serving the off-route points in that part of Conejos and Rio Grande Counties, Colo., located south of U.S. Highway 160 and west of U.S. Highway 285; and (2) between Antonito, Colo., and Chama, N. Mex., from Antonito, Colo., over U.S. Highway 285 to Tres Piedras, N. Mex., thence over U.S. Highway 64 to Tierra Amarilla, N. Mex., thence over U.S. Highway 84 to its junction with New Mexico State Highway 17 (approximately 4 miles east of Monero, N. Mex.), and thence over New Mexico State Highway 17 to Chama, N. Mex., and return over the same routes, serving all intermediate points and serving the off-route points of No Agua, N. Mex. (approximately 7 miles north of Tres Piedras), the plantsite of Johns-Manville Corp. located approximately 1½ miles east of No Agua; and the plantsite of the United Perlite Corp. located approximately 16 miles east of No Agua. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 64932 (Sub-No. 477), filed June 9, 1969. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone and phenol*, in bulk, in tank vehicles, from the plant site of United States Steel Corp. at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Ilinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 72231 (Sub-No. 4), filed June 11, 1969. Applicant: THE J. W. JONES & SON COMPANY, a corporation, Post Office Box 148, Youngstown, Ohio 44501. Applicant's representative: John R. Sims, Jr., 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, packinghouse products, and dairy products*, from Youngstown, Ohio, to points in Belmont and Jefferson Counties, Ohio; Brooke, Hancock, Marshall, and Ohio Counties, W. Va.; and points in Allegheny, Greene, Washington, Fayette, Westmoreland, Armstrong, Cambria, and Indiana Counties, Pa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 76032 (Sub-No. 245), filed June 20, 1969. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo 80223. Applicant's representative: William E. Kenworthy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Silver bullion, dore bullion, and fine silver alloys*, between Los Angeles and Barstow, Calif., from Los Angeles over Interstate Highway 10 to junction Interstate Highway 15, thence over Interstate Highway 15 to Barstow, and return over the same route, serving the intermediate and off-route points of El Monte and Fontana, Calif., and serving Barstow, Calif., for purposes of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 82841 (Sub-No. 57) (Correction), filed May 5, 1969, published in the FEDERAL REGISTER issue of June 5, 1969, and republished as corrected this issue. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, and other forest products;* (1) from points in Wyoming to points in Iowa, Indiana, Wisconsin, South Dakota, Ohio, Minnesota, Illinois, Michigan, Kansas, and Missouri; (2) from points in Colorado to points in South Dakota, Minnesota, Illinois, Michigan, Kansas, Missouri, and Ohio; and (3) from points in Fergus and Musselshell Counties, Mont., to points in Wyoming, Colorado, Nebraska, Iowa, Illinois, Wisconsin, and Indiana. NOTE: The purpose of this republication is to include the State of Ohio in the destination territory in (1) above, which was erroneously omitted in the previous publication. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Cheyenne, Wyo.

No. MC 95540 (Sub-No. 750), filed June 9, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay tile and related items*, from Lakeland, Fla., to points in Colorado, Connecticut, Delaware, District of Columbia, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia; and (2) *commodities* used in the manufacturing, distribution, and/or installation of clay tile (except in bulk), on return. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 95540 (Sub-No. 751), filed June 20, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Seneca Foods Corp., at Dundee, Penn Yan, Geneva, and Williamson, N.Y., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 105063 (Sub-No. 5), filed June 2, 1969. Applicant: W. H. TAYLOR, 2301 Southwest Hazel Road, Lake Oswego, Oreg. 97034. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone;* (a) from Lake Oswego, Oreg., to points in Klickitat and Lewis Counties, Wash.; and (b) between points in Clark, Cowlitz, Grays Harbor, Klickitat, Lewis, Pacific, Skamania, and Wahkiakum Counties, Wash.; restricted to traffic having a prior movement by rail carrier. NOTE: Applicant states the restriction is applicable only to part (b). Applicant further states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 105813 (Sub-No. 170), filed June 16, 1969, Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest Third Street, Miami, Fla. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods, pet supplies, pet accessories, tonics, and animal supplements*, from Bayonne, Harrison, Bloomfield, Secaucus, and Jersey City, N.J., to points in Florida, Georgia, and South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 106398 (Sub-No. 403), filed June 9, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from New Hanover County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states no duplicate authority is being sought. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Wilmington or Raleigh, N.C.

No. MC 107162 (Sub-No. 23), filed June 13, 1969. Applicant: NOBLE GRAHAM, Brimley, Mich. 49715. Applicant's representative: Philip H. Porter, 16 North Carroll Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from the port of entry on the international boundary line between the United States and Canada located at or near Sault Ste. Marie, Mich., to points in Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108068 (Sub-No. 81), filed June 13, 1969. Applicant: U.S.A.C. TRANSPORT, INC., Post Office Box G, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as above), and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft parts and materials, equipment, tools, and supplies* used in the manufacturing of aircraft parts, between Sparta, Smithville, Monterey, Gainsboro, and Carthage, Tenn.; Tulsa, Okla.; Mountain Home and Melbourne, Ark.; and Long Beach and Torrance, Calif. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 111720 (Sub-No. 8), filed June 9, 1969. Applicant: RAY WILLIAMS AND ARLENE WILLIAMS, a partnership, doing business as WILLIAMS TRUCK SERVICE, 2800 East 11th Street, Post Office Box 40, Sioux Falls, S. Dak. 57101.

Applicant's representative: James R. Becker, 412 West Ninth Street., Sioux Falls, S. Dak. 57104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except meats, meat products, and meat byproducts and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), when moving in mixed truckloads with meats, meat products, and meat byproducts and articles distributed by meat packinghouses, from the plantsite and/or warehouse facilities of Geo. A. Hormel & Co., Austin, Minn., to points in West Virginia; Fayette, Washington, and Allegheny Counties, Pa.; Pike County, Ky.; Sullivan, Johnson, Carter, Washington, and Unicoi Counties, Tenn.; and points in Virginia on and west of U.S. Highway 21, under contract with Geo. A. Hormel & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sious Falls, S. Dak., or Minneapolis, Minn.

No. MC 111812 (Sub-No. 380), filed June 11, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representatives: R. H. Jinks (same address as above), and Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides), from points in the Omaha, Nebr., Council Bluffs, Iowa, commercial zone, to points in North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Michigan, Ohio, Pennsylvania, New York, New Jersey, Maryland, Delaware, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine, restricted to traffic originating at Omaha, Nebr., and Council Bluffs, Iowa, and destined to the above named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 111812 (Sub-No. 383), filed June 19, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. Applicant's representatives: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102, and R. H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, not cold pack or frozen, from plantsites and storage facilities of Comstock Greenwood Foods, Borden, Inc., at Waterloo, Egypt, Rushville, Penn Yan, Newark, Lyons, Syracuse, Fairport, and Red Creek, N.Y., and West Chester, Pa., to points in New Mexico, Arizona, Colorado, Utah, Nevada, California, Idaho, Montana, Oregon, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112801 (Sub-No. 95), filed June 16, 1969. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50252, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy syrup*, in bulk, in tank vehicles, from Remington, Ind., to Taylorville, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 118), filed June 12, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); (a) from the plantsite and/or warehouse facilities of the Geo. A. Hormel & Co., Miami, Okla., to Algona, Iowa; and (b) from the plantsite and/or warehouse facilities of the Geo. A. Hormel & Co., Algona, Iowa, to Austin, Minn.; (2) *meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) and *foodstuffs* (except meats, meat products, meat byproducts, and articles distributed by meat packinghouses), as described above when transported in mixed truckloads with meat, meat products, meat byproducts, and articles distributed by meat packinghouses, from the plantsite and/or warehouse facilities of Geo. A. Hormel & Co., Austin, Minn., to points in Kansas, Missouri, Arkansas, Mississippi, and Louisiana, restricted to shipments originating at the plantsites and/or warehouse facilities of Geo. A. Hormel & Co., in Miami, Okla.; Algona, Iowa; and Austin, Minn., and restricted to traffic destined to the named points or States. NOTE: Applicant states no duplicate authority is being sought. It further states the purpose of this application is to permit the carrier to handle intransit through Algona, Iowa, and to originate therein. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113267 (Sub-No. 218), filed May 29, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags*, from St. Louis and Kansas City, Mo., to points in Iowa and Minnesota. Restriction: Shipments from St. Louis and Kansas City, Mo., must be combined with shipments originating at Crossett, Ark. (currently authorized), for delivery in Iowa and Minnesota. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113843 (Sub-No. 150), filed June 16, 1969. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02110. Applicant's representative: J. H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chicago Heights, Elk Grove Village, and Shaumberg, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No. 200), filed June 18, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nails and wire products*, from ports of entry on the international boundary line between the United States and Canada located in Washington, to points in North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Iowa, Indiana, Michigan, and Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114194 (Sub-No. 152), filed June 12, 1969. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Gene Kreider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Dupo, Ill., to points in Missouri, Illinois, Iowa, Indiana, Kentucky, Tennessee, Arkansas, and Kansas. NOTE: Applicant states it

does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 114312 (Sub-No. 13), filed June 19, 1969. Applicant: ABBOTT TRUCKING, INC., 107½ Main Street, Delta, Ohio 43515. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, fertilizer materials, and fertilizer ingredients;* (a) from Toledo, Ohio, to points in New York; (b) from Bascom, Greenville, and Lodi, Ohio, to points in Indiana and Illinois; and (c) from Joliet, Ill., to points in Indiana, Illinois, Michigan, and Ohio; (2) *feed, feed ingredients, and grain products,* from Toledo, Ohio, to points in New York, Pennsylvania, West Virginia, Illinois, and Wisconsin; and (3) *coal,* from Detroit, Mich., to points in Ohio. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 114848 (Sub-No. 44) (Amendment), filed March 27, 1969, published in FEDERAL REGISTER issue of April 24, 1969, amended June 17, 1969, and republished as amended this issue. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt,* from Memphis, Tenn., to points in Missouri, Arkansas, Mississippi, Alabama, Tennessee, and Kentucky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to omit "in bulk", as previously published. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or New Orleans, La.

No. MC 115162 (Sub-No. 174), filed June 5, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Physical fitness, gymnastic, athletic, and sporting goods equipment, barbells, bars, pipe, tubing, exercycles, and boat anchors,* between the plantsite of Diversified Products Corp. at West Haven, Conn., and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada, and Louisiana, Texas, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala., or Washington, D.C.

No. MC 115273 (Sub-No. 8), filed June 16, 1969. Applicant: ACME CARRIERS, INC., 216 Third Street, Brooklyn, N.Y. 11215. 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: *Bomb bodies,* from Garden City, N.Y., to Corn Husker Army Ammunition Plant, Grand Island, Nebr. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 115841 (Sub-No. 354), filed June 20, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. Applicant's representatives: C. E. Wesley (same address as applicant), also E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except in bulk), from Dundee, Penn Yan, and Geneva, N.Y., to points in West Virginia and Kentucky; and (2) *materials and supplies* used by foods processors on return. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116077 (Sub-No. 267), filed June 16, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feeds, liquid animal feed supplements, liquid animal feed ingredients, and molasses,* in bulk, from McComb, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 116544 (Sub-No. 108), filed June 16, 1969. Applicant: WILSON BROTHERS TRUCK LINES, INC., 700 East Fairview Street, Post Office Box 636, Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, prepared, and preserved foodstuffs,* from Austin, Ind., to points in Arkansas, Oklahoma, Texas, Louisiana, Missouri, Kansas, Nebraska, Iowa, Wisconsin, Minnesota, and Mississippi. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 117344 (Sub-No. 193), filed June 9, 1969. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone and phenol,* in bulk, in tank vehicles, from the plantsite of United States Steel Corp., at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117765 (Sub-No. 83), filed June 12, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pitch, lignin,* dry in bag or barrel, from the plantsite and facilities of American Can Co., Green Bay and Rothschild, Wis., to points in Arkansas, Colorado, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 121425 (Sub-No. 2), filed June 4, 1969. Applicant: HUDGEL TRANSFER CO., INC., 1323 North 22d Avenue, Phoenix, Ariz. 85009. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Arizona. NOTE: Applicant states that it would tack at any point where authority sought herein, would connect with the authority of Johnson Van Lines sought to be acquired by application form BF-200 being filed simultaneously herewith, and assigned No. MC-FC-71453. By this instant application, applicant seeks to convert a certificate of registration MC

121425 Sub 1 to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. 123048 (Sub-No. 149) (Amendment), filed February 28, 1969, published in the FEDERAL REGISTER issue of April 10, 1969, amended and republished this issue. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul Martinson, Post Office Box A, Racine, Wis. 53401, and Paul Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, as defined by the Commission, commodities in bulk, and commodities in vehicles equipped with mechanical refrigeration); (a) between military installations or Defense Department establishments in the United States (except Hawaii); and (b) between points in (a) above on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: The purpose of this republication is to amend the commodity description. Applicant states it does not intend to tack if authority is granted in entirety, and is apparently willing to accept a restriction against tacking if warranted. However, applicant further states if authority is granted in part only, tacking would be done at any authorized common point with present authority held under MC 123048 and Subs thereto. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123048 (Sub-No. 154) (Clarification), filed May 13, 1969, published in FEDERAL REGISTER issue of May 29, 1969, clarified June 18, 1969, and republished as clarified, this issue. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Post Office Box A, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, and Paul Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, farm machinery, and farm equipment;* and (2) *parts* of the commodities described in (1) above; from Hernando, Miss., to points in the United States (except Hawaii) and from Boise, Idaho, to Hernando, Miss. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to clarify the authority sought. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 123067 (Sub-No. 89), filed June 19, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. Applicant's representative: B. M. Shirley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Savannah, Ga., to points in Alabama. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 123067 (Sub-No. 90), filed June 19, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: B. M. Shirley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reclaimed jet fuel*, in bulk, from Douglasville, Ga., to Greensboro and Swannanoa, N.C., and Roanoke, Va. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124078 (Sub-No. 387) filed June 16, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Sand*, from Sewanee, Tenn., to points in Virginia. NOTE: Applicant states it could tack with its Sub 251 at Sewanee to provide service on silica sand from Guion, Ark., to Virginia, however, tacking is not intended. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Nashville, Tenn.

No. MC 124522 (Sub-No. 5), filed June 12, 1969. Applicant: CARLO C. DROGO, Delaware Avenue, Landisville, N.J. 08326. Applicant's representative: Robert B. Einhorn, 1540 Philadelphia Saving Fund Building, 12 South 12th Street, Philadelphia, Pa. 19107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products*, from Berlin, Williamstown Junction, Millville, and Vineland, N.J., to points in Massachusetts, under contract with Formigli Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 124652 (Sub-No. 7), filed June 16, 1969. Applicant: JULIAN F. DUNCAN, doing business as DUNCAN TRANSFER, Post Office Box 1, Riverton, Va. 22651. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Masony or mortar cement*, from Riverton, Va., to points in Connecticut under contract with Riverton Lime & Stone Co., Inc., Riverton, Va. NOTE: Applicant holds common carrier authority under MC 110422, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126128 (Sub-No. 6), filed June 16, 1969. Applicant: DEAN W. HONNENSIEFKEN, doing business as D. H. TRUCKING, Route 1, Box 241, Lyons, Oreg. 97358. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular rotues, transporting: *Lumber*, between points in Polk, Marion, Benton, Lane, Linn, Yamhill, and Multnomah Counties, Oreg., on the one hand, and, on the other, points in Multnomah, Clatsop, and Lincoln Counties, Oreg.; and points in Clark, Cowlitz, Lewis, Skamania, Klickitat, Skagit, Snohomish, King, and Pierce Counties, Wash. NOTE: Applicant states that to some degree the instant application is duplicative, but applicant intends the authority sought be considered a single authority only. Applicant further states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 126514 (Sub-No. 14), filed June 11, 1969. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, Post Office Box 392, Phoenix, Ariz. 85001. 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: (1) *Calendar mounts, pads, paper, advertising materials, and calendars*, from Sidney, N.Y., to Los Angeles and San Francisco, Calif.; Sparks and Reno, Nev.; Seattle, Wash.; and Portland, Oreg.; and (2) *cosmetics, toilet preparations, perfumes, soap, and advertising materials and displays*, in vehicles equipped with mechanical refrigeration, from Port Jervis, N.Y.; Mountaintop, Pa.; and Newark, N.J., to Sparks and Reno, Nev.; Seattle, Wash.; and Portland, Oreg. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Syracuse or Buffalo, N.Y., Washington, D.C., or Los Angeles, Calif.

No. MC 127561 (Sub-No. 1), filed June 8, 1969. Applicant: W. R. RIVERS, INC., 228 West Pine Street, Post Office Box 895, Hattiesburg, Miss. 39401. Applicant's representative: Dudley W. Conner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Lucedale and Poplarville, Miss., over Mississippi Highway 26, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hattiesburg, Miss.

No. MC 127834 (Sub-No. 35), filed June 16, 1969. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue., Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign poles, sign parts, and accessories therefor*, from Chicago, Ill., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128302 (Sub-No. 5), filed June 9, 1969. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, Route 87, Newbury, Ohio 44065. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid concrete admixtures*, in bulk, in tank vehicles, from Reynolds, Ga., and Springfield, Mo., to points in the United States (except points in the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming). NOTE: Applicant presently holds authority under permit MC 112184 Sub-No. 2 and subs thereunder, therefore, dual operations may be involved. Applicant states it serves shippers, none of whom produce, ship, or receive involved commodities. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128353 (Sub-No. 3), filed June 16, 1969. Applicant: LEE J. PRENTICE, West Bend, Iowa 50597. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock, sand, and gravel*, in bulk, from points in Worth County, Iowa, to points in Blue Earth, Dodge, Faribault, Freeborn, Martin, Mower, Waseca, and Steele Counties, Minn. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 128586 (Sub-No. 3), filed June 16, 1969. Applicant: FEED HAULERS, INC., 1701 Thomas Avenue, Guntersville, Ala. 35976. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry offal meal*, from Geraldine and Trussville, Ala., to Denver, Colo., and Davenport and Clinton, Iowa, under contract with Ralston Purina Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 129808 (Sub-No. 4), filed June 16, 1969. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., Rural Route No. 3, Box 46, Municipal Airport, Grand Island, Nebr. 68801. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal scaffolding towers*, (knocked down), *conveyors, pumps, and parts and accessories* for such products, from Yankton, S. Dak., to points in the United States (except Alaska and Hawaii), under contract with Morgen Manufacturing Co., Yankton, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 133179 (Sub-No. 1), filed June 16, 1969. Applicant: RAYMOND BARTLESON, doing business as: COLORADO CONTRACT CARRIER, 1230 Seventh Street, Post Office Box 5703, Denver, Colo. 80217. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pickles and peppers*, in containers; (a) from Denver and Fort Collins, Colo., to points in Oklahoma, Kansas, Texas, and New Mexico; and (b) Albuquerque, N. Mex., to Denver, Colo.; (2) *salt*, from Lyons and Hutchinson, Kans., to Fort Collins and Denver, Colo.; (3) *sugar*, from Hereford and Amarillo, Tex., to Denver and Fort Collins, Colo.; and (4) *glass jars*, from Ada, Muskogee, Sand Springs, Okmulgee, Okla., and Waco, Tex., to Denver and Fort Collins, Colo.; all under contract with Dreher Pickle Co., Denver, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 133536 (Sub-No. 1), filed June 13, 1969. Applicant: DOVER MOVING & STORAGE, INC., 753 North Du Pont Highway, Dover, Del. 19901. Applicant's representative: Wilmer A. Hill, Suite 705, McLachlen Bank Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Delaware, those points in Northampton and Accomack Counties, Va., and those in Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester Counties, Md., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization of such traffic. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133655 (Sub-No. 7), filed June 13, 1969. Applicant: TRANS-NATIONAL TRUCK, INC., 813 Oakwood Drive, Euless, Tex. 76039. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60605. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged and cartoned new furniture, mirrors and furniture parts*, from Toccoa, Ga., to Atlanta, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133725 (Sub-No. 2), filed June 13, 1969. Applicant: SAME DAY TRUCKING CO., INC., 400 Newark Avenue, Piscataway, N.J. 08854. Applicant's representative: Paul J. Keeler, Post Office Box 253, South Plainfield, N.J. 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tailpipes, exhaust pipes, shock absorbers, brake parts, mufflers, and automotive parts and materials* used in installation of such commodities, from Roselle Park, N.J., to Philadelphia, Pa., New York, N.Y.; points in Nassau and Suffolk Counties, N.Y., points in Massachusetts, Rhode Island, Connecticut, Delaware, and those in Maryland on and east of U.S. Highway 15 (except Baltimore, Md.); under contract with Midas International Corp. NOTE: If a hearing is deemed necessary applicant requests it be held at Newark, N.J.

No. MC 133739 (Sub-No. 1), filed June 9, 1969. Applicant: KINGSVILLE MOVING & STORAGE, INC., 517 South Sixth Street, Post Office Box 448, Kingsville, Tex. 78363. Applicant's representative: Mert Starnes, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized used household goods*, between Kingsville, Tex., and points within a 25-mile radius of Kingsville, Tex., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio or Austin, Tex.

No. MC 133761 (Sub-No. 1) (Amendment), filed May 28, 1969, published FEDERAL REGISTER issue of June 26, 1969, amended and republished as amended, this issue. Applicant: GEORGE A. LABAGH, 713 North Street, Middletown, N.Y. 10940. Applicant's representative: Arthur J. Piken, 100–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, other than those designed to be drawn by passenger automobiles, *containers and chassis*; (a) between Middletown, N.Y., and Port Jervis, N.Y.; and (b) from Middletown, N.Y., to Fairless Hills, and Philadelphia, Pa.; Norfolk, Va., Baltimore. Md., and points in the New York, N.Y., commercial zone, as defined by the Commission, in 53 M.C.C. 451, within which local operations may be conducted under the exemption provisions provided by section (b)(8);

and (2) *trailers*, other than those designed to be drawn by passenger automobiles, and *trailer parts*, from Fairless Hills, Pa., to Middletown, N.Y., all under contract with Strick Corp. NOTE: The purpose of this republication is to enlarge the territorial description. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 133773 (Clarification), filed May 23, 1969, published FEDERAL REGISTER issue of June 19, 1969, and republished as clarified this issue. Applicant: JOHN YACONIELLO, JR., doing business as ALL STATES DRIVE-A-WAY SERVICE, 450 Main Street, East Hartford, Conn. 06118. Applicant's representative: John E. Fay, 79 Lafayette Street, Hartford, Conn. 06106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* in driveaway service, between points in Connecticut on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to show Hawaii as an exception in territory description. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., New York, N.Y., or Washington, D.C.

No. MC 133789, filed June 2, 1969. Applicant: BIG SKY FARMERS AND RANCHERS MARKETING COOPERATIVE OF MONTANA, a corporation, 16124 Bloomfield Avenue, Post Office Box 566, Artesia, Calif. 90701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including classes A and B explosives*, moving on Government bills of lading, between points in Kentucky, Tennessee, Indiana, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Maine, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Michigan, Minnesota, on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Utah, and Arizona. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 133799, filed June 5, 1969. Applicant: METROPOLITAN MOVING & STORAGE, INC., 8130 Eastern Boulevard, Baltimore, Md. 21224. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; between Washington, D.C., and points in Maryland (restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders of used household goods), NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133805, filed June 11, 1969. Applicant: LONE STAR CARRIERS, INC., 740 North Houston, Post Office Box 11304, Fort Worth, Tex. 76109. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. 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*, from the plantsite and storage facilities used by National Beef Packing Company at/or near Liberal, Kans., to points in the States of Utah, Idaho, Florida, Washington, Oregon, Montana, Wyoming, North Dakota, South Dakota, and Nevada (restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 133806, filed May 21, 1969. Applicant: CLEARENCE C. TROUT, 346 Wilcox Avenue, Elgin, Ill. 60120. Applicant's representative: Thomas A. Keegan, 1116 Rockford Trust Building, Rockford, Ill. 61101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from O'Hare International Airport, Chicago Midway Airport, Meigs Fields, Chicago, Ill., to Marengo, Elgin, Rockford, Ill., area. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133812 (Correction), filed June 10, 1969, published FEDERAL REGISTER, issue of July 3, 1969, and republished as corrected this issue. Applicant: LEON OLSEN, ALBERT OLSEN, AND WILLIAM OLSEN, a partnership, doing business as LEON OLSEN TRUCKING COMPANY, 900 Wisconsin Street, Pine Bluff, Ark. 71601. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite ore* in bulk, in dump vehicles, from barge line port or ports on the Arkansas River at or near Little Rock, Ark., to Reynolds Metals Co. plant at or near Bauxite, Ark. NOTE: The purpose of this correction is to show the correct docket number MC 133812 in lieu of MC 133182, which was in error. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 133817, filed June 16, 1969. Applicant: CELLI TRANSPORT COMPANY, a corporation, 10328 West Belle Plaine, Schiller Park, Ill. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Chicago, Ill., and points in the Chicago, Ill., commercial zone and Lemont, Ill., to points in Indiana and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133834, filed June 16, 1969. Applicant: HARBOR CARTAGE, INC., 3910 West Fort Street, Detroit, Mich. 48209. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Bay, Midland, and Saginaw Counties, Mich., on the one hand, and, on the other, the Detroit Metropolitan Airport located at or near Romulus, Mich., and the Detroit Willow Run Airport located at or near Ypsilanti, Mich., restricted to traffic originating at or destined to the plantsites and distribution facilities of the Dowe Chemical Co. and Dowe-Corning Corp., and further restricted to traffic having an immediate prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

MOTOR CARRIERS OF PASSENGERS

No. MC 133772, filed May 23, 1969. Applicant: CHARTERED BUS SERVICE, INC., 1551 Azalea Garden Road, Norfolk, Va. 23502. Applicant's representative: John M. Cleary, 914 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with the passengers in special and chartered operations, in round-trip tours, beginning and ending at Portsmouth, Norfolk, Chesapeake, Virginia Beach, Hampton, and Newport News, Va., and extending to points anywhere in the Continental United States, including ports of entry on the international boundary of the United States and Canada and Mexico, under contract with Jewish Community Center, Norfolk, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Richmond or Norfolk, Va.

APPLICATION OF FREIGHT FORWARDERS

No. FF-266 (Sub-No. 2) (Clarification), HAWAIIAN EXPRESS SERVICE, INC., Extension—NEVADA, filed June 9, 1969, published FEDERAL REGISTER issue of June 19, 1969, clarified and republished this issue. Applicant: HAWAIIAN EXPRESS SERVICE, INC., 646 First Street, San Francisco, Calif. 94107. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, Calif. 94104. NOTE: The purpose of this partial republication is to show U.S.

Highway 6 in lieu of Interstate Highway 6 in territorial description. The rest of the application remains as previously published.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130086, filed May 13, 1969. Applicant: WALLACE D. MAXAM, GERALD B. HAUSER, MRS. AILEEN SWEIDA, AND MRS. SYLVIA KORALEWSKI, a partnership, doing business as MAXAM TOUR AND TRAVEL, 4531 West Forest Home Avenue, Milwaukee, Wis. For a license (BMC 5) to engage in operations as a *broker* at Milwaukee, Wis., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in special or charter operations, beginning and ending at points in Milwaukee County, Wis., and extending to points in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 2253 (Sub-No. 39), filed June 19, 1969. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Highway 150, Cherryville, N.C. 28021. Applicant's representative: W. C. Mauldin, Post Office Box 697, Cherryville, N.C. 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay tile and related articles and commodities used in the installation thereof*, from Lakeland, Fla., to points in Georgia, South Carolina, Virginia, Pennsylvania, New Jersey, New York, Delaware, Maryland, and West Virginia. NOTE: Applicant states that it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted.

No. MC 128279 (Sub-No. 10), filed June 17, 1969. Applicant: ARROW FREIGHTWAYS, INC., Post Office Box 3783, Albuquerque, N. Mex. 87110. Applicant's representative: Jerry R. Murphy, 708 LeVeta Drive NE, Albuquerque, N. Mex. 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products*, and *materials and supplies* used in the installation or distribution thereof, from Rosario, N. Mex., to points in Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8051; Filed, July 9, 1969; 8:45 a.m.]

[S.O. 994; ICC Order 29]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of N. Thomas Harris, agent, the Missouri-Kansas-Texas Railroad Co. is unable to transport traffic over its line between Keyes and Forgan, Okla., because of derailment and track damage.

It is ordered, That:

(a) The Missouri-Kansas-Texas Railroad Co., being unable to transport traffic over its line between Keyes and Forgan, Okla., because of derailment and track damage, that line and its connections are hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Missouri-Kansas-Texas Railroad Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 3 p.m., July 3, 1969.

(g) Expiration date: This order shall expire at 11:59 p.m., July 19, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 3, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS,
Agent.

[F.R. Doc. 69-8137; Filed, July 9, 1969; 8:50 a.m.]

[Notice 373]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 7, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), 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-71166. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Schiffmann Moving & Cartage Co., Inc., 4618 West Woolworth Ave., Milwaukee, Wis. 53218, of the certificate No. MC-23036 issued April 22, 1949, to Emil P. Reinhardt, doing business as Schiffmann Cartage Co., 4618 West Woolworth Ave., Milwaukee, Wis. 53218, authorizing the transportation of: Household goods, as defined by the Commission, between points in Milwaukee County, Wis., and points in Wisconsin, Minnesota, Iowa, Illinois, Indiana, and Michigan, in a radial movement.

No. MC-FC-71423. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Everett Delivery Service, Inc., Detroit, Mich., of the operating rights in permit No. MC-126896 issued September 22, 1965, to Gene F. Everett, doing business as Everett Delivery Service, Detroit, Mich., authorizing the transportation of exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moving therewith, between Detroit, Mich., on the one hand, and, on the other points in Genesee, Livingston, Macomb, Oakland, St. Clair, Washtenaw, and Wayne Counties, Mich. Wallace D. Riley, Riley and Roumell, 2200 Penobscot Building, Detroit, Mich. 48226, attorney for applicants.

No. MC-FC-71430. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Melvin A. Bolstad Paradise, Calif., of certificate of registration No. MC-98392 (Sub-No. 1), issued October 22, 1963, to Myron Bolstad, doing business as Paradise Freight Line, Paradise, Calif., authorizing the transportation of general commodities between Chico and Stirling City, Calif., and intermediate points via Doon, Lovelock, De Sable, Nagalia, and Paradise, Calif. Edward J. Hegarty, 21st Floor, 100 Bush Street, San Francisco, Calif. 94104, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8138; Filed, July 9, 1969; 8:50 a.m.]

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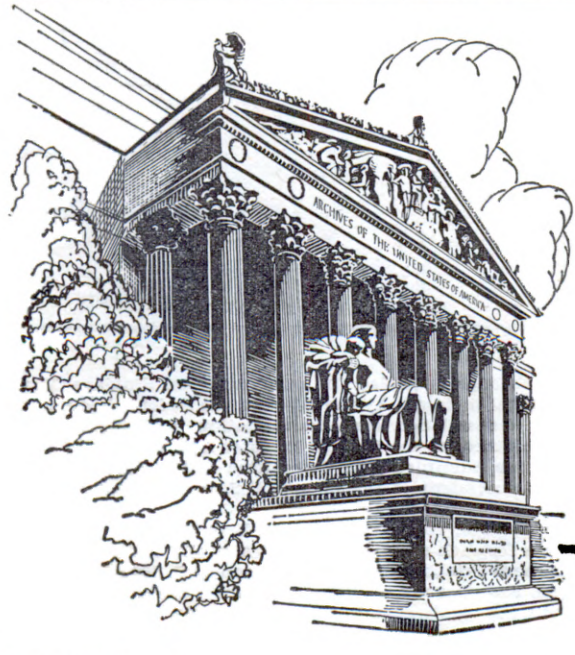

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FEDERAL REGISTER

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Rules and Regulations

Title 7—AGRICULTURE

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

[Milk Order 32]

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Southern Illinois marketing area (7 CFR Part 1032), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act for the month of July 1969:

In § 1032.14(b)(2) the provision "during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer."

Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will revoke for the month of July 1969 the provision which limits the quantity of diverted milk which qualifies as producer milk to not more than the 8 days' production of a producer.

(4) This suspension action is necessary to provide for the efficient handling of reserve milk for the market during July 1969. The volume of milk needed to be moved to milk manufacturing plants exceeds the volume which could be moved under the diversion provision limitations of the order. The most efficient method of handling is movement directly from producers' farms to milk manufacturing plants. This suspension would allow such handling while the dairy farmers involved retain producer status.

(5) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (34 F.R. 9620). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective July 1, 1969.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period July 1969.

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

Effective date: July 1, 1969.

Signed at Washington, D.C., on July 8, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-8199; Filed, July 10, 1969; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 30—FOREIGN TRADE STATISTICS

Cargo Laden at One Port To Be Transferred to Exporting Carrier at Port of Exit

Pursuant to title 13, United States Code, section 302, the following amendment is made to the regulations published in the FEDERAL REGISTER on August 27, 1966 (31 F.R. 11368) (15 CFR Part 30). In accordance with administrative procedure, 5 U.S.C. 553, notice and hearing on these amendments and postponement of the effective date thereof are unnecessary because (1) the amendment is a change in the substantive rules which grant or recognize exemptions or relieve restrictions, and (2) is an interpretive rule and statement of policy.

Effective date: This amendment to the Foreign Trade Statistics Regulations is effective on the date of publication in the FEDERAL REGISTER.

Section 30.36 is deleted in its entirety and replaced by the following:

§ 30.36 Cargo laden at one port to be transferred to the exporting carrier at the port of exit.

(a) Subject to the provisions set forth below, Shipper's Export Declarations may be filed at the port of origin (in lieu of the actual port of exportation as prescribed in § 30.12) for shipments to all foreign countries (except Canada, where Customs authentication and export control are not considerations) for:

(1) Air shipments laden aboard a domestic flight for transfer to an international flight at the port of export;

(2) Air shipments laden aboard an international flight for transfer to another international flight of the same airline at the port of export;

(3) Surface shipments, containerized and/or consolidated at freight terminals within the port of origin, provided that distance and/or other factors do not make it impractical for Customs Officers to travel to and from the site where the shipment is presented for inspection; and

(4) Surface/air shipments, that is, shipments moving by air from the port of origin for transfer to surface means at the port of export, and shipments moving by surface means from the port of origin for transfer to an aircraft at the port of export.

(b) Where the procedure referred to in paragraph (a) of this section is used, the requirements of §§ 30.13 and 30.14 for the filing of Shipper's Export Declarations by the exporter or his agent may be satisfied by presentation of the declaration at any one of the designated ports of origin listed in subparagraph (5) of paragraph (c) of this section. Prior application and specific approval for the use of this optional procedure are not required.

(c) Where the exporter (or his agent) and the carrier involved elect to utilize these optional procedures, the following shall be strictly observed:

(1) Shipper's Export Declarations with all required licenses for review of licensing and statistical requirements must be presented to the Customs Director by the exporter or his agent (the agent may be the initial carrier) sufficiently prior to lading of the cargo at the port of origin to permit inspection. Additional copies of Shipper's Export Declarations needed to comply with requirements of other government agencies as well as any other documents to accompany the shipment to the port of exportation shall be presented also at this time. Any required export declaration correction forms shall be filed in triplicate at the port of origin.

(2) Shipper's Export Declarations shall show in the space for authentication the name of the port of origin, and "Port-of-Origin Procedure—copy on file at (name of port of origin)" shall be stamped or otherwise printed across the bottom of columns 9 through 15. However, the name of the port of exportation at which the merchandise is to be transferred to the exporting carrier shall be entered and coded as the "port of export" in the appropriate spaces on the declaration. If the port of exportation is changed after the carrier departs from the port of origin, the exporting carrier that is to carry the shipment from the United States shall correct the export declaration.

(3) The name of the exporting carrier (actual name of vessel, or if by air the name of the airline) that is to carry the shipment from the United States or "rail," "truck," or "vehicle," as appropriate for land shipments shall be entered if known, at the port of origin. If such exporting carrier is unknown, or if the exporting carrier designated in the export declaration filed at the port of origin is changed, the carrier at the port

of exportation shall be responsible for entering the correct name.

(4) All air shipments to be transferred from one international flight to another shall be separately manifested at the port of origin and an additional copy of the manifest for those shipments shall be prepared and shall accompany the shipments to the port of exportation. If shipments are to be transferred to more than one carrier at the port of exportation, they shall not be combined on the same page of the manifest. The outward manifest filed at the port of origin must show the export declaration number for each shipment, the port where the merchandise was laden, and port of transfer for exportation, as well as other data required by the regulations in this part and by 19 CFR 6.8 (Customs Regulations). At the port of exportation, the additional copy of the manifest shall be corrected by the airlines to show the flight number of the exporting aircraft and the date of exportation, and shall be filed as a part of the outward manifest of the exporting aircraft.

(5) Only the following ports may be utilized as ports of origin for the designated methods of transportation or shipment:

Air only	Surface only	Air and surface
Atlanta, Ga.	Charleston, S.C.	Baltimore, Md.
Boston, Mass.	Jacksonville, Fla.	Buffalo, N.Y.
Dallas, Tex.		Chicago, Ill.
Denver, Colo.		Cleveland, Ohio
Honolulu, Hawaii		Detroit, Mich.
Kansas City, Mo.		Houston, Tex.
Memphis, Tenn.		Los Angeles, Calif.
Miami, Fla.		New Orleans, La.
Minneapolis, Minn.		New York, N.Y.
Newark, N.J.		Philadelphia, Pa.
Oklahoma City, Okla.		St. Louis, Mo.
Pittsburgh, Pa.		San Francisco, Calif.
Port Everglades, Fla.		
Portland, Oreg.		
San Diego, Calif.		
San Juan, P.R.		
Seattle, Wash.		
Tucson, Ariz.		

(6) After authentication by the Customs Director at the port of origin one copy shall be retained at the port of origin and the original and duplicate copies shall be returned by the Customs Director to the person presenting the export declarations; and those copies shall be delivered to the carrier transporting the cargo to the port of exportation. The carrier transporting the merchandise to the port of exportation, in turn, will be responsible for delivering the two copies to the exporting carrier at the port of exportation.

(7) The exporting carrier shall present the original and duplicate copies of the export declarations with the cargo manifest to Customs at the port of exportation. Where shipments move to Mexico by land transportation or by ferry, the original and duplicate authenticated export declarations shall be presented to Customs at the port of export at the time of, or prior to, movement of the goods across the border.

(8) Statistical copies of Shipper's Export Declarations shall be batched separately from Customs copies by the exporting carrier prior to presentation of the declarations (and manifest, if required) to Customs.

A. Ross Eckler,
Director,
Bureau of the Census.

May 5, 1969.

I concur: June 19, 1969.

Eugene T. Rossides,
Assistant Secretary.

[F.R. Doc. 69-8176; Filed, July 10, 1969; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-362]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Reliability and Adequacy of Electric Service; Correction

July 1, 1969.

In the statement of policy issued June 25, 1969, and published in the Federal Register July 3, 1969, 34 F.R. 11200, on page 1, please insert "Order No. 383" above Statement of Policy.

Kenneth F. Plumb,
Acting Secretary.

[F.R. Doc. 69-8147; Filed, July 10, 1969; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1464—CONSOLIDATED RENEGOTIATION OF AFFILIATED GROUPS AND RELATED GROUPS

Request for Consolidated Renegotiation of Related Group; When Granted

Section 1464.4 is amended by deleting paragraph (a) and inserting in lieu thereof the following:

§ 1464.4 Request for consolidated renegotiation of related group; when granted.

* * * * *

(a) Each member of the group had renegotiable receipts or accruals during the fiscal year of the member designated as agent pursuant to § 1464.7(b), and no amounts included in the consolidation were received or accrued by a member in a fiscal year of such member ending more than 3 months after the close of the fiscal year of such agent.

* * * * *

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

Dated: July 8, 1969.

Lawrence E. Hartwig,
Chairman.

[F.R. Doc. 69-8201; Filed, July 10, 1969; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 23,029]

PART 545—OPERATIONS

Real Estate Loans

July 3, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) to authorize certain Federal savings and loan associations to invest in real estate loans on dwellings which are subject to the leased housing program authorized by section 23 of the United States Housing Act of 1937, as amended, on a more liberal basis than is applicable to real estate loans by such associations generally, and, therefore, hereby amends said Part 545 by adding a new § 545.6-23 immediately after § 545.6-22, to read as follows, effective July 11, 1969:

§ 545.6-23 Loans on single-family dwellings subject to section 23 of the United States Housing Act of 1937, as amended.

Without regard to any other provision of this part except §§ 545.6-8, 545.6-10, and 545.6-11, a Federal association which has a Charter K (rev.) or Charter N may invest in installment loans secured by first liens on single-family dwellings located in its regular lending area in an amount not in excess of 90 percent of the value thereof and not more than $20,000 for each single-family dwelling, if such dwellings are subject to the leased housing program authorized by section 23 of the United States Housing Act of 1937, as amended.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay the amendment from becoming effective for a period of time, and since it is in the public interest for the additional authority granted in the amendment to become effective without delay, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of § 508.11 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(b); and publication of said amendment for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendment would, in the opinion of the Board, likewise be contrary to the public interest for the same reason, and the Board hereby so finds; and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-8192; Filed, July 10, 1969; 8:48 a.m.]

[No. 23,021]

PART 545—OPERATIONS

Service Corporations

JULY 3, 1969.

Resolved that, notice and public procedure having been duly afforded (34 F.R. 7580) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend § 545.9-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9-1) for the purpose of preventing a Federal association from investing in, or retaining an investment in, a service corporation which uses the words "National", "Federal", or "United States" or the initials "U.S." in its corporate name, which use could be misleading in the opinion of the Board and also may be in violation of the prohibitions contained in 18 U.S.C. 709. Accordingly, § 545.9-1 is amended by adding at the end thereof a new paragraph (f) to read as follows, effective August 10, 1969:

§ 545.9-1 Service corporations.

* * * * *

(f) *Corporate name.* No Federal association may invest in, or retain any investment in, the capital stock, obligations, or other securities of any service corporation the corporate name of which includes the words "National", "Federal", or "United States" or the initials "U.S.".

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-8193; Filed, July 10, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 69-CE-6-AD; Amdt. 39-793]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 300 Series and 400 Series Airplanes

Amendment 39-774 (34 F.R. 9330, 9331), AD 69-14-1, on Cessna Models 310G, H, I, J, K, L, N, and P; E310H; E310J; T310P; 320A, B, C, D, E, and F; 401 and 401A; 402 and 402A; 411 and 411A; 421 and 421A, prohibits operation with less than 10 gallons of fuel in each main tank and requires prior to further flight the installation of placards reading: "Operation with less than 10 gallons of fuel in each main tank is prohibited" and "Maintain power within green arcs during descent". The directive further requires on Cessna Models 310L, N, P; T310P; 320E, F; 401, 401A; 402, 402A; 411, 411A; 421, and 421A airplanes prior to further flight, the installation of a placard reading: "Maximum speed with 15° to full flaps shall not exceed 140 MPH". On Cessna Models 310G, H, and 320A airplanes the directive requires prior to further flight the installation of a placard reading: "Flap position shall not exceed 35 degrees".

Since the issuance of AD 69-14-1, the manufacturer has developed a modification to the fuel system which will allow the safe operation of the airplanes without the restrictions imposed by the airworthiness directive. The modification is contained in Cessna Service Letter ME69-16, dated June 27, 1969, and consists of the addition of a pump in each main wing tank which maintains a constant fuel supply at the main wing tank fuel outlet.

This modification has been accomplished on certain aircraft and these aircraft are specifically excepted in the applicability clause of this amendment.

In lieu of the foregoing, accomplishment of an equivalent STC approved modification would be considered satisfactory.

In order to assure that the above modification is accomplished, an amendment to AD 69-14-1 is being issued requiring on or before January 1, 1970, the accomplishment of the modification set forth in Cessna Service Letter ME69-16 or any equivalent method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region.

Since the restrictions and placarding in AD 69-14-1 will remain in effect until the fuel system has been modified, the agency believes the compliance time of six (6) months is satisfactory.

Since this amendment is in the interest of safety, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-774 (34 F.R. 9330, 9331), AD 69-14-1, is amended as follows:

1. The applicability statement is amended to read as follows:

CESSNA. Applies to Models 310G, H, I, J, K, L, N, P, and T310P, Serial Nos. 310G0001 through 310P0166 except 310P0079, 310P0121, 310P0135, 310P0154, 310P0155; all E310J and E310H Aircraft; all 320A, B, C, D, E, F Aircraft; Models 401, 401A, Serial Nos. 401-0001 through 401A0078 except 401A0073; Models 402, 402A, Serial Nos. 402-0001 through 402A0063 except 402A0062; all 411, 411A Aircraft; Models 421, 421A, Serial Nos. 421-0001 through 421A0099 except 421A0041, 421A0077, 421A0093.

2. The Following paragraphs are added following paragraph E:

(F) On or before January 1, 1970, unless already accomplished, modify fuel system either by the installation of a pump in each main wing tank and all related changes in accordance with Cessna Service Letter ME69-16, dated June 27, 1969, or by the accomplishment of any equivalent method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region.

(G) Upon accomplishment of the modification required by paragraph F, compliance with the provisions of paragraphs A, B, C, D, and E is no longer required.

This amendment becomes effective July 11, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 2, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-8170; Filed, July 10, 1969; 8:46 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-WE-44]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Tacoma, Wash. (McChord AFB), control zone.

The McChord RBN was decommissioned May 25, 1969. Since a portion of the control zone is described on this facility, an editorial change is required. Action is taken herein to reflect this change.

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

In view of the foregoing, in § 71.171 (34 F.R. 4557) the Tacoma, Wash. (McChord AFB) control zone is amended by deleting all after "* * * the McChord AFB VOR 182° radial, * * *" and substituting therefor "* * * extending from the 5-mile radius zone to 7.5 miles south of the VOR."

Effective date. This amendment shall be effective 30 days after publication in the FEDERAL REGISTER.

Issued in Los Angeles, Calif., on July 2, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-8169; Filed, July 10, 1969; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9673; Amdt. 657]

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 amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

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

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 approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
IDA VOR	NDB	Direct	7000	T-dn%	300-1	300-1	200-½
Rigby Int	NDB (final)	Direct	5400	C-dn	500-1	500-1	500-1½
				S-dn-20	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W. side of crs, 019° Outbnd, 199° Inbnd, 7000′ within 10 miles.
Minimum altitude over facility on final approach crs, 5400′.
Crs and distance, facility to airport, 199°—2.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles after passing IDA NDB climb to 7000′ on 197° crs of IDA NDB within 10 miles.
%Takeoff all runways: Shuttle climb on 197° crs from IDA NDB within 20 miles to minimum altitude required for direction of flight.

Direction of flight	*MCA*
E, V-330	6400

MSA within 25 miles of facility: 000°-090°—10,000′; 090°-180°—8600′; 180°-270°—7900′; 270°-360°—7200′.

City, Idaho Falls; State, Idaho; Airport name, Fanning Field; Elev., 4740′; Fac. Class., H-SAB; Ident., IDA; Procedure No. NDB (ADF)-1, Amdt. 5; Eff. date, 31 July 69; Sup. Amdt. No. ADF 1, Amdt. 4; Dated, 28 May 66

SAT-VOR	LOM	Direct	3000	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-12R*	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of NW crs, 303° outbnd, 123° Inbnd, 3000′ within 10 miles.
Minimum altitude over LOM on final approach crs, 2600′.
Crs and distance, facility to airport, 123°—5.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing LOM, turn right to 180°, climb to 3000′, intercept and proceed SE on 150° crs fron "AN" LOM within 15 miles, or, when directed by ATC, turn right, climb to 3000′ on SAT VOR R 158° within 20 miles.
*Reduction of landing visibility below ¾ mile not authorized.
MSA within 25 miles of facility: 000°-360°—3100′.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808′; Fac.Class., LOM; Ident., AN; Procedure No. NDB (ADF) Runway 12R, Amdt. 10; Eff. date, 31 July 69; Sup. Amdt. No. ADF 3, Amdt. 9; Dated, 23 July 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

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

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 approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Parowan Int	Summit Int	Direct	11,500	T-dn*	300-1	300-1	200-½
Summit Int	CDC VOR (final)	Direct	7300	C-dn	700-1	700-1	700-1½
				S-dn-20	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 348° Outbnd, 168° Inbnd, 8000′ within 10 miles of CDC VOR.
Minimum altitude over facility on final approach crs, 7300′.
Crs and distance, facility to airport, 177°—4.7 miles.
Is visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing CDC VOR, make right-climbing turn, climb to 8000′ on R 348° within 10 miles of CDC VOR, all turns W.
CAUTION: 6000′ terrain 2 miles S of airport.
*Takeoff not authorized Runway 8.
MSA within 25 miles of the facility: 000°-090°—11,500′; 090°-180°—12,400′; 180°-270°—10,500′; 270°-360°—8600′.

City, Cedar City; State, Utah; Airport name, Cedar City Municipal; Elev., 8100′: Fac. Class., BVOR; Ident., CDC; Procedure No. VOR-1, Amdt. 4; Eff. date, 31 July 69; Sup. Amdt. No. VOR 1, Amdt 3; dated, 5 Sept. 64

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
San Pedro Int	SLI VOR (final)	Direct	2500	T-dn	300 1	300-1	NA
Albacore Int	SLI VOR (final)	Direct	2500	C-dn*	800-1	800-1	NA
				A-dn**	1000-2	1000-2	NA

Radar available.
Procedure turn E side of crs, 200° Outbnd, 020° Inbnd, 2500′ within 10 miles of SLI VOR.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 020°—6.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing SLI VOR, make immediate right climbing turn to heading of 145°, intercept and climb inbound on SLI R 053° to cross SLI at minimum altitude 2000′.
*CAUTION: Derrick 752′ 2 miles NNE of airport. Radio tower 823′, 1.9 miles W of airport. All maneuvering S of airport only.
**Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
MSA within 25 miles of facility: 045°–135°—6100′; 135°–225°—1300′; 225°–315°—3400′; 315°–045°—6600′.

City, Fullerton; State, Calif.; Airport name, Fullerton Municipal; Elev., 96′; Fac. Class., L-BVORTAC; Ident., SLI; Procedure No. VOR-1, Amdt. 3; Eff. date, 31 July 69; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 3 Apr. 65

Rigby Int	IDA VOR	Direct	6500	T-dn%	300-1	300-1	200-½
Rockford Int	IDA VOR	Direct	6500	C-dn	500-1	500-1	500-1½
PIH VOR	Moreland Int	Direct	7000	S-dn-2*	500-1	500-1	500-1
Moreland Int	Shelley Int	Direct	6500	A-dn	800-2	800-2	800-2
Shelley Int	IDA VOR (final)	Direct	5240				

Procedure turn W side of crs, 206° Outbnd, 026° Inbnd, 6500′ within 10 miles.
Minimum altitude over Shelley Int on final approach crs, 6500′; over VOR, 5240′.
Crs and distance, breakoff point to Runway 2, 021°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing IDA VOR, climb to 7000′ on R 013° within 10 miles, or when directed by ATC, within 0 mile after passing IDA VOR, turn left-climbing to 7000′ on R 197° of IDA VOR within 10 miles.
*500-¾ authorized, with operative high-intensity runway lights, except for 4-engine turbojet aircraft.
%Takeoff all runways: Shuttle climb on R 197° of IDA VOR within 20 miles to minimum altitude required for direction of flight.

Direction of flight	MCA
E, V-330	6400

MSA within 25 miles of facility: 000°–090°—9400′; 090°–180°—8800′; 180°–270°—7900′; 270°–360°—7000′.

City, Idaho Falls; State, Idaho; Airport name, Fanning Field; Elev., 4740′; Fac. Class. L-BVOR; Ident., IDA; Procedure No. VOR Runway 2, Amdt. 11; Eff. date, 31 July 69; Sup. Amdt. No. 10; Dated, 30 Jan. 69

				T-dn%	300-1	300-1	200-½
Rigby Int	IDA RBn (final)	Direct	5400	C-dn*	500-1	500-1	500-1½
Terreton Int	IDA VOR	Direct	6500	S-dn-20*#	400-1	400-1	400-1
Rockford Int	IDA VOR	Direct	6500	A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 013° Outbnd, 193° Inbnd, 6500′ within 10 miles.
Minimum altitude over IDA RBn on final approach crs, 5400′; over VOR, 5140′.
Crs and distance, breakoff point to Runway 20, 201°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of IDA VOR, climb to 7000′ on R 197° IDA VOR within 10 miles.
*ADF equipment required for descent below 5400′.
#400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
%Takeoff all runways: Shuttle climb on R 197° of IDA VOR within 20 miles to minimum altitude required for direction of flight.

Direction of flight	MCA
E, V-330	6400

MSA within 25 miles of facility: 000°–090°—9400′; 090°–180°—8800′; 180°–270°—7900′; 270°–360°—7000′.

City, Idaho Falls; State, Idaho; Airport name, Fanning Field; Elev., 4740′; Fac. Class., BVOR; Ident., IDA; Procedure No. VOR Runway 20, Amdt. 7; Eff. date, 31 July 69; Sup. Amdt. No. 6; Dated, 30 Jan. 69

Williams VOR	MYV VOR	Direct	2500	T-dn%	300-1	300-1	200-½
Yuba Int	MYV VOR	Direct	2500	C-dn	600-1	600-1	600-1½
Grimes Int	MYV VOR	Direct	2500	S-dn-14	600-1	600-1	600-1
Chico VOR	Live Oak Radar Fix	Direct	2500	A-dn	800-2	800-2	800-2
Live Oak Radar Fix	Sullivan Radar Fix (final)	Direct	700	If Sullivan Radar Fix received, the following minimums apply:			
				S-dn-14	500-1	500-1	500-1
				C-dn	500-1	500-1	500-1½

Radar available.
Procedure turn E. side of crs, 325° Outbnd, 145° Inbnd, 1500′ within 10 miles.
Minimum altitude over Sullivan Radar Fix on final approach crs, 700′.
Facility on airport. Crs and distance, Sullivan Radar Fix to approach end Runway 14, 145°—5.4 miles.
Breakoff point to runway, 139°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing MYV VOR, turn right, climb to 2000′ on MYV VOR R 325° within 15 miles.
%Takeoffs all runways: Westbound to Yuba Int, climb on MYV R 135° or MYV R 325° within 10 miles to cross VOR at or above 1500′, then continue climb on MYV R 262°, MCA V23, 3000′ northwestbound. On crs climb authorized direct Chico VOR and direct Grimes Int.
MSA within 25 miles of facility: 000°–090°—4000′; 090°–180°—2700′; 180°–270°—2500′; 270°–360°—3500′.

City, Marysville; State, Calif.; Airport name, Yuba County; Elev., 63′; Fac. Class., T-BVOR; Ident., MYV; Procedure No. VOR Runway 14, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. VOR-14, Amdt. 1; Dated, 16 Apr. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Williams VOR	MYV VOR	Direct	2500	T-dn%	300-1	300-1	200-½
Grimes Int	MYV VOR	Direct	2500	C-dn	500-1	500-1	500-1½
Yuba Int	MYV VOR	Direct	2500	S-dn-32	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
				If Plumas Radar Fix received, the following minimums apply:			
				C-dn	400-1	500-1	500-1½
				S-dn-32	400-1	400-1	400-1

Radar available.
Procedure turn E side of crs, 135° Outbnd, 315° Inbnd, 1500′ within 10 miles.
Minimum altitude over Plumas Int on final approach crs, 600′.
Facility on airport. Crs and distance, Plumas Radar Fix to approach end Runway 32, 315°—3.4 miles.
Breakoff point to runway 319°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing MYV VOR, climb to 2000′ on MYV VOR R 325° within 15 miles.
%Takeoffs all runways: Westbound to Yuba Int, climb on MYV R 135° or MYV R 325° within 10 miles to cross VOR at or above 1500′, then continue climb on MYV R 262°, MCA V23, 3000′ northwestbound. On crs climb authorized direct Chico VOR and direct Grimes Int.
MSA within 25 miles of facility: 000°-090°—4000′; 090°-180°—2700′; 180°-270°—2500′; 270°-360°—3500′.

City, Marysville; State, Calif.; Airport name, Yuba County; Elev., 63′; Fac. Class., T-B VOR; Ident., MYV; Procedure No. VOR Runway 32, Amdt. 3; Eff. date, 31 July 69; Sup. Amdt. No. VOR-32, Amdt. 2; Dated, 21 May 66

SCK VOR	MOD VOR	Direct	2000	T-dn	300-1	300-1	200-½
Woodward Int	MOD VOR	Direct	2000	C-dn	500-1	500-1	500-1½
SCK VOR	Salida Int	Direct	2000	A-dn#	800-2	800-2	800-2
Salida Int	MOD VOR (final)	Direct	600				

Procedure turn S side of crs, 274° Outbnd, 094° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing MOD VOR, climb to 1500′ in a holding pattern on R 102° (102° Outbnd-282° Inbnd) right turns.
NOTE: Use Stockton altimeter setting when control zone not effective.
#Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
MSA within 25 miles of facility: 000°-090°—3000′; 090°-180°—2500′; 180°-270°—4700′; 270°-360°—2000′.

City, Modesto; State, Calif.; Airport name, Modesto City-County; Elev., 96′; Fac. Class., T-B VOR; Ident., MOD; Procedure No. VOR Runway 11L, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. TerVOR-11L, Amdt. 1; Dated, 1 Jan 66.

SCK VOR	MOD VOR	Direct	2000	T-dn	300-1	300-1	200-½
Woodward Int	MOD VOR	Direct	2000	C-dn	500-1	500-1	500-1½
SCK VOR	Salida Int	Direct	2000	S-dn-29R#$	500-1	500-1	500-1
Salida Int	MOD VOR	Direct	2000	A-dn*	800-2	800-2	800-2

Procedure turn S side of crs, 102° Outbnd, 282° Inbnd, 1500′ within 10 miles. Procedure turn S side of crs to provide separation from Castle AFB traffic.
Minimum altitude over facility on final approach crs, 600′.
Facility on airport. Crs and distance, breakoff point to approach end of runway, 287°—0.2 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MOD VOR, make right-climbing turn and climb to 1500′ in a holding pattern on R 102° (102° Outbnd-282° Inbnd) right turns.
NOTE: Use Stockton altimeter setting when control zone not effective.
*Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
#Inoperative table does not apply to HIRL Runway 29R.
$500-¾ authorized with operative MALS, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°-090°—3000′; 090°-180°—2500′; 180°-270°—4700′; 270°-360°—2000′.

City, Modesto; State, Calif.; Airport name, Modesto City-County; Elev., 96′; Fac. Class., T-B VOR; Ident., MOD; Procedure No. VOR Runway 29R, Amdt. 4; Eff. date, 31 July 69; Sup. Amdt. No. Ter VOR-29R, Amdt. 3; Dated, 1 Jan. 66

15-mile DME Fix PRB, R 133°	10-mile DME Fix PRB, R 133°	Direct	3600	T-dn%	300-1	300-1	200-½
10-mile DME Fix PRB, R 133°	3-mile DME Fix PRB, R 133° (final)	Direct	2136	C-d	1300-1	1300-1	1300-1½
				C-n	1300-2	1300-2	1300-2
				A-d#	1300-2	1300-2	1300-2
				A-n#	1300-3	1300-3	1300-3
				If 3-mile DME Fix received, the following minimums apply:			
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2

Procedure turn E side of crs, 133° Outbnd, 313° Inbnd, 3600′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over 10-mile DME Fix, 3600′; over 3-mile DME Fix, 2136′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing PRB VOR, turn left, climb to 3600′ on PRB VOR R 133° within 15 miles. (CAUTION: 3625′ terrain 21 miles SE of VOR.)
NOTE: When authorized by ATC, DME may be used at 12 miles at 3600′ between PRB R 077° clockwise to R 179° to position aircraft for straight-in approach with elimination of procedure turn.
%Takeoffs all runways: Climb in a holding pattern NW of PRB VOR on PRB VOR R 326° (146° Inbnd), left turns, within 10 miles to cross the VOR at or above the following MCA's: V113, 3000′ northbound; V248, 3000′ eastbound; V25, 3000′ southeastbound; V25W, 3000′ southbound; V25, 5000′ northwestbound; V25E—on crs, climb satisfactory with minimum climb rate of 180′ per mile.
#800′ ceiling authorized for aircraft equipped with operative DME.
MSA within 25 miles of facility: 000°-090°—5400′; 090°-270°—4700′; 270°-360°—5000′.

City, Paso Robles; State, Calif.; Airport name, Paso Robles County; Elev., 836′; Fac. Class., L-BVORTAC; Ident., PRB; Procedure No. VOR R 133°, Amdt. 5; Eff. date 31 July 69; Sup. Amdt. No. 4; Dated, 26 May 66

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

Elkhart, Ind.—Elkhart Municipal, ADF 1, Amdt. 1, 7 May 1966 (established under Subpart C).
Montgomery, Ala.—Dannelly Field, ADF 1, Amdt. 7, 18 Dec. 1965 (established under Subpart C).
Paducah, Ky.—Barkley Field, NDB (ADF) Runway 4, Amdt. 2, 16 Sept. 1967 (established under Subpart C).
Elkhart, Ind.—Elkhart Municipal, VOR 1, Amdt. 1, 7 May 1966 (established under Subpart C).
Kaunakakai, Molokai, Hawaii—Molokai, VOR-1, Amdt. 1, 24 Apr. 1969 (established under Subpart C).
Montgomery, Ala.—Dannelly Field, VOR 1, Amdt. 13, 18 Dec. 1965 (established under Subpart C).
Paducah, Ky.—Barkley Field, VOR Runway 4, Amdt. 6, 16 Sept. 1967 (established under Subpart C).

3. 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:

Hilo, Hawaii—General Lyman Field, VOR Runway 26, Amdt. 3, effective 2 Dec. 1967, canceled, effective 31 July 1969.

4. By amending § 97.15 of Subpart B to amend very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

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

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 approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Albacore Int (10.8-mile DME Fix SLI, R 171°)	SLI VOR (final)	Direct	2500	T-dn	300-1	300-1	NA
				C-dn*	800-1	800-1	NA
San Pedro Int (16.2-mile DME Fix SLI, R 210°)	SLI VOR (final)	Direct	2500	A-dn#	1000-2	1000-2	NA

Radar available.
Procedure turn E side of crs, 200° Outbnd, 020° Inbnd, 2500′ within 10 miles of SLI VOR.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 020°—6.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at SLI 6-mile DME Fix make right-climbing turn via 6.5-mile DME Orbit to intercept and climb inbnd on SLI, R 053° to cross SLI minimum 2000′.
NOTES: (1) When authorized by LGB approach control, DME may be used within 10 miles from R 120° clockwise to R 251° at 2500′ to position aircraft for straight-in approach with elimination of procedure turn.
*CAUTION: Derrick 752′, 2 miles NNE of airport. Radio tower 823′, 1.9 miles W of airport. All maneuvering S of airport only.
#Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
MSA within 25 miles of facility: 045°-135°—6100′; 135°-225°—1300′; 225°-315°—3400′; 315°-045°—6600′.
City, Fullerton; Sate, Calif.; Airport name, Fullerton Municipal; Elev., 96′; Fac. class., L-BVORTAC; Ident., SLI; Procedure No. VOR/DME No. 1, Amdt. 5; Eff. date, 31 July 69; Sup. Amdt. No. 4; Dated, 3 Apr. 65

TUS R 260°/37-mile DME Fix	R 260°, 17-mile DME Fix	Direct	5000	T-dn	300-1	300-1	200-½
R 260°, 17-mile DME Fix	R 260°, 10-mile DME Fix (final)	Direct	4200	C-dn	500-1	500-1	500-1½
TUS R 303°/20-mile DME Fix	R 260°, 20-mile DME Fix	Via 20-mile DME Orbit.	6000	A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 260° Outbnd, 080° Inbnd, 5000′ within 17 miles of TUS VOR.
Minimum altitude over 10-mile DME Fix, R 260° on final approach crs, 4200′.
Crs and distance, 10-mile DME Fix, R 260° to airport. 080°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6.9-mile DME Fix, make right-climbing turn, climb via R 260° to 17-mile DME Fix at 5000′ or, when directed by ATC, climb ahead to VOR, turn right, climb via R 230° to cross 16-mile Fix at 6000′ orbit via 17-mile DME Arc to R 260°, or climb ahead to VOR, turn left, climb via R 303° to 20-mile DME Fix at 6000′, orbit via 20-mile DME counter clockwise to R 260°.
NOTES: When authorized by ATC, DME may be used within 20 miles from 238°-303° at 6000′ to position aircraft for a straight-in approach with the elimination of the procedure turn.
MSA within 25 miles of facility: 000°-090°—9800′; 090°-180°—10,300′; 180°-270°—9600′; 270°-360°—10,200′.

City, Tucson; State, Ariz.; Airport name, Tucson International; Elev., 2630′; Fac. Class H-BVORTAC; Ident., TUS; Procedure No. VOR/DME No. 2, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. 1; Dated, 3 Oct. 64

5. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Hilo, Hawaii—General Lyman Field, VOR/DME-1, Amdt. 2, 2 Dec. 1967 (established under Subpart C).

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

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

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 approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-13L	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2
				Glide slope inoperative minimums:			
				S-dn-13L	600–1	600–1	600–1

Radar required.
Procedure turn not authorized.
Crs and distance OM to airport 132°, 4.1 miles.
Minimum altitude at glide slope interception inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at OM, 1375'—4.1 miles; at MM, 212'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead intercept and proceed via the JFK R 077° to DPK VORTAC climbing to 3000'. Hold at DPK VORTAC, 1 minute, left turns, 257° Inbnd.
CAUTION: Do not descend below 2500' W of the LGA VOR R 234°.
Supplementary charting information: (1) Start profile at glide slope interception altitude. (2) TDZ elevation, 12'. (3) Chart the LGA R 234° from LGA VOR to 15 miles SW #Inoperative components table does not apply to HIRL's.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., ILS; Ident., I-TLK; Procedure No. ILS Runway 13L, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. 1; Dated, 30 Jan. 69

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

Montgomery, Ala.—Dannelly Field, ILS–9, Amdt. 12, 18 Dec. 1965 (established under Subpart C).
Montgomery, Ala.—Dannelly Field, ILS–27, (BC), Amdt. 1, 18 Dec. 1965 (established under Subpart C).

8. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Montgomery, Ala.—Dannelly Field, Radar 1, Amdt. 3, 12 Aug. 1967 (established under Subpart C).

9. 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 VOR

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: BMG VORTAC.
Scotland Int	BMG VORTAC	Direct	2400	Climb to 2400' on R 241° and return to BMG VORTAC.
Cataract Int	BMG VORTAC	Direct	2500	
Houston Int	BMG VORTAC	Direct	2600	Supplementary charting information:
R 310°, BMG VORTAC CW	R 061°, BMG VORTAC	12-mile DME Arc	2600	Final approach crs parallels runway 500' N of centerline extended.
R 110°, BMG VORTAC CCW	R 061°, BMG VORTAC	12-mile DME Arc	2600	
12-mile DME Arc	College/4-mile DME Fix (NOPT)	Direct	1700	Tower 1443', 5.7 miles E 39°08'32"/86°29'43". Runway 24, TDZ elevation, 841'.

Procedure turn N side of crs, 061° Outbnd, 241° Inbnd, 2400' within 10 miles of BMG VORTAC.
Final approach crs 241°.
Minimum altitude over College/4-mile DME, *1460'. (*1700' from 12-mile Arc.)
MSA: 000°–090°—3100'; 090°–180°—2500'; 180°–360°—2300'.
NOTE: Use Indianapolis altimeter when control zone not effective and all MDA's increased 180' when control zone not effective except for operators with approved weather reporting service.
CAUTION: 90' lighted hill approximately 2500' SW of airport.
*Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–24	1460	1	619	1460	1	619	1460	1	619	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1460	1	613	1460	1	613	1460	1½	613	NA
	VOR/DME Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S–24	1260	1	419	1260	1	419	1260	1	419	NA
	MDA	VIS	HAA	MBA	VIS	HAA	MDA	VIS	HAA	
C	1320	1	473	1320	1	473	1320	1½	473	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Bloomington; State, Ind.; Airport name, Monroe County; Elev., 847'; Facility, BMG; Procedure No. VOR Runway 24, Amdt. Orig.; Eff. date, 31 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 15-mile DME Fix, or, 5 miles after passing Skeeter Int.
SBN VORTAC	Skeeter Int	Direct	2500	Make right climbing turn to 2500′ and return to Skeeter Int.
GSH VORTAC	Skeeter Int	Direct	2500	
R 070°, SBN VORTAC CW	R 101°, SBN VORTAC	26-mile Arc	2500	Supplementary charting information:
R 140°, SBN VORTAC CCW	R 101°, SBN VORTAC	26-mile Arc	2500	1016′ tower 2.8 miles WNW of airport.
Cass Int	Skeeter Int (NOPT)	Direct	2500	884′ tower 0.9 mile ENE of airport. Runway 27, TDZ elevation, 779′.

Procedure turn N side of crs, 101° Outbnd, 281° Inbnd, 2500′ within 10 miles of Skeeter Int.
FAF, Skeeter Int. Final approach crs, 281°. Distance FAF to MAP, 5 miles.
Minimum altitude over Skeeter Int, 2500′.
MSA: 045°–225°—3000′; 225°–315°—2200′; 315°–045°—2300′.
NOTE: Use South Bend, Ind., altimeter setting except operators with approved weather reporting service. Operators with approved weather reporting service may reduce all MDA's by 40′.
*Standard alternate minimums authorized for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-27	1180	1	401	1180	1	401	1180	1	401	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1240	1	461	1240	1	461	1240	1½	461	NA
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Elkhart; State, Ind.; Airport name, Elkhart Municipal; Elev., 779′; Facility, SBN; Procedure No. VOR Runway 27, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. VOR 1, Amdt. 1; Dated, 7 May 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.8 miles after passing MKK VOR.
Palmtree Int	Laau Point Int	Direct	1900	Climbing left turn to 3000′ via MKK VOR R 030°; reverse crs and return to VOR at 4000′ and hold.
Laau Point Int	MKK VORTAC	Direct	1900	Supplementary charting information: Hold NE on R 056°, 1 minute, right turns, 236° Inbnd, MHA 4000′.

Procedure turn N side of crs, 251° Outbnd, 071° Inbnd, 2400′ within 10 miles of MKK VORTAC.
FAF, MKK VORTAC. Final approach crs, 069°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over Laau Point Int, 1900′; over MKK VORTAC, 1900′; over MKK, R 069°, 2-mile DME/LNY R 327°, 1700′.
MSA: 045°–135°—7000′; 135°–225°—5400′; 225°–045°—3400′.
%All runways, climbing left turn to 360° to 2000′; proceed as cleared.
*Use Honolulu altimeter setting and increase MDA 200′ all categories when control zone not effective or current MKK altimeter setting not available.
#Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	1700	1¼	1246	1700	2	1246	1700	2¼	1246	1700	2¼	1246
	Dual VOR or VOR/DME Minimums:											
C*	1100	1	464	1100	1	646	1100	1¼	646	1380	2	926
A	Standard.#		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Kaunakakai; Island, Molokai; State, Hawaii; Airport name, Molokai; Elev., 454′; Facility, MKK; Procedure No. VOR-1, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. 1; Dated, 24 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		MAP: 5.6 miles after passing MGM VORTAC.
Shady Grove Int	MGM VORTAC (NOPT)	MGM, R 126°	2000	Climbing left turn to 2000', proceed to Swift Creek Int via MGM VORTAC, R 305° and hold; or, when directed by ATC, climbing left turn to 2000' direct to MG LOM and hold. Hold W, 1 minute, right turns, 093° Inbnd.
MGM VORTAC, R 279° CCW	MGM VORTAC, R 138°	7-mile DME Arc	2000	
MGM VORTAC, R 030° CW	MGM VORTAC, R 138°	7-mile DME Arc	2000	
7-mile DME Fix	MGM VORTAC, (NOPT)	MGM R 138°	1800	

Supplementary charting information:
Swift Creek Int hold NW, 1 minute, left turns, 125° Inbnd.
Final approach crs to runway threshold.
HIRL Runways, 9/27. ALS Runway 9.
Runway 15 threshold displaced 585' NW. 3425' available for landing Runway 15.
Runway 33, TDZ elevation, 204'.

Procedure turn E side of crs, 138° Outbnd, 318° Inbnd, 2000' within 10 miles of MGM VORTAC.
FAF, MGM VORTAC. Final approach crs, 318°. Distance FAF to MAP, 5.6 miles.
Minimum altitude over MGM VORTAC, 1800'.
MSA: 000°–090°—2000'; 090°–180°—3500'; 180°–270°—2500'; 270°–360°—2200'.
NOTES: (1) ASR. (2) Night operation not authorized on Runways 15/33.
*Circling not authorized for Category (E) N of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-33	600	1	396	600	1	396	600	1	396		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	620	1	399	680	1	459	680	1½	459	780	2	559
	Category (E):											
	MDA	VIS	HAA									
C*	780	2	559									
A	Standard.		T 2-eng. or less—RVR 24', Runway 9; Standard all other runways.				T over 2-eng.—RVR 24', Runway 9; Standard all other runways.					

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221'; Facility, MGM; Procedure No. VOR Runway 33, Amdt. 14; Eff. date, 31 July 69; Sup. Amdt. No. VOR 1, Amdt. 13; Dated, 18 Dec. 65

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		MAP: 3.8 miles after passing PUK VORTAC.
R 183°, PUK VORTAC CW	R 221°, PUK VORTAC	10-mile Arc PUK, R 209° lead radial.	2000	Climb to 2000', right turn direct PUK VORTAC and hold.
R 297°, PUK VORTAC CCW	R 221°, PUK VORTAC	10-mile Arc PUK, R 233° lead radial.	2000	Supplementary charting information: Hold SW, 1 minute, right turns, 041° Inbnd.
10-mile Arc	PUK VORTAC (NOPT)	PUK, R 221°	1500	Runway 4. TDZ elevation, 407'.

Procedure turn E side of crs, 221° Outbnd, 041° Inbnd, 2000' within 10 miles of PUK VORTAC.
FAF, PUK VORTAC. Final approach crs, 041°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over PUK VORTAC, 1500'.
MSA: 000°–090°—2400'; 090°–180°—2400'; 180°–270°—1900'; 270°–360°—3000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4	820	¾	413	820	¾	413	820	¾	413	820	1	413
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	860	1	453	860	1	453	860	1½	453	960	2	553
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Paducah; State, Ky.; Airport name, Barkley Field; Elev., 407'; Facility, PUK; Procedure No. VOR Runway 4, Amdt. 7; Eff. date, 31 July 69; Sup. Amdt. No. 6; Dated, 16 Sept. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

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: 1-mile DME Fix, R 323.
15-mile DME ITO, R 323°	10-mile DME ITO, R 323°	Direct	3600	Climbing left turn to 3000′ on R 002°; reverse crs, return to ITO VORTAC on R 002° and hold.*
10-mile DME ITO, R 323°	8-mile DME ITO, R 323°	Direct	3000	Supplementary charting information.
8-mile DME ITO, R 323°	5-mile DME ITO, R 323° (NOPT)	Direct	2100	*Hold E, 1 minute, left turns, 259° Inbnd, MHA 3000′.
				Approach crs is airway radial.
				Radio tower 19° 44′11″ N./155° 02′ 07″ W. 184′.

Procedure turn not authorized. Approach crs (profile) starts at 10-mile DME Fix, R 323°.
Final approach crs. 143°.
Minimum altitude over 10-mile DME Fix, 3600′; over 8-mile DME Fix, 3000′; over 5-mile DME Fix, 2100′.
MSA: 030°–102°—1300′; 120°–210°—7500′; 210°–300°—15,800′; 300°–030°—8000′.
%400–1 required Runway 26 with right turn after takeoff.
#When circling S of Runways 8/26, MDA is 820′, HAA 783′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	463	540	1	503	600	1½	563	#700	2	663
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Hilo; State, Hawaii; Airport name, General Lyman Field; Elev., 37′; Facility, ITO; Procedure No. VOR/DME-1, Amdt. 3; Eff. date, 31 July 69; Sup. Amdt. No. 2; Dated, 2 Dec. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VORTAC

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: 1-mile DME Fix, R 259°.
R 311°, ITO VORTAC CW	R 345°, ITO VORTAC	11-mile Arc	4000	Climbing right turn to 3000′ on R 002°; reverse crs, return to ITO VORTAC on R 002° and hold.*
R 345°, ITO VORTAC CW	R 079°, ITO VORTAC (NOPT)	11-mile Arc	1600	Supplementary charting information:
11-mile DME ITO, R 079°	Bayview DME/Int	Direct	1600	*Hold E, 1 minute, left turns, 259° Inbnd, MHA 3000′.
				Radio tower 19°44′11″ N./155°02′07″ W., 184′.
				Runway 26, TDZ elevation, 37′.

Procedure turn S side of crs, 079° Outbnd, 259° Inbnd, 1600′ within 10 miles of ITO VORTAC.
Final approach crs, 259°.
Minimum altitude over Bayview DME/Int, 1600′.
MSA: 030°–120°—1300′; 120°–210°—7500′; 210°–300°—15,800′; 300°–030°—8000′.
%400–1 required Runway 26, with right turn after takeoff.
*When circling S of Runways 8/26, MDA is 820′, HAA 783′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–26	440	1	403	440	1	403	440	1	403	440	1	403
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	463	540	1	503	600	1½	563	*700	2	663
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Hilo; State, Hawaii; Airport name, General Lyman Field; Elev., 37′; Facility, ITO; Procedure No. VORTAC Runway 26, Amdt. Orig.; Eff. date, 31 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

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: 18-mile DME Fix, R 226°, SYR VORTAC.
Syracuse VORTAC	12-mile DME Fix, R 226° (NOPT)	Direct	3000	Make right-climbing turn to 3000′ direct 12-mile DME Fix R 226° SYR VORTAC and hold. Supplementary charting information: Hold NE of 12-mile DME Fix, R 226° SYR VORTAC, 1 minute, right turns, 226° Inbnd. Final approach crs to center of airport. CAUTION: Lakelawn Private Airport located 1.9 miles NW.

Procedure turn W side of crs, 046° Outbnd, 226° Inbnd, 3000′ within 10 miles of 12-mile DME Fix, R 226° SYR VORTAC.
Final approach crs, 226°.
Minimum altitude over 12-mile DME Fix, 3000′.
MSA: 000°–090°—2500′; 090°–180°—3600′; 180°–270°—3100′; 270°–360°—1900′.
NOTES: (1) Radar vectoring. (2) Use Syracuse altimeter setting. (3) Night operations Runways 4/22 not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1560	1	530	1560	1	530	1620	1½	590	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Skaneateles; State, N.Y.; Airport name, Empire Aero-Services; Elev., 1030′; Facility, SYR; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date 31 July 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 16.3-mile DME Fix.
R 224°; FLO VORTAC CCW	R 104°, FLO VORTAC	7-mile DME Arc	2000	Climbing right turn to 2000′ to FLO VORTAC via R 104° and hold.
R 043°; FLO VORTAC CW	R 104°, FLO VORTAC	7-mile DME Arc	2000	Supplementary charting information:
FLO VORTAC	7-mile DME Fix	FLO, R 104°	2000	Hold W, 1 minute, right turns, 104° Inbnd.
7-mile DME Fix	14-mile DME Fix	FLO, R 104°	1000	Final approach crs to center of landing area.

Procedure turn not authorized. Approach crs (profile) starts at the 7-mile DME Fix.
Final approach crs, 104°.
Minimum altitude over 7-mile DME Fix, 2000′; over 14-mile DME Fix, 1000′.
MSA: 000°–090°—3200′; 090°–360°—2000′.
NOTES: (1) Use Florence, S.C., altimeter setting. (2) No weather reporting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	720	1	627	720	1	627	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Marion; State, S.C.; Airport name, Marion County; Elev., 93′; Facility, FLO; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 31 July 69

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

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: 9 miles after passing Deer Park VORTAC or 2.4 miles after passing Sunrise Int/6.6-mile DME Fix.
Bohemia Int	DPK VORTAC (NOPT)	DPK, R 083°/9 nautical miles	2000	Climbing right turn to 2000' direct to DPK VORTAC and hold. Supplementary charting information: Hold E, 1 minute, right turns, 245° Inbnd.

Procedure turn not authorized. One minute holding pattern, NE of Deer Park VORTAC, 245° Inbnd, right turns, 2000'.
FAF, DPK VORTAC. Final approach crs, 265°. Distance FAF to MAP, 9 miles.
Minimum altitude over DPK VORTAC, 2000'; over Sunrise Int/6.6-mile DME Fix, 960'.
MSA: 000°-090°—1700'; 090°-180°—1700'; 180°-270°—1600'; 270°-360°—1900'.
NOTES: (1) Radar vectoring. (2) Procedure authorized only during hours control tower is in operation.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	960	1	828	960	1¼	828	960	1½	828	960	2	828
	VOR/NDB Minimums:											
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	520	1	388	580	1	448	640	1½	508	680	2	548
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Bethpage; State, N.Y.; Airport name, Grumman-Bethpage; Elev., 132'; Facility, DPK; Procedure No. VOR-1, Amdt. 4; Eff. date, 31 July 69; Sup. Amdt. No. 3; Dated, 13 Feb. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BMG VORTAC.
Scotland Int	BMG VORTAC	Direct	2400	Climb to 2400' on R 055° and return to BMG VORTAC.
Cataract Int	BMG VORTAC	Direct	2500	
Houston Int	BMG VORTAC	Direct	2600	Supplementary charting information:
Scotland Int	R 235°, BMG VORTAC 9-mile DME Fix.	105° crs and BMG VORTAC, R 235°, 5.5 miles.	2500	Runway 6, TDZ elevation, 833'.
R 235°, BMG VORTAC 9-mile DME Fix.	Track/4-mile DME Fix (NOPT).	Direct	1500	

Procedure turn S side of crs, 235° Outbnd, 055° Inbnd, 2400' within 10 miles of BMG VORTAC.
Final approach crs, 055°.
Minimum altitude over Track/4-mile DME Fix, *1340'. (*1500' from R 235° BMG 9-mile DME Fix.)
MSA: 000°-090°—3100'; 090°-180°—2500'; 180°-360°—2300'.
NOTE: Use Indianapolis altimeter setting when control zone not effective and all MDA's increased 180' when control zone not effective except for operators with approved weather reporting service.
CAUTION: 90' lighted hill approximately 2500' SW of airport.
*Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-6	1340	1	507	1340	1	507	1340	1	507	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1340	1	493	1340	1	493	1340	1½	493	NA
	VOR/DME Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-6	1280	1	447	1280	1	447	1280	1	447	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1320	1	473	1320	1	473	1320	1½	473	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Bloomington; State, Ind.; Airport name, Monroe County; Elev., 847'; Facility, BMG; Procedure No. VOR Runway 6, Amdt. 7; Eff. date, 31 July 69; Sup. Amdt. No. 6; Dated, 20 Mar. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum attitudes (feet)	MAP: BMG VORTAC.
Scotland Int	BMG VORTAC	Direct	2400	Climb to 2400′ on BMG VOR R 160° and return to BMG VORTAC.
Cataract Int	BMG VORTAC	Direct	2500	
Houston Int	BMG VORTAC	Direct	2600	Supplementary Charting Information:
Cataract Int	R 340°, BMG VORTAC 10-mile DME Fix.	082° crs and BMG VORTAC, R 340°, 3.5 miles.	2500	1098′ unmarked and unlighted tower 4 miles NNW of airport 39-12-39/86-38-31.
R 340°, BMG VORTAC 10-mile DME Fix	Whitehall/4-mile DME (NOPT)	Direct	1600	Runway 17, TDZ, elevation 847′.
R 030°, BMG VORTAC CCW	R 340°, BMG VORTAC	10-mile DME Arc	2500	

Procedure turn W side of crs, 340° Outbnd, 160° Inbnd, 2400′ within 10 miles of BMG VORTAC.
Final approach crs, 160°.
Minimum altitude over Whitehall/4-mile DME, *1400′. (*1600′ from 10-mile DME Arc.)
MSA: 315°–135°—3100′; 135°–225°—2300′; 225°–315°—2200′.
NOTE: Use Indianapolis altimeter setting when control zone not effective and all MDA's increased 180′ when control zone not effective except for operators with approved weather reporting service.
CAUTION: 90′ lighted hill approximately 2500′ SW of airport.
*Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-17	1400	1	553	1400	1	553	1400	1	553	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1400	1	553	1400	1	553	1400	1½	553	NA
	VOR/DME Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-17	1260	1	413	1260	1	413	1260	1	413	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1320	1	473	1320	1	473	1320	1½	473	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Bloomington; State, Ind.; Airport name, Monroe County; Elev., 847′; Facility, BMG; Procedure No. VOR Runway 17, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. 1; Dated, 20 Mar. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BMG VORTAC.
Scotland Int	BMG VORTAC	Direct	2400	Climb to 2400′ on R 360° within 10 miles to BMG VORTAC.
Cataract Int	BMG VORTAC	Direct	2500	
Houston Int	BMG VORTAC	Direct	2600	Supplementary charting information:
R 152°, BMG VORTAC CW	R 180°, BMG VORTAC	Via 10-mile Arc	2400	Runway 35, TDZ elevation, 838′.
R 204°, BMG VORTAC CCW	R 180°, BMG VORTAC	Via 10-mile Arc	2400	
10-mile DME Arc	Stanford/4-mile DME Fix (NOPT)	Direct	1600	

Procedure turn W side of crs, 180° Outbnd, 360° Inbnd, 2400′ within 10 miles of BMG VORTAC.
Final approach crs, 360°.
Minimum altitude over Stanford/4-mile DME Fix, *1540′. (*1600′ from 10-mile Arc.)
MSA: 315°–135°—3100′; 135°–225°—2300′; 225°–315°—2200′.
NOTE: Use Indianapolis altimeter setting when control zone not effective, and all MDA's increased 180′ when control zone not effective except for operators with approved weather reporting service.
CAUTION: 90′ lighted hill approximately 2500′ SW of airport.
*Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-35	1540	1	702	1540	1	702	1540	1¼	702	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1540	1	693	1540	1	693	1540	1½	693	NA
	VOR/DME Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-35	1300	1	462	1300	1	462	1300	1	462	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1320	1	473	1320	1	473	1320	1½	473	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Bloomington; State, Ind.; Airport name, Monroe County; Elev., 847′; Facility, BMG; Procedure No. VOR Runway 35, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. 1; Dated, 20 Mar. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing CCR VOR.
Crockett Int	CCR VOR	Direct	2500	Climbing right turn to 2500′ direct to CCR VOR, thence via CCR, R 046° to Rio Int.
Napa VOR	CCR VOR	Direct	2500	
Pittsburg Int	CCR VOR	Direct	2500	
College Int	CCR VOR	Direct	3000	
Napa VOR	Port Chicago Int	Direct	2100	
Port Chicago Int	CCR VOR (NOPT)	Direct	1000	

Procedure turn E side of crs, 351° Outbnd, 171° Inbnd, 2500′ within 10 miles of CCR VOR.
FAF, CCR VOR. Final approach crs, 171°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over CCR VOR, 1000′.
MSA: 000°-090°—2600′; 090°-180°—4900′; 180°-270°—3700′; 270°-360°—3900′.

NOTES: (1) Radar vectoring. (2) High terrain E, S, and W quadrants.
* When control zone not effective: (1) Circling MDA increased 70′; (2) Use Travis AFB altimeter setting.
% Unless otherwise directed by ATC, IFR departures must comply with published Concord SID's.
# Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	680	1	657	680	1	657	820	1½	797	900	2	877
A	1000-2#		T 2-eng. or less— 500-1 all runways.%					T over 2-eng.—500-1 all runways.%				

City, Concord; State, Calif.; Airport name, Buchanan Field; Elev., 23′; Facility, CCR; Procedure No. VOR Runway 19R, Amdt. 3; Eff. date, 31 July 69; Sup. Amdt. No. 2; Dated, 17 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing Golf Int.
GSW VORTAC	Golf Int	Direct	2800	Climb to 2000′ direct to ADS VOR or climb to 2000′, right turn, direct to DAL VORTAC.
DAL VORTAC	Golf Int	Direct	2800	Supplementary charting information: TDZ elevation, 478′.

Procedure turn E side of crs, 179° Outbnd, 359° Inbnd, 2800′ within 10 miles of Golf Int.
FAF, Golf Int. Final approach crs, 359°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over Golf Int, 1600′.
NOTE: ASR.
#Dual VOR equipment required.
*RVR 24′, Runways 13L and 31L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36#	900	1	422	900	1	422	900	1	422	900	1	422
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	920	1	435	1000	1	515	1000	1½	515	1080	2	595
A	Standard.		T 2 eng. or less—Standard.*					T over 2-eng.—Standard.*				

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485′; Facility, ADS; Procedure No. VOR Runway 36, Amdt. 3; Eff. date, 31 July 69; Sup. Amdt. No. 2; Dated, 11 July 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.8 miles after passing HZL VOR.
Bloomsburg Int	HZL VOR (NOPT)	Direct	3000	Climb on HZL, R 092° to 3000'. Then climbing left turn to 3500' direct to HZL VOR and hold.
Benton Int	HZL VOR (NOPT)	Direct	3000	Supplementary charting information: Hold W on R 272°, 1 minute, right turns, 092° Inbnd. TDZ elevation, 1604'.

Procedure turn S side of crs, 272° Outbnd, 092° Inbnd, 3500' within 10 miles of HZL VOR.
FAF, HZL VOR. Final approach crs, 092°. Distance FAF to MAP, 5.8 miles.
Minimum altitude over HZL VOR, 2500'.
MSA: 000°-090°—4000'; 090°-180°—3500'; 180°-270°—3200'; 270°-360°—3700'.
NOTE: Turbulence may be encountered due precipitous terrain underlying all portions of the approach.
*When control zone not in effect, use Wilkes-Barre altimeter and add 100' to straight-in and circling MDA.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-10*	2020	1	416	2020	1	416	2020	1	416	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	2140	1	536	2260	1	656	2260	1½	656	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Hazleton; State, Pa.; Airport name, Hazleton Municipal; Elev., 1604'; Facility, HZL; Procedure No. VOR Runway 10, Amdt. 4; Eff. date, 31 July 69; Sup. Amdt. No. 3; Dated, 12 Dec. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing Jeddo Int.
Wilkes-Barre VORTAC	Leslie Int	Direct	3900	Climb to 3500' direct to HZL VOR and hold.
Tannersville VORTAC	Leslie Int	Direct	3900	Supplementary charting information: Hold W on R 272°, 1 minute, right turns, 092° Inbnd. TDZ elevation, 1604'.
Leslie Int	Jeddo Int (NOPT)	Direct	3000	

Procedure turn not authorized.
Approach crs (profile) starts at Leslie Int.
FAF, Jeddo Int. Final approach crs, 273°. Distance FAF to MAP, 5 miles.
Minimum altitude over Leslie Int, 3900'; over Jeddo Int, 3000'.
MSA: 000°-090°—4000'; 090°-180°—3500'; 180°-270°—3200'; 270°-360°—3700'.
*When control zone not in effect, use Wilkes-Barre altimeter and add 100' to straight-in and circling MDA. Increase visibility ¼ mile for Category B straight-in and circling.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-28*	2360	1	756	2360	1¼	756	2360	1½	756	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	2360	1	756	2360	1¼	756	2360	1½	756	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Hazleton; State, Pa.; Airport name, Hazleton Municipal; Elev., 1604'; Facility, HZL; Procedure No. VOR Runway 28, Amdt. 1; Eff. date, 31 July 69; Sup. Amdt. No. Orig.; Dated, 12 Dec. 68

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.9 miles after passing Hyde Int.
HOU VORTAC	Hyde Int	Direct	1600	Climb to 1600', right turn to intercept HOU VORTAC, R 066° to Fry Int and hold. Supplementary charting information: Hold NE, 1 minute, right turns, 246° Inbnd. Depict Hyde Int as a VHF/DME Fix. Depict MAP also as 11.1 DME.

Procedure turn N side of crs, 075° Outbnd, 255° Inbnd, 1600' within 10 miles of Hyde Int.
FAF, Hyde Int. Final approach crs, 255°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over Hyde Int, 1000'.
MSA within 25 miles of HOU VORTAC: 000°–090°—1600'; 090°–180°—2200'; 180°–270°—2500'; 270°–360°—1800'.
NOTES: (1) ASR. (2) Use Houston, Tex. altimeter setting when La Porte altimeter setting not received.
#MDA increased 30' when La Porte altimeter setting not received.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		VIS
C#	440	1	411	480	1	451		NA			NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, La Porte; State, Tex.; Airport name, La Porte Municipal; Elev., 29'; Facility, HOU; Procedure No. VOR-1, Amdt. 3; Eff. date, 31 July 69; Sup. Amdt. No. 2; Dated, 31 Oct. 68

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	MAP: 5.4 miles after passing MEM VORTAC.
R 073° MEM VORTAC CW	R 164° (NOPT)	8-mile DME Arc	1900	Climb to 1900' to Stadium Int via R 350° MEM VORTAC and hold; or, when directed by ATC, climbing left turn to 1900' direct to ME LOM and hold W, 1 minute, right turns, 087° Inbnd. Supplementary charting information: Hold N, 1 minute, right turns, 170° Inbnd. HIRLS Runways 9/27, 17/35. VASI Runway 27; TDZL Runway 35. Runway 35, TDZ elevation, 331'.
R 257° MEM VORTAC CCW	R 164° (NOPT)	8-mile DME Arc	1900	
Independence Int	MEM VORTAC (NOPT)	Direct	1900	
Coldwater Int	MEM VORTAC (NOPT)	Direct	1900	

Procedure turn E side of crs, 164° Outbnd, 344° Inbnd, 1900' within 10 miles of MEM VORTAC.
FAF, MEM VORTAC. Final approach crs, 344°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over MEM VORTAC, 1900'; over 3.4-mile DME Fix, 780'.
MSA: 000°–090°—2400'; 090°–180°—2000'; 180°–270°—1700'; 270°–360°—2400'.
NOTE: ASR.
*Increase visibility ½ mile with inoperative ALS and HIRL's; inoperative component table does not apply to ALS and HIRL's.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35*	780	RVR 40	449	780	RVR 40	449	780	RVR 40	449	780	RVR 50	449
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	780	1	449	800	1	469	800	1½	469	900	2	569
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35*	700	RVR 40	369	700	RVR 40	369	700	RVR 40	369	700	RVR 50	369
A	Standard.		T 2-eng. or less—RVR 24', Runways 9, 35; Standard all other runways.				T over 2-eng.—RVR 24', Runways 9, 35; Standard all other runways.					

City, Memphis; State, Tenn.; Airport name, International; Elev., 331'; Facility, MEM; Procedure No. VOR Runway 35, Amdt. 22; Eff. date, 31 July 69; Sup. Amdt. No. 21; Dated, 29 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SYI VOR.
Walterhill Int	SYI VOR	Direct	2500	Climbing left turn to 2500′ on R 290° SYI VOR to SYI VOR and hold.
Summitville Int	SYI VOR	Direct	2500	Supplementary charting information: Hold S, 1 minute, left turns, 013° Inbnd. LRCO 122.1, 123.6. Chart 1520′ tower 12 miles S of airport. TDZ elevation, 800′.

Procedure turn W side of crs, 193° Outbnd, 013° Inbnd, 2500′ within 10 miles of SYI VOR.
Final approach crs, 013°.
Minimum altitude over Bomar, FM, 1360′.
MSA: 000°–090°—3300′; 090°–270°—2600′; 270°–360°—2400′.
NOTE: Use Nashville FSS altimeter setting when local altimeter setting not available and increase MDA 160′, increase visibility straight-in Category C ¼ mile.
*Standard alternate minimums authorized operators with approved weather reporting service.
%CAUTION: Due to high terrain NE and SE of airport, departing aircraft with limited climb capability should climb to 3000′ on a westerly heading before continuing on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-36	1360	1	560	1360	1	560	1360	1	560	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1360	1	558	1360	1	558	1360	1½	558	NA
	VOR/FM Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-36	1160	1	360	1160	1	360	1160	1	360	NA
A	Not authorized.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Shelbyville; State, Tenn.; Airport name, Bomar Field; Elev., 802′; Facility, SYI; Procedure No. VOR Runway 36, Amdt. 5; Eff. date, 31 July 69; Sup. Amdt. No. 4; Dated, 24 Apr. 69

11. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

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: 6.1 miles after passing HS LOM.
Natural Well Int	HS LOM	Direct	6000	Make right-climbing turn to 5300′ direct HS LOM and hold.
Longdale Int	HS LOM	Direct	6000	Supplementary charting information:
MOL VOR	Armstrong Int	Direct	6000	Hold NE, 1 minute, right turns, 243° Inbnd.
Armstrong Int	HS LOM (NOPT)	Direct	5300	Chart 4289′ tower 37°55′25″/79°51′12″. Runway 24, TDZ elevation, 3766′.

Procedure turn N side of crs, 063° Outbnd, 243° Inbnd, 5300′ within 10 miles of HS LOM.
FAF, HS LOM. Final approach crs, 243°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over HS LOM, 5300′.
MSA: 000°–090°—4600′; 090°–180°–5100′; 180°–270°—5300′; 270°–360°—6000′.
NOTES: (1) Radar vectoring. (2) When Hot Springs altimeter is not available, use Roanoke altimeter and increase straight-in and circling MDA 200′; increase visibility for straight-in and circling Category B, ¼ mile, straight-in Category C, ¼ mile, Category D, ½ mile. (3) Inoperative table does not apply to REIL Runway 24.
CAUTION: Precipitous terrain underlying this procedure. Turbulence of varying intensities may be encountered.
*All circling approaches are prohibited in the area S of Runway 6 and SW of Runway 32.
%IFR departure procedure: Runway 24, climb on heading 279° to 5000′ before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24	4260	1	494	4260	1	494	4260	1	494	4260	1	494
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	4400	1	599	4400	1	599	4400	1½	599	4400	2	599
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Hot Springs; State, Va.; Airport name, Ingalls Field; Elev., 3801′; Facility I-HSP; Procedure No. LOC Runway 24, Amdt. Orig; Eff. date, 31 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6 miles after passing Catoma Int.
				Climbing left turn to 2000', proceed to Calhoun Int. via MGM VORTAC, R 226° and hold; or, when directed by ATC, climb to 2000' direct to MG LOM and hold. Hold W, 1 minute, right turns, 093° Inbnd. Supplementary charting information: Calhoun Int hold SW, 1 minute, right turns, 046° Inbnd. HIRL Runways 9/27. ALS Runway 9. Runway 15 threshold displaced 585' NW., 3425' available for landing Runway 15. Runway 27, TDZ elevation, 195'.

Procedure turn not authorized.
FAF 6-mile Radar Fix. Final approach crs, 273°. Distance FAF to MAP, 6 miles.
Minimum altitude over Catoma Int or 6-mile Radar Fix, 2000'.
NOTES: (1) Radar required. (2) Localizer back crs unusable beyond 35° each side of centerline. (3) Radar control will not descend aircraft below 2000' until passing the 6-mile Radar Fix. (4) Night operation not authorized on Runways 15/33.
*Circling not authorized for Category (E) N of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-27	600	¾	405	600	¾	405	600	¾	405	600	1	405
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	620	1	399	680	1	459	680	1½	459	780	2	559
	Category (E):											
	MDA	VIS	HAT									
S-27	600	1	405									
	MDA	VIS	HAA									
C	780	2	559									
A	Standard.		T 2-eng. or less—RVR 24', Runway 9; Standard all other runways.				T over 2-eng.—RVR 24', Runway 9; Standard all other runways.					

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221'; Facility, I-MGM; Procedure No. LOC (BC) Runway 27, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. ILS-27 (BC), Amdt. 1; Dated, 18 Dec. 65

12. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC (BC)

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: 5.5 miles after passing Maxton Int.
R 095°, IAH VORTAC CCW	IAH LOC crs, R 081° lead radial (NOPT).	13-mile DME Arc	1800	Climb to 1800' direct to Houston (IA) LOM and hold.
R 328°, IAH VORTAC CW	IAH LOC crs, R 065° lead radial (NOPT).	13-mile DME Arc	1800	Supplementary charting information: Hold W, 1 minute, right turns, 082° Inbnd.
13-mile Arc	Maxton Int	LOC crs	1600	257' control tower midfield. 240' water tower 3 miles E. TDZ elevation, 97'.

Procedure turn N side of crs, 082° Outbnd, 262° Inbnd, 1800' within 10 miles of Maxton Int.
FAF, Maxton Int. Final approach crs, 262°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over Maxton Int., 1600'; over 3-mile Radar Fix, 560'.
NOTE: ASR.
% RVR 18' authorized Runway 8.
*Inoperative table does not apply to HIRL Runway 26. HIRL inoperative visibility 1 mile.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-26*	560	1	463	560	1	463	560	1	463	560	1	463
	LOC/Radar minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-26*	460	1	363	460	1	363	460	1	363	460	1	363
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	462	560	1	462	560	1½	462	660	2	562
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Houston; State, Tex.; Airport name, Intercontinental; Elev., 98'; Facility, I-IAH; Procedure No. LOC (BC) Runway 26; Amdt. 1; Eff. date, 31 July 69; Sup. Amdt. No. Orig.; Dated, 29 May 69

13. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) 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: 9.8 miles after passing SB LOM.
SBN VORTAC	SB LOM	Direct	2400	Make a left turn to 2400′ and proceed direct
North Liberty Int	SB LOM	Direct	2900	to SB LOM.
GSH VORTAC	SB LOM	Direct	2900	Supplementary charting information: 884′ tower 0.9 mile ENE of airport. 1016′ tower 2.8 miles WNW of airport. Runway 9, TDZ elevation, 779′.

Procedure turn N side of crs, 264° Outbnd, 084° Inbnd, 2400′ within 10 miles of SB LOM.
FAF, SB LOM. Final approach crs, 084°. Distance FAF to MAP, 9.8 miles.
Minimum altitude over SB LOM, 2400′; over Judy Int, 1580′.
MSA: 045°–315°—3000′; 315°–045°—2400′.
NOTE: Use South Bend altimeter setting except operators with approved weather reporting service. Operators with approved weather reporting service may reduce all MDA's by 40′.
*Standard alternate minimums authorized for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-9	1580	1	801	1580	1¼	801	1580	1½	801	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1580	1	801	1580	1¼	801	1580	1½	801	NA
	ADF/VOR Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-9	1380	1	601	1380	1	601	1380	1	601	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1380	1	601	1380	1	601	1380	1½	601	NA
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Elkhart; State, Ind.; Airport name, Elkhart Municipal; Elev., 779′; Facility, SB; Procedure No. NDB (ADF) Runway 9, Amdt. 2; Eff. date, 31 July 69; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 7 May 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing HS LOM.
Natural Well Int	HS LOM	Direct	6000	Make right-climbing turn to 5300′ direct
Longdale Int	HS LOM	Direct	6000	HS LOM and hold.
MOL VOR	Armstrong Int	Direct	6000	Supplementary charting information:
Armstrong Int	HS LOM (NOPT)	Direct	5300	Hold NE, 1 minute, right turns, 243° Inbnd. Chart 4289′ tower 37°55′25″/79°51′12″. Runway 24, TDZ elevation, 3766′.

Procedure turn N side of crs, 063° Outbnd, 243° Inbnd, 5300′ within 10 miles of HS LOM.
FAF, HS LOM. Final approach crs, 243°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over HS LOM, 5300′.
MSA: 000°–090°—4600′; 090°–180°—5100′; 180°–270°—5300′; 270°–360°—6000′.
NOTES: (1) Radar vectoring. (2) When Hot Springs altimeter is not available, use Roanoke altimeter and increase straight-in and circling MDA 200′; increase visibility for straight-in and circling Category B, ¼ mile, straight-in Categories C and D, ½ mile.
CAUTION: Precipitous terrain underlying this procedure. Turbulence of varying intensities may be encountered.
*All circling approaches are prohibited in the area S of Runway 6 and SW of Runway 32.
% IFR departure procedure: Runway 24, Climb on heading 279° to 5000′ before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24	4400	1	634	4400	1	634	4400	1	634	4400	1¼	634
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	4400	1	599	4400	1	599	4400	1½	599	4400	2	599
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Hot Springs; State, Va.; Airport name, Ingalls Field; Elev., 3801′; Facility, HS; Procedure No. NDB (ADF) Runway 24, Amdt. Orig.; Eff. date, 31 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.1 miles after passing MG LOM.
MGM VORTAC	MG LOM	Direct	2000	Climbing right turn to 2000', proceed to Calhoun Int via MGM VORTAC, R 226° and hold; or, when directed by ATC, climbing right turn to 2000', proceed to Shady Grove Int via MGM VORTAC, R 126° and hold. Hold SE, 1 minute, right turns, 306° Inbnd.
Calhoun Int	MG LOM	Direct	2000	
Sellers Int	MG LOM	Direct	2500	
Davenport Int	MG LOM	Direct	2500	
Swift Creek Int	MG LOM	Direct	2000	
Benton Int	MG LOM (NOPT)	Direct	1700	

Supplementary charting information:
Calhoun Int hold SW, 1 minute, right turns, 046° Inbnd.
HIRL Runways 9/27. ALS Runway 9.
Runway 15 threshold displaced 585' NW. 3425' available for landing Runway 15.
Tower 987', 8 miles E and tower 999', 6 miles NE.
Runway 9, TDZ elevation, 218'.

Procedure turn S side of crs, 273° Outbnd, 093° Inbnd, 1700' within 10 miles of MG LOM.
FAF, MG LOM. Final approach crs, 093°. Distance FAF to MAP, 5.1 miles.
Minimum altitude over MG LOM, 1700'.
MSA: 090°-180°—3500'; 180°-270°—1900'; 270°-090°—2200'.
NOTES: (1) ASR. (2) Night operation not authorized Runways 15/33.
*Circling not authorized for Category (E) N of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9	600	RVR 40	382	600	RVR 40	382	600	RVR 40	382	600	RVR 50	382
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	620	1	399	680	1	459	680	1½	459	780	2	559
Category (E):												
	MDA	VIS	HAT									
S-9	600	RVR 50	382									
	MDA	VIS	HAA									
C*	780	2	559									
A	Standard.		T 2-eng. or less—RVR 24', Runway 9; Standard all other runways.				T over 2-eng.—RVR 24', Runway 9; Standard all other runways.					

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221'; Facility, MG; Procedure No. NDB (ADF) Runway 9, Amdt. 8; Eff. date, 31 July 69; Sup. Amdt. No. ADF 1, Amdt. 7; Dated, 18 Dec. 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: PUK NDB.
PUK VORTAC	PUK NDB	Direct	2000	Climb to 2000', right turn direct PUK NDB and hold.

Supplementary charting information: Hold SW, 1 minute, right turns, 050° Inbnd.
Final approach crs intercepts runway centerline 2000' from threshold.
Runway 4, TDZ elevation, 407'.

Procedure turn S side of crs, 230° Outbnd, 050° Inbnd, 2000' within 10 miles of PUK NDB.
Final approach crs, 050°.
MSA: 000°-090°—1900'; 090°-180°—2400'; 180°-270°—1900'; 270°-360°—3000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4	920	1	513	920	1	513	920	1	513	920	1¼	513
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	513	920	1	513	920	1½	513	960	2	553
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Paducah; State, Ky.; Airport name, Barkley Field; Elev., 407'; Facility, PUK; Procedure No. NDB (ADF) Runway 4, Amdt. 3; Eff. date, 31 July 69; Sup. Amdt. No. 2; Dated, 16 Sept. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.1 miles after passing SLW NDB.
Briggs VORTAC	SLW NDB	Direct	2800	Climb to 2800', left turn, proceed to SLW NDB and hold.
Sharon Int	SLW NDB	Direct	2800	
McDowell Int	SLW NDB	Direct	2800	Supplementary charting information:
Dalton Int	SLW NDB	Direct	2800	Hold E SLW NDB, right turns, 1 minute, 273° Inbnd.
				Runway 27, TDZ elevation, 1136'.

Procedure turn N side of crs, 093° Outbnd, 273° Inbnd, 2800' within 10 miles of SLW NDB.
FAF, SLW NDB. Final approach crs, 273°. Distance FAF to MAP, 2.1 miles.
Minimum altitude over SLW NDB, 1800'.
MSA: 000°-090°—3100'; 090°-360°—2700'.
NOTES: (1) Use Akron-Canton, Ohio, altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-27	1620	1	484	1620	1	484	1620	1	484	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1620	1	484	1620	1	484	1620	1½	484	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Wooster; State, Ohio; Airport name, Wayne County; Elev., 1136'; Facility, SLW; Procedure No. NDB (ADF) Runway 27, Amdt. Orig.; Eff. date, 31 July 69

14. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) 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: AIK NDB.
AGS VORTAC	AIK NDB	Direct	2100	Climb to 2100', right turn, direct to AIK NDB and hold.
Collier Int	AIK NDB	Direct	2100	
Monetta Int	AIK NDB	Direct	2100	Supplementary charting information:
Sam Int	AIK NDB	Direct	2100	Hold NE, 1 minute, right rurn, 229° Inbnd.
Langley Int	AIK NDB	Direct	2100	

Procedure turn N side of crs, 049° Outbnd, 229° Inbnd, 2100' within 10 miles of AIK NDB.
Final approach crs, 229°.
MSA: 090°-180°—2100'; 180°-270°—2900'; 270°-090°—2000'.
NOTES: (1) No weather reporting service. (2) Use AGS altimeter setting. (3) Night minimums not authorized on Runways 18-36.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1080	1	550	1080	1	550	1080	1¼	550	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Aiken; State, S.C.; Airport name, Aiken Municipal; Elev., 530'; Facility, AIK; Procedure No. NDB (ADF)-1, Amdt. 1; Eff. date, 31 July 69; Sup. Amdt. No. Orig.; Dated, 17 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing BBN NDB.
DPK VORTAC	BBN NDB	Direct	1600	Climbing left turn to 1600′ direct to BBN NDB and hold; or, when directed by ATC, climbing right turn direct to Deer Park. Hold E, 1 minute, right turns, 257° Inbnd, 1800′. Supplementary charting information: Hold SE, 1 minute, right turns, 323° Inbnd. TDZ elevation, 112′.

Procedure turn E side of crs, 143° Outbnd, 323° Inbnd, 1600′ within 10 miles of BBN NDB.
FAF, BBN NDB. Final approach crs, 323°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over BBN NDB, 1600′.
MSA: 000°-090°—1700′; 090°-180°—1400′; 180°-270°—1400′; 270°-360°—2600′.
NOTES: (1) Radar vectoring. (2) Procedure authorized only during hours control tower is in operation.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33	600	1	488	600	1	488	600	1	488	600	1	488
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	600	1	468	600	1	468	640	1½	508	680	2	548
A	Not authorized.			T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Bethpage; State, N.Y.; Airport name, Grumman-Bethpage; Elev., 132′; Facility, BBN; Procedure No. NDB (ADF) Runway 33, Amdt. 4; Eff. date, 31 July 69; Sup. Amdt. No. 3; Dated, 13 Feb. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.1 miles after passing HZL NDB.
CYE NDB	HZL NDB	Direct	4000	Climbing right turn to 4000′ direct to HZL NDB and hold. Supplementary charting information: Hold E, 1 minute, left turns, Inbnd crs 265′. TDZ elevation, 1604′.

Procedure turn N side of crs, 085° Outbnd, 265° Inbnd, 3500′ within 10 miles of HZL NDB.
FAF, HZL NDB. Final approach crs, 285°. Distance FAF to MAP, 4.1 miles.
Minimum altitude over HZL NDB, 2700′.
MSA: 000°-090°—4000′; 090°-180°—3500′; 180°-270°—3200′; 270°-360°—3700′.
*Use Wilkes-Barre altimeter, and increase straight-in and circling MDA 100′ when control zone not effective. Increase visibility ¼ mile for Categories B and C straight-in and Category B circling.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS
S-28*	2300	1	696	2300	1	696	2300	1¼	696		NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C*	2300	1	696	2300	1	696	2300	1½	696		NA
A	Not authorized.			T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Hazleton; State, Pa.; Airport name, Hazleton Municipal; Elev., 1604′; Facility, HZL; Procedure No. NDB (ADF) Runway 28, Amdt. 8; Eff. date, 31 July 69; Sup. Amdt. No. 7; Dated, 12 Dec. 68

15. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

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: ILS DH, 287'; LOC 6 miles after passing Bayview.
R 311°, ITO VORTAC CW	R 345°, ITO VORTAC	11-mile Arc	4000	Climbing right turn to 3000' on ITO VOR TAC, R 002°; reverse crs and return to ITO VORTAC and hold.
R 345°, ITO VORTAC CW	ITO LOC (NOPT)	11-mile Arc ITO, R 069° lead radial.	1800	
11-mile DME Fix, R 079°	Bayview DME/Int (NOPT)	E crs LOC	1800	Supplementary charting information:
ITO VORTAC	Bayview DME/Int	ITO, R 079°	1800	Hold E, 1 minute, left turns, 259° Inbnd, MHA 3000'.
				Radio tower 19°44'11" N./155°02'07" W., 184'.
				No approach lights. VASI Runway 26.
				Runway 26, TDZ elevation, 37'.

Procedure turn S side of crs, 079° Outbnd, 259° Inbnd, 1800' within 10 miles of Bayview DME/Int.
FAF, Bayview DME/Int. Final approach crs, 259°. Distance FAF to MAP, 6 miles.
Minimum glide slope interception altitude, 1800'. Glide slope altitude at Bayview, 1783'; at MM, 252'.
Distance to runway threshold at Bayview, 6 miles; at MM, 0.6 mile.
NOTE: No LOM. ADF or DME receiver required to identify Bayview DME/Int.
%400-1 required Runway 26, with right turn after takeoff.
*When circling S of Runways 8/26, MDA is 820', HAA 783'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-26	287	¾	250	287	¾	250	287	¾	250	287	¾	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-26	340	¾	303	340	¾	303	340	¾	303	340	1	303
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	463	540	1	503	600	1½	563	*700	2	663
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Hilo; State, Hawaii; Airport name, General Lyman Field; Elev., 37'; Facility, I-ITO; Procedure No. ILS Runway 26, Amdt. Orig.; Eff. date, 31 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 418'; LOC 5.1 miles after passing MG LOM.
MGM VORTAC	MG LOM	Direct	2000	Climbing right turn to 2000', proceed to Calhoun Int via MGM VORTAC, R 226° and hold; or, when directed by ATC, climbing right turn to 2000', proceed to Shady Grove Int via MGM VORTAC R 126° and hold. Hold SE, 1 minute, right turns, 306° inbnd.
Calhoun Int	MG LOM	Direct	2000	
Swift Creek Int	MG LOM	Direct	2000	
Seller Int	MG LOM	Direct	2500	
Benton Int	MG LOM (NOPT)	Direct	1700	
Davenport Int	MG LOM	Direct	2500	

Supplementary charting information:
Calhoun Int hold SW, 1 minute, right turns, 046° Inbnd.
HIRL Runways 9/27. ALS Runway 9.
Runway 15 threshold displaced 585' NW. 3425' available for landing Runway 15. Tower 987', 8 miles E and tower 999', 6 miles NE.
Runway 9, TDZ elevation, 218'.

Procedure turn S side of crs, 273° Outbnd, 093° Inbnd, 1700' within 10 miles of MG LOM.
FAF, MG LOM. Final approach crs, 093°. Distance FAF to MAP, 5.1 miles.
Minimum altitude over MG LOM, 1700'.
Minimum glide slope interception altitude, 1700'. Glide slope altitude at OM, 1700'; at MM, 427'.
Distance to runway threshold at OM, 5.1 miles; at MM, 0.6 mile.
MSA: 099°–180°—3500'; 180°–270°—1900'; 270°–090°—2200'.
*Circling not authorized for Category (E) N of airport.
NOTES: (1) ASR. (2) Night operation not authorized Runways 15/33. (3) Localizer back crs unusable beyond 35° each side of centerline.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-9	418	RVR 24	200	418	RVR 24	200	418	RVR 24	200	418	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9	560	RVR 24	342	560	RVR 24	342	560	RVR 24	342	560	RVR 40	342
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	620	1	399	680	1	459	680	1½	459	780	2	559
	Category (E):											
	DH	VIS	HAT									
S-9	418	RVR 24	200									
LOC:	MDA	VIS	HAT									
S-9	560	RVR 40	342									
	MDA	VIS	HAA									
C*	780	2	559									

A—Standard. T 2-eng. or less—RVR 24', Runway 9; Standard all other runways. T over 2-eng.—RVR 24', Runway 9; Standard all other runways.

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221'; Facility, I-MGM; Procedure No. ILS Runway 9, Amdt. 13; Eff. date, 31 July 69; Sup. Amdt. No ILS-9, Amdt. 12; Dated, 18 Dec. 65

16. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

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 a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude

Notes

As established by Montgomery, Ala., ASR minimum altitude vectoring charts.
All bearings and distances are from radar site on Maxwell AFB with sector azimuths progressing clockwise.

Descend aircraft after passing FAF.
1. Runway 9—FAF 6 miles from threshold. TDZ elevation, 218'.
2. Runway 27—FAF 6 miles from threshold. TDZ elevation, 195'.
HIRL Runway 9/27. ALS Runway 9.
Runway 15 threshold displaced 585' NW. 3425' available for landing Runway 15.
Night operation not authorized Runway 15/33.
*Circling not authorized for Category (E) N of airport.

Missed approach:
Runway 9—Climbing right turn to 2000', proceed to Calhoun Int via MGM VORTAC, R 226° and hold. Hold SW, 1 minute, right turns, 046° Inbnd, or as directed by ATC.
Runway 27—Climbing left turn to 2000', proceed to Calhoun Int via MGM VORTAC, R 226° and hold. Hold SW, 1 minute, right turns, 046° Inbnd, or as directed by ATC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9	560	RVR 24	342	560	RVR 24	342	560	RVR 24	342	560	RVR 50	342
S-27	600	¾	405	600	¾	405	600	¾	405	600	1	405
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	620	1	399	680	1	459	680	1½	459	780		559
	Category (E)											
	MDA	VIS	HAT									
S-9	560	RVR 50	342									
S-27	600	1	405									
	MDA	VIS	HAA									
C*	780	2	559									
A	Standard.		T 2-eng. or less—RVR 24', Runway 9; Standard all other runways.				T over 2-eng.—RVR 24', Runway 9; Standard all other runways.					

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221'; Facility, Montgomery Radar; Procedure No. Radar-1, Amdt. 4; Eff. date, 31 July 69; Sup. Amdt. No. Radar 1, Amdt. 3; Dated, 12 Aug. 67

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 June 24, 1969.

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

[F.R. Doc. 69-7625; Filed, July 10, 1969; 8:45 a.m.]

[Docket No. 9663; Amdt. 121-47]

PART 121—CERTIFICATION AND OPERATION: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Crashworthiness and Passenger Evacuation

The purpose of these amendments to Part 121 of the Federal Aviation Regulations is to extend the compliance dates for various additional emergency equipment requirements, to empower the FAA Air Carrier District Office to make certain of these extensions, and to incorporate a clarification of the emergency evacuation procedures.

By petition dated June 9, 1969, the Air Transport Association (ATA) has requested, on behalf of its member airlines, an extension of the September 30, 1969, compliance date in several paragraphs of § 121.310 of the regulations. The ATA indicates that there have been delays by the manufacturers in the delivery of the modification kits that are required for compliance with the various requirements and delays in supplying the Service Bulletin information on these changes. The petitioner points out that certain deliveries will not be made until after September 30, 1969; and that even in those cases where earlier deliveries are anticipated, a "crash" program would be needed in many instances to meet the current compliance times. With the exception of the compliance time in § 121.310(d)(2), the petitioner has requested extensions of up to 1 year. However, in order to insure a rapid, but orderly, compliance, the petitioner recommends that the individual operators be required to furnish by September 30, 1969, a satisfactory schedule for completion of the required modifications of its airplanes.

The FAA is aware that delays of the type described by the petitioner are frequently beyond the control of the various operators. Since the affected Part 121 certificate holders may not be able to control the availability of required parts and equipment, it appears that an extension of the September 30, 1969, compliance date would be justified in certain cases and that the responsible FAA District Office should be empowered to grant extensions in those cases.

With respect to § 121.310(d)(2) the petitioner points out that this compliance time should be the same as the compliance time for § 121.310(h)(1) since,

in most cases, compliance with one requirement necessitates compliance with the other. The FAA agrees and the date for compliance has been extended from September 30, 1969, to June 30, 1971. In addition, the compliance terms in § 121.310(h)(1) have been amended to remove the provision that compliance with that requirement must be accomplished "at the first airplane major maintenance visit after December 30, 1969." Because of the differences in the maintenance procedures among the various air carriers and in view of the delays being experienced by these operators in obtaining necessary parts and equipment for the required modifications, such a limitation is not appropriate.

Finally, a clarifying amendment is being made to the emergency evacuation procedures in Appendix D of Part 121 to implement the determination set forth by the FAA on June 6, 1969 (Regulatory Docket No. 9636) in its disposition of the petition filed by United Air Lines. In this connection, Appendix D is amended to make it clear that in conducting an emergency evacuation demonstration, the certificate holder may use not more than 50 percent of the emergency exits in the side of the fuselage that meet all of the requirements applicable to the required emergency exits for that airplane.

Since these amendments merely authorize FAA inspectors to grant extensions of an existing compliance date and clarify an existing requirement, I find that notice and public procedure thereon are unnecessary and that good cause exists for making the amendment effective in less than 30 days' notice.

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended effective July 11, 1969, as follows:

Section 121.310 is amended—

(1) By amending paragraph (a) by adding a new subparagraph (3) to read as follows:

(a) *Means for emergency evacuation.* * * *

(3) A certificate holder may obtain an extension of the September 30, 1969, compliance date prescribed in subparagraph (2) of this paragraph beyond that date, but not beyond September 30, 1970, from the FAA Air Carrier District Office (ACDO) charged with the overall inspection of its operations, if—

(i) It shows that due to circumstances beyond its control it cannot comply by the earlier date; and

(ii) It submits by September 30, 1969, a schedule for compliance with subparagraph (2) which is acceptable to that ACDO.

(2) By amending paragraph (d) by striking out the date "October 1, 1969," in subparagraph (1) and inserting the date "July 1, 1971," in place thereof; and by striking out the date "September 30, 1969," in subparagraph (2) and inserting the date "June 30, 1971," in place thereof.

(3) By amending paragraph (h) by striking out the words "or upon the first airplane major maintenance visit after December 30, 1969, whichever comes first," in subparagraph (1) and by adding the following provision at the end of subparagraph (2):

(2) * * *. A certificate holder may obtain an extension for compliance with the requirements of this subparagraph beyond the required compliance date, but not beyond March 1, 1971, from the FAA Air Carrier District Office (ACDO) charged with the overall inspection of its operations, if—

(i) It shows that due to circumstances beyond its control it cannot comply by the earlier date; and

(ii) It submits by September 30, 1969, a schedule for completion which is acceptable to that ACDO.

(4) By amending paragraph (i) by adding the following provision at the end thereof to read as follows:

(i) *Other floor level exits.* * * *. A certificate holder may obtain an extension for compliance with the requirements of this paragraph beyond the required compliance date, but not beyond June 30, 1970, from the FAA Air Carrier District Office charged with the overall inspection of its operations, if—

(i) It shows that due to circumstances beyond its control it cannot comply by the earlier date; and

(ii) It submits by September 30, 1969, a schedule for completion which is acceptable to the ACDO.

Appendix D is amended by amending the first sentence of paragraph (a)(17) to read as follows:

(a) *Aborted takeoff demonstration.* * * *

(17) Not more than 50 percent of the emergency exits in the sides of the fuselage of an airplane that meet all of the requirements applicable to the required emergency exits for that airplane may be used for the demonstration. * * *

(Secs. 313(a), 601, 603, 604, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, 1424, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 3, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-8171; Filed, July 10, 1969; 8:46 a.m.]

[Docket No. 9443; Amdt. No. 121-48]

PART 121—CERTIFICATION AND OPERATION: DOMESTIC; FLAG, SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Megaphone Location Requirement Deviations

The purpose of this amendment is to authorize deviations from § 121.309(f)(1) when the Administrator finds that relocation of the portable battery-powered megaphone on airplanes with a seating capacity of more than 60 and less than 100 passengers would be more useful for emergency evacuation. This amendment is based on a notice of proposed rule making (Notice 69-5) published in the FEDERAL REGISTER (34 F.R. 3751) on March 4, 1969.

Section 121.309(f) requires that a portable battery-powered megaphone on airplanes with a seating capacity of more than 60 and less than 100 passengers, be positioned at the most rearward location in the passenger cabin where it would be readily accessible to a normal flight attendant seat. As pointed out in the notice, some airplanes with this passenger capacity have more emergency passenger exits in the forward area of the airplane than in the rear. As a result, the main evacuation route is the forward portion of the airplane, with the evacuating passengers using the forward entrance door, the over-the-wing exits, and the galley door as emergency exits. This amendment will permit accessibility of the megaphone to be considered and allow flexibility for relocation of the megaphone to a position the Administrator determines would be more useful in the emergency evacuation of persons from the airplane.

We believe use of the deviation authority provided by this amendment will be consistent with other requirements of the regulations which have as their objective the effective evacuation of passengers from an airplane in the event of an emergency.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended effective July 11, 1969, by adding the following sentence to the end of § 121.309(f)(1):

§ 121.309 Emergency equipment.

* * * * *

(f) * * *

(1) * * * However, the Administrator may grant a deviation from the requirements of this subparagraph if he finds that a different location would be more useful for evacuation of persons during an emergency.

* * * * *

(Secs. 313(a), 601, 603, 604, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1423, 1424, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 3, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-8172; Filed, July 10, 1969; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice is hereby given in accordance with the provisions contained in section

533(b) of title 5, United States Code (1966), that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

The proposed amendments would add a new Part 113 to Chapter 1 of Title 9, Code of Federal Regulations in which test methods and procedures to be known as Standard Requirements would be prescribed. Regulations in this proposal would establish the use of Standard Requirements and basic test procedures applicable to biological products.

Authorization for sampling of biological products for test purposes as provided for in §§ 112.26 and 112.27 would be revised and included in § 113.4.

The proposed amendments to Part 114 would remove test requirements in §§ 114.5(c), 114.13, and 114.14, by deletion of such sections and include a revision of such requirements in Part 113. Requirements in § 114.18 are no longer applicable and such section would be revoked.

PART 112—LABELS

1. Part 112 is amended by deleting §§ 112.26 and 112.27. The heading and index is to read as follows:

LABELS

Sec.
112.1 Containers.
112.2 Required and permitted information.
112.3 Diluent labels.
112.4 Reference to distributors and permittees.
112.5 Review and approval of labels and other material.
112.6 Packaging desiccated products.
112.7 Special additional requirements.

PART 113—STANDARD REQUIREMENTS

2. Chapter I of Title 9 of the Code of Federal Regulations is amended by adding a new Part 113, reading as follows:

APPLICABILITY

Sec.
113.1 Standard requirements—compliance.
113.2 Standard requirements—ingredients of biological products.
113.3 Standard requirements—sampling of biological products.
113.4 Standard requirements—outline of production.
113.5 Standard requirements—general testing.
113.6 Standard requirements—division testing.
113.7 Standard requirements—multiple fractions.
113.8 Standard requirements—virus titrations in lieu of tests for antigenicity.

AUTHORITY: The provisions of this Part 113 issued under 37 Stat. 832–833; 21 U.S.C. 151–158.

APPLICABILITY

§ 113.1 Standard requirements—compliance.

The regulations in this part apply to each serial or subserial of a licensed biological product manufactured in a licensed establishment and to each serial or subserial of a biological product in each shipment imported for distribution and sale.

§ 113.2 Standard requirements—ingredients of biological products.

All ingredients used in a licensed biological product shall meet accepted standards of purity and quality; shall be sufficiently nontoxic so that the amount present in the recommended dose of the product shall not be toxic to the recipient; and in the combinations used shall not denature the specific substances in the product below the minimum acceptable potency within the dating period when stored at the recommended temperature.

§ 113.3 Standard requirements—sampling of biological products.

Each licensee and permittee shall furnish representative samples of each serial or subserial of a biological product manufactured in the United States or imported into the United States as prescribed in paragraphs (a) and (b) of this section. Additional samples may be purchased in the open market by a Division representative.

(a) Prerelease test samples for Division use shall be forwarded to the place designated by the Director and in the number and quantity as prescribed. Comparable samples shall be used by the licensee and permittee for similar tests.

(1) Each licensee shall select prerelease samples as follows:

(i) Nonviable liquid products—either bulk or final container samples of completed product shall be used for inactivation, purity, or potency tests. Biological product in final containers shall be used for sterility tests.

(ii) Viable liquid products; samples shall be in final containers and shall be selected at the end of the filling operation.

(iii) Desiccated products; samples shall be in final containers and shall be selected from various locations within the drying chamber if desiccated in the final container. Biological products desiccated in bulk shall be sampled at the end of the filling operation.

(2) Each permittee shall select prerelease samples so that each serial or subserial in each shipment shall be represented.

(b) Reserve samples shall be selected from each serial and subserial of every biological product. Such samples shall be selected at random from finished product by the licensee or permittee. Each sample shall:

(1) Consist of 5 single dose or 2 multiple dose packages as the case may be;

(2) Be adequate in quantity for appropriate examination and testing;

(3) Be truly representative and in final containers;

(4) Be held in a special compartment or equivalent set aside by the licensee or permittee, for the exclusive holding of these samples under refrigeration at 35° to 45° F. for 6 months after the expiration date stated on the labels. The samples shall be stored systematically for ready reference and procurement if and when required.

§ 113.4 Standard requirements—outline of production.

(a) To comply with the test requirements in § 114.8(b) of this chapter, each outline shall designate the test methods and procedures by which the biological product shall be evaluated for purity, safety, and potency: *Provided,* That if alternate methods or procedures are authorized, the ones to be used shall be so designated.

(b) The test methods and procedures contained in all applicable Standard Requirements shall be complied with unless otherwise exempted by the Director and provided that such exemption is noted in the approved outline.

§ 113.5 Standard requirements—general testing.

(a) No biological product shall be released prior to the completion of required tests necessary to establish the product to be satisfactory for purity, safety, and potency.

(b) Tests of biological products shall be observed by a competent employee of the manufacturer during all critical periods. A critical period shall be the time of day when certain specified reactions must occur in required tests to properly evaluate the results.

(c) Records of all tests shall be kept in accordance with Part 116 of this chapter. Copies of tests reports shall be submitted to the Division. Blank forms shall be furnished upon request to the Veterinary Biologics Division.

(d) When a serial or subserial has not been found satisfactory by the test methods and procedures designated in § 113.4, and a repeat test is to be conducted, the same test method shall be used.

(e) When new test methods are developed and approved by the Division, biological products shall be evaluated by such methods, and serials or subserials found unsatisfactory when so tested shall not be released for market.

§ 113.6 Standard requirements—division testing.

A biological product shall with reasonable certainty yield the results intended when used as recommended or suggested in its labeling or proposed labeling prior to the expiration date.

(a) The Director is authorized to cause a licensed biological product, manufactured in the United States or imported into the United States, to be examined and tested for one or more of the following: purity, safety, potency, or effectiveness; in which case, the licensee or permittee shall withhold such product from the market until a determination has been made.

(b) A serial or subserial of a biological product which has not been found satisfactory by applicable test methods or procedures is not in compliance with the regulations in Parts 101 through 121 of this subchapter and shall not be released for market.

§ 113.7 Standard requirements—multiple fractions.

(a) When a biological product contains more than one immunogenic fraction, the completed product shall be evaluated by tests applicable to each fraction.

(b) When similar potency tests are required for more than one fraction of a combination biological product, the same vaccinated animals may be used to evaluate different fractions of the combination biological product provided controls representing each fraction are challenged separately and the vaccinates are challenged with virulent material representing all fractions.

(c) When the same safety test is required for more than one fraction, requirements are fulfilled by satisfactory results from one test of the completed product.

(d) Biological products containing one or more chemically inactivated fraction(s) and one or more live virus or modified live virus fraction(s) shall be prepared as recommended for use and held at room temperature 30 minutes before initiating virus titrations or potency tests.

(e) Virus titrations for a multivirus product shall be conducted by methods which will quantitate each virus.

§ 113.8 Standard requirements—virus titrations in lieu of test for antigenicity.

(a) The Director may exempt a live virus vaccine from a required vaccination-challenge test for release if the efficacy can with reasonable certainty be determined by:

(1) Testing the seed virus for potency in a manner approved by the Director; and

(2) Establishing the lowest satisfactory virus titer based on the minimum protective dose plus an adequate overage allowance for uncertain conditions; and

(3) Conducting virus titrations on each serial or subserial in an accepted titration test system.

(b) One or more serials or subserials of a biological product which has been exempted from a required vaccination-challenge test according to the conditions in paragraph (a) of this section may be subjected to said test by the Division or the licensee. If found unsatisfactory, the biological product shall be removed from the market.

(c) A biological product shall not be exempted under the provisions of paragraph (a) of this section if observation of the vaccinated test animals during the prechallenge period constitutes an irreplaceable safety test.

PART 114—MISCELLANEOUS REQUIREMENTS FOR LICENSED ESTABLISHMENTS

3. Part 114 is amended by deleting §§ 114.5(c), 114.13, 114.14, and 114.18.

Interested persons are invited to submit written data, views, or arguments regarding the proposed regulations to the Veterinary Biologics Division, Federal Center Building, Hyattsville, Md. 20782, within 60 days after date of publication of this notice in the FEDERAL REGISTER.

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

Done at Washington, D.C., this 7th day of July 1969.

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

[F.R. Doc. 69-8197; Filed, July 10, 1969; 8:48 a.m.]

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

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 310—POST MORTEM INSPECTION

Final Inspection of Carcasses

On March 28, 1969, there was published in the FEDERAL REGISTER (34 F.R. 5853) a notice of a proposed amendment to § 310.2 of the Meat Inspection Regulations (9 CFR 310.2). After due consideration of all relevant matters presented in connection with such notice and under the authority of the Federal Meat Inspection Act (34 Stat. 1260, as amended by 81 Stat. 584, 21 U.S.C. 601 et seq.), § 310.2 of the regulations is amended to read as set forth below.

Statement of considerations. This amendment provides a procedure for relating identifying devices (ear tags, backtags, etc.) with the carcasses of cattle slaughtered at official establishments, until post mortem inspection is completed. This information regarding an animal will assist the inspector in determining the wholesomeness of the carcass.

When indicated by post mortem findings, these identifying devices could be related to the cattle and reviewed to develop information which would aid in making a disposition of the carcass or a decision with respect to the desirability of further testing.

The present provisions of § 310.2 are designated as paragraph (a) and a new paragraph (b) is added to read as follows:

§ 310.2 Identification of carcass with certain severed parts thereof and with animal from which derived.

* * * * *

(b) The official State-Federal Department backtag on any cattle carcass shall:

(1) (i) Be removed from the hide of the animal by an establishment employee and placed in a clear plastic bag. The bag containing the tag shall be affixed to the corresponding carcass.

(ii) The bag containing the tag shall be removed from the carcass by an establishment employee and presented with the viscera to the Program inspector at the point where such inspector conducts the viscera inspection.

(2) (i) Brucellosis and tuberculosis ear tags, herd identification ear tags, sales tags, ear bangles, and similar identification devices shall be removed from the animal's hide or ear by an establishment employee and shall be placed in a clear plastic bag and affixed to the corresponding carcass.

(ii) The bag containing the tag shall be removed from the carcass by an establishment employee and presented with the viscera to the Program inspector at the point where such inspector conducts the viscera inspection.

(3) In cases where both types of devices described in subparagraphs (1) and (2) of this paragraph are present on the same animal, both types may be placed in the same plastic bag or in two separate bags.

(4) The Officer in Charge may allow the use of any alternate method proposed by an establishment for handling the type of devices described in subparagraph (2) of this paragraph if such alternate method would provide a ready means of identifying a specific carcass with the corresponding devices by a Program inspector during the post mortem inspection.

(5) Disposition and use of identifying devices.

(i) The official State-Federal Department backtags will be collected by a Program inspector and handled according to instructions in § 322.10 of this chapter (Manual of Meat Inspection Procedures) or used to obtain traceback information necessary for proper disposition of the animal or carcass.

(ii) The devices described in subparagraph (2) of this paragraph shall be collected by the Program inspector when required to obtain traceback information necessary for proper disposition of the animal or carcass and for controlling the slaughter of reactor animals. Devices not collected for these purposes shall be discarded after the post mortem examination is complete.

(6) Plastic bags used by the establishment for collecting identifying devices will be furnished by the Department.

(Sec. 21, 34 Stat. 1260, as amended by 81 Stat. 584, 21 U.S.C., Supp. IV, § 621; 29 F.R. 16210, as amended; 33 F.R. 10750)

This amendment shall become effective 30 days after its publication in the FEDERAL REGISTER.

Done at Washington, D.C., on July 8, 1969.

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

[F.R. Doc. 69-8200; Filed, July 10, 1969; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Foreign Country Where Textile Products Are Assembled

§ 15.358 Disclosure of foreign country where textile products are assembled.

(a) The Commission advised two manufacturers of textile fiber products that it would not be necessary to disclose the name of the foreign country where certain finishing operations are performed.

(b) In both cases, the fabric is of domestic origin. In one case, the company will ship its American-made fabric and findings to the Dominican Republic where the fabric will be cut, sewn, finished, and returned for resale to the industrial rental laundry industry. Labor services performed in the foreign country will represent approximately 30 percent of total production costs.

(c) The other company, which is engaged in the manufacture and sale of ladies' undergarments, will cut the material in the United States and then ship it to Haiti where it will be sewn and finished. The company's foreign labor costs will represent approximately 20 percent of total production costs.

(d) Both companies were advised by the Commission that it would not be necessary to disclose in the labeling the nature and extent of the foreign operations performed on the textile products either under section 5 of the FTC Act or section 4(b)(4) of the Textile Fiber Products Indentification Act.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 72 Stat. 1717; 15 U.S.C. 70)

Issued: July 10, 1969.

By direction of the Commission.[1]

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

[F.R. Doc. 69–8179; Filed, July 10, 1969; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Tripartite Promotional Plan in Grocery Industry

§ 15.356 Tripartite promotional plan in the grocery industry.

(a) The Commission issued an advisory opinion with respect to a tripartite promotional plan in the grocery field.

(b) The applicant proposed to rent space to advertisers on a mechanical device containing a moving message, the purpose of which is to advertise products at the shelf level in retail grocery stores. The applicant would offer retail stores having weekly gross sales of $30,000 or more $3 per 2-week period per device for at least five devices (with an option to install up to 20 devices) as rent for the area necessary for the installation of the advertising devices. Stores having weekly gross sales of less than $30,000 would be furnished signs for them to attach to their shelves or other suitable point-of-sale area of similar size to the mechanical device offered to the larger stores. Stores with weekly gross sales of less than $30,000 would also be furnished display materials such as aisle indicators and generic product ads. Stores with weekly gross sales of $20,000 to $30,000 would be paid $1.50 per 2-week period per sign; stores with weekly gross sales of less than $20,000 would be paid 19 cents per 2-week period per sign.

(c) The Commission expressed the view that were the proposed promotional assistance plan implemented, the Clayton Act, section 2 (d) and/or (e), as amended, and/or the Federal Trade Commission Act, section 5 would probably be violated because neither the payments nor the services under the plan are offered on proportionally equal terms and the "alternatives" are not all made available to each competing customer.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: July 10, 1969.

By direction of the Commission.[1]

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

[F.R. Doc. 69–8182; Filed, July 10, 1969; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Supplier Services Furnished Through Third Party

§ 15.357 Supplier services furnished through third party.

(a) The Commission advised a requesting party that his proposed plan would be governed by the provisions of section 2(e) of the amended Clayton Act, as interpreted by the Commission's recently issued Guides for Advertising Allowances and Other Merchandising Payments and Services.

(b) In return for chain officials' time in considering supplier proposals, a third party intermediary proposed to provide merchandising advice of a perhaps general nature. The requesting party considered his proposed action to be outside the scope of section 2(e).

(c) The Commission concluded that implementation of the plan would be likely to result in a violation of section 2(e) if the plan were to be offered only to chains and if usable and suitable alternatives were not offered to those competing customers who could not use the basic plan.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: July 10, 1969.

By direction of the Commission.

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

[F.R. Doc. 69–8180; Filed, July 10, 1969; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Trade Association's Proposed Compilation and Publication of Certain Financial Data

§ 15.359 Trade association's proposed compilation and publication of certain financial data.

(a) The Commission issued an advisory opinion in response to a request from a trade association concerning a proposed survey to be conducted among its members.

(b) The proposed survey seeks industry data for 1966, 1967, and 1968 confined solely to the following items:

(1) Percent return on total investment;

(2) Percent net profits (after taxes) to total sales;

(3) Percent advertising cost to gross sales;

(4) Percent direct labor cost to gross sales;

(5) Ratio current assets to current liabilities;

(6) Ratio net sales to inventory; and

(7) Ratio net sales to net working capital.

(c) The association proposes to obtain the information from its members on a confidential basis, to tabulate the data without identifying any company, and then to publish the results.

(d) The Commission advised the applicant that it does not object to the proposed survey, compilation and publication of industry financial data as outlined above and on the basis stated i.e., that there will be no disclosure of the name of any company participating. It is to be understood that this advisory opinion is necessarily limited to this particular program. However, the Commission invites submittal of any other proposed financial surveys in definite form for Commission advisory opinions.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 10, 1969.

By direction of the Commission.

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

[F.R. Doc. 69–8181; Filed, July 10, 1969; 8:47 a.m.]

[1] Commissioner MacIntyre's dissenting opinion filed as part of the original document.

[1] Commissioner Elman did not concur in this action of the Commission.

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 418–69]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

By virtue of the authority vested in me by sections 509 and 510 of title 28 and section 301 of title 5, United States Code, Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. Section 0.134 of Subpart U is amended to read as follows:

§ 0.134 Vacancy in the Office of the Director, Bureau of Narcotics and Dangerous Drugs.

In the event of a vacancy in the Office of the Director, Bureau of Narcotics and Dangerous Drugs, the powers and functions of the Director may be exercised by the Deputy Director, or in the absence of the Deputy Director, by the Assistant Director for Enforcement.

2. Subpart AA is revised to read as follows:

Subpart AA—Bureau of Narcotics and Dangerous Drugs

Sec.
0.200 General functions.
0.201 Redelegation of authority.
0.202 Applicability of departmental regulations.

AUTHORITY: The provisions of this Subpart AA were issued under secs. 509, 510, 28 U.S.C.; sec. 301, 5 U.S.C.

§ 0.200 General functions.

Subject to the general supervision of the Attorney General, the exercise of the powers and performance of the functions vested in the Attorney General by sections 1 and 2 of Reorganization Plan No. 1 of 1968 (33 F.R. 5611) are assigned to, and shall be conducted, handled, or supervised by the Director of the Bureau of Narcotics and Dangerous Drugs.

§ 0.201 Redelegation of authority.

The Director of the Bureau of Narcotics and Dangerous Drugs is authorized to redelegate to any of his subordinates any of the powers and functions vested in him by this Subpart AA.

§ 0.202 Applicability of departmental regulations.

All departmental regulations that are generally applicable to units or personnel of the Department of Justice shall be applicable with respect to the Bureau of Narcotics and Dangerous Drugs, the Director and personnel thereof, except to the extent, if any, that such regulations may be inconsistent with the intent and purposes of Reorganization Plan No. 1 of 1968.

Order No. 393–68 of April 7, 1968, and Order No. 394–68 of April 7, 1968, are hereby revoked.

Dated: June 30, 1969.

JOHN N. MITCHELL,
Attorney General.

[F.R. Doc. 69–8205; Filed, July 10, 1969; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter I—Federal Procurement Regulations

PART 1–15—CONTRACT COST PRINCIPLES AND PROCEDURES

Miscellaneous Amendments

This amendment of the Federal Procurement Regulations makes changes in and additions to Subpart 1–15.3, Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Educational Institutions. The changes reflect the June 1, 1968, revision of Circular A–21 by the Bureau of the Budget with respect to eliminating the time or effort reporting requirements established by the Circular. The revision substitutes requirements that charges to federally sponsored research projects for personal services be supported by normal time and attendance and payroll distribution systems and by stipulated salary support amounts (for professional staff) as stated in research agreements.

The table of contents for Part 1–15 is amended to include new entries in Subpart 1–15.3 as follows:

1–15.302–7 Stipulated salary support.
1–15.310 Certification of charges.

Section 1–15.302–7 is added to read as follows:

§ 1–15.302–7 Stipulated salary support.

"Stipulated salary support" is a stated dollar amount of a faculty member's salary which a Government agency agrees to reimburse to an educational institution as a part of sponsored research costs. Stipulated salary support amounts will be provided in the research agreements for professorial staff any part of whose compensation is chargeable to Government sponsored research and may be provided for any other professionals who are engaged part time in sponsored research and part time in other work. The stipulated salary support for an individual will be determined by the Government and the educational institution during the proposal and award process on the basis of a considered judgment as to the monetary value of the contribution which the individual is expected to make to the research project, taking into account any cost sharing by the institution, and basing the judgment on such factors as value of the investigator's expertise to the project, the extent of his planned participation in the project, and his ability to perform as planned in the light of his other commitments. It will be necessary for those who review research proposals to obtain information on the total academic year salary of the faculty members involved; the other research projects or proposals for which salary is allocated; and any other duties they may have such as teaching assignments, administrative assignments, number of graduate students for which they are responsible, or other institutional activities. Stipulated amounts for an individual must not result in increasing his official salary from the institution. In those cases in which it is not feasible to establish a stipulated salary support amount during the proposal and award process because detailed plans or knowledge of specific positions or individuals are not available, the agency and the institution may agree to use the payroll distribution procedure set forth in § 1–15.309–7(b) as a basis for reimbursement of salary for any individuals for whom a support amount has not been established.

Section 1–15.309–7 is amended to change paragraphs (b), (c), (d), and (e) to read as follows:

§ 1–15.309–7 Compensation for personal services.

* * * * *

(b) *Payroll distribution.* Amounts charged to organized research for personal services, except stipulated salary support regardless of whether treated as direct cost or allocated as indirect costs, will be based on institutional payrolls which have been approved and documented in accordance with generally accepted institutional practices. Support for direct and indirect allocations of costs to (1) instruction, (2) organized research, (3) indirect activities as defined in § 1–15.305–1, or (4) other institutional activities as defined in § 1–15.302–4 will be provided as described in paragraphs (c), (d), and (e) of this § 1–15.309–7.

(c) *Direct charges for personal services.* (1) The amounts stipulated for salary support (see § 1–15.302–7) in grants or cost-reimbursable type contracts will be treated as direct costs. The stipulated salary for the academic year will be prorated equally over the duration of the grant or contract period during the academic year, unless other arrangements have been made in the grant or contract instrument. No time or effort reporting will be required to support these amounts. Special provision for summer salaries will be required. The research agreements will state that any research covered by summer salary support must be carried out during the summer, not during the academic year, and at locations approved in advance in writing by the granting agency. The certification required in § 1–15.310 will attest to this requirement as well as all others in a given research agreement.

(2) Stipulated salary support remains fixed during the funding period of the grant or contract and will be costed at the rate described in paragraph (c)(1) of this § 1–15.309–7 unless there is a significant change in performance. For example, a significant change in performance would exist if the faculty member (i) was ill for an extended period, (ii) took sabbatical leave to devote effort to duties unrelated to his research, or (iii) was required to increase substantially his teaching assignments, administrative duties, or responsibility for more research projects. In the latter event, it will be the responsibility of the educational institution to reduce the charges to the research agreement proportionately or seek an appropriate amendment.

(3) In the case of those covered by stipulated salary support, the auditors are no longer required to review the precise accuracy of time or effort devoted to research projects. Rather, their reviews should include steps to determine on a sample basis that an institution is not reimbursed for more than 100 percent of each faculty member's salary and that the portion of each faculty member's salary charged to Government sponsored research is reasonable in view of his university workload and other commitments.

(4) When an educational institution cost shares in whole or in part (see Bureau of the Budget Circular No. A–74) by using faculty salaries, the stipulated salary concept should also be applied in this instance. During the proposal and award process, approving authorities will establish, in conjunction with the institution, the share of the faculty member's contribution to the project to be reimbursed by the Government and that to be borne by the institution. The latter amount will become a part of the institution's cost share. Unless other arrangements are made, the institution will prorate the stipulated salary over the period of the agreement and charge the prorated costs to the project cost records periodically to support its cost sharing amounts. No time or effort reporting will be required to support these charges. As in the case of stipulated salary amounts that are reimbursed by the Government, any significant change in performance, as defined in that context, which would affect the agreed-upon cost sharing amount must be promptly recognized by other cost sharing or amendment to the research agreement. It will be the responsibility of the educational institution to ensure that this action is taken.

(5) Non-professorial-professional staff includes research associates and assistants, graduate students, and other persons performing professional work, i.e., chemists and engineers. The direct cost charged to organized research for the services of such professionals, exclusive of those whose salaries are stipulated in the research agreement, will be based on institutional payroll systems. Such institutional payroll systems must be supported by either an adequate appointment and workload distribution system accompanied by monthly review performed by responsible officials and a reporting of any significant changes in workload distribution of each professional, or by a monthly after-the-fact certification system which will require the individual investigators, deans, departmental chairmen, or superivsors having first-hand knowledge of the services performed on each research agreement to report the distribution of effort. Reported changes will be incorporated during the accounting period into the payroll distribution system and into the accounting records. Direct charges for salaries and wages of nonprofessionals will be supported by time and attendance and payroll distribution records.

(d) *Indirect personal services costs.* Allowable indirect personal services costs will be supported by the educational institution's accounting system which is maintained in accordance with generally accepted institutional practices. Where a comprehensive accounting system does not exist, the institution should make periodic surveys no less frequently than annually to support the indirect personal services costs for inclusion in the overhead pool. Such supporting documentation must be retained for subsequent review by Government officials.

(e) *General guidance for charging personal services.* Budget estimates on a monthly, quarterly, semester, or yearly basis do not qualify as support for charges to federally sponsored research projects and should not be used unless confirmed after the fact. Charges to research agreements may include reasonable amounts for activities contributing and intimately related to work under the agreement, such as preparing and delivering special lectures about specific aspects of the ongoing research, writing research reports and articles, participating in appropriate research seminars, consulting with colleagues and graduate students with respect to related research, and attending appropriate scientific meetings and conferences. In no case should charges be made to federally sponsored research projects for lecturing or preparing for formal courses listed in the catalog and offered for degree credit, or for committee or administrative work related to university business.

* * * * *

Section 1–15.310 is added to read as follows:

§ 1–15.310 Certification of charges.

To insure that expenditures for research grants and contracts are proper and in accordance with the research agreement documents and approved project budgets, the annual and/or final fiscal reports for grants and the vouchers requesting payment under contracts will include a certification which reads essentially as follows:

I certify that all expenditures reported (or payments requested) are for appropriate purposes and in accordance with the agreements set forth in the application and award documents.

(Signed by an authorized official of the University)

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effect on other issuances. The portion of FPR Temporary Regulation 15 which pertains to the June 1, 1968, revision of Bureau of the Budget Circular A–21 is canceled.

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

Dated: July 3, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–8148; Filed, July 10, 1969; 8:45 a.m.]

Chapter 14—Department of the Interior

PART 14–8—TERMINATION OF CONTRACTS

Default Termination of Fixed Price Construction Contracts

JULY 3, 1969.

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, § 14–8.603, Part 14–8 of Chapter 14, Title 41 of the Code of Federal Regulations is hereby deleted as set forth below:

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the public rulemaking process. However, because this part is largely a general statement of Departmental policy and internal procedure the rulemaking process will be waived and this part will become effective upon publication in the FEDERAL REGISTER.

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

Section 14–8.603 *Default termination of fixed price construction contracts* published at 33 F.R. 7436, May 18, 1968, is hereby deleted in its entirety.

[F.R. Doc. 69–8163; Filed, July 10, 1969; 8:45 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–42—PROPERTY REHABILITATION SERVICES AND FACILITIES

This amendment revises Part 101–42, Property Rehabilitation Services and Facilities, by providing a wider scope of application; policies and procedures regarding use by executive agencies of GSA regional term contract schedules, Federal Prison Industries, and National Industries for the Blind; and guidelines for agency use when ordering the repair or replacement of locks on Government-owned desks.

Subchapter H is amended by the revision of Part 101–42, as follows:

Sec.

Subpart 101–42.1—Sources of Property Rehabilitation Services

Sec.

Subpart 101–42.2—Property Rehabilitation Services Performed by Federal Facilities

AUTHORITY: The provisions of this Part 101–42 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101–42.000 Scope of part.

This part prescribes the policies and procedures governing the use by executive agencies of GSA regional term contracts, Federal Prison Industries, and National Industries for the Blind for the maintenance, repair, rehabilitation, and reclamation of personal property; and the operation of facilities located within the United States, Puerto Rico, and the Virgin Islands performing such services. Military weapons systems, specialized military support equipment, and specialized technical and scientific equipment are exempt from this part.

§ 101–42.001 Definitions.

As used throughout this Part 101–42, the following terms shall have the meanings stated herein.

§ 101–42.001–1 Maintenance.

The scheduled cleaning, servicing, and adjustment necessary to keep an article in a serviceable or satisfactory operating condition, ordinary wear and tear excepted.

§ 101–42.001–2 Repair.

The restoration of an article to a serviceable or operable condition from an unserviceable or inoperable condition resulting from excessive wear, breakage, injury, dilapidation, decay, or partial destruction.

§ 101–42.001–3 Rehabilitation.

The restoration or renovation of serviceable or operable articles to a near new condition or the repair of unserviceable or inoperable articles when the overall objective is to restore or renovate articles to a near new condition. In addition, the word is used in a generic sense to encompass services covered by this Part 101–42.

§ 101–42.001–4 Reclamation.

The recovery of precious metals or critical materials having intrinsic value from articles of personal property.

Subpart 101–42.1—Sources of Property Rehabilitation Services

§ 101–42.100 [Reserved]

§ 101–42.101 General.

GSA regional property rehabilitation organizational elements assist agencies in furthering maximum utilization of personal property by providing maintenance, repair, rehabilitation, and reclamation services. These services are made available through contracts with commercial firms, and through agreements with the National Industries for the Blind and with Federal repair facilities such as those operated by the Federal Prison Industries. The services provided are primarily for domestic application but may be utilized to provide support for foreign assistance programs.

(a) The Guide to Sources of Supply and Service, a Federal Supply Catalog, is published by the Federal Supply Service, GSA, to indicate sources of supply and service provided by GSA for the use of Federal agencies, including property rehabilitation type service contracts established by the Property Management and Disposal Service, GSA. Copies are furnished central and field offices of Federal agencies. Additional copies may be obtained from any GSA regional office.

(b) GSA regional Property Management and Disposal Service offices periodically issue bulletins to heads of Federal agency offices furnishing information concerning GSA service support for the maintenance, repair, rehabilitation, and reclamation of Government-owned personal property.

(c) A GSA regional Property Management and Disposal Service office will, upon a written request from a Federal agency to the office servicing that agency, develop sources of services, evaluate contractor capabilities, and conduct surveys or studies to justify establishing term contracts for services not available at the time the needs arise.

§ 101–42.102 GSA term contracts for services.

(a) GSA establishes regional term contracts; prepares and issues regional term contract price schedules on a zonal, regional, or other area basis; and performs contract administration.

(b) Agency offices may be placed on a distribution list to receive term contracts in the form of price schedules applicable within specified areas upon request to the GSA regional office administering the contracts.

(c) Regional term contract price schedules are published in catalog style and list services available from contractors named therein. Notices of changes in the price schedules are furnished all agency offices receiving the schedules.

(d) The price schedules specify that agencies of the Federal Government will, unless excepted, issue purchase orders direct to contractors listed in the schedules; receive and inspect the shipments; and make payments direct to such contractors without referring the transactions to GSA. The price schedules provide for appropriate action in the event of delinquency or default on the part of any contractor.

§ 101–42.102–1 Primary source provisions.

(a) GSA regional term contracts shall be used as a primary source for meeting executive agencies' requirements in the areas of maintenance, repair, rehabilitation, and reclamation of personal property, to the extent provided for in such contracts. These term contracts and covering price schedules are, therefore, mandatory on agencies in the geographic areas designated. However, contracts to which those agencies are parties, existing at the time term contract schedules are published, will continue to be in effect until completion of such existing contracts.

(b) When an agency determines that services available from an existing term contract price schedule will not fill its required needs, a request to waive the requirement shall be submitted to the GSA regional Property Management and Disposal Service office administering the contract. Such requests shall specify the quantities involved, describe the difference between the services required and those listed in the price schedule, and give reasons why the services will not meet the requirements. Waivers are not required in the case of public exigencies.

§ 101–42.102–2 Optional use provisions.

Each GSA regional term contract price schedule contains provisions whereby, in addition to the agencies included under the primary source provision, all agencies and activities of the Federal Government, including the legislative and judicial branches, and other activities for which GSA is authorized by law to procure, may place orders under such schedules.

§ 101–42.102–3 Contract administration.

GSA regional Property Management and Disposal Service offices administer service contracts for and on behalf of the contracting office with respect to: (a) expediting orders; (b) evaluating the acceptability of contract workmanship; (c) insuring contractor compliance with technical requirements of the contract; and (d) assisting in the resolution of issues that may arise between ordering agencies and contractors concerning performance of contract provisions.

§ 101–42.103 Miscellaneous.

§ 101–42.103–1 Repairing of locks and lock mechanisms on Government-owned desks.

It is the responsibility of executive agencies to order the repair or replacement of locks and locking mechanisms only on those desks where there is a valid agency need for operable locks. The evaluation and determination of whether a

valid need exists shall be on the basis of written criteria approved by a designated responsible official of the ordering agency. (See § 101–25.302–6 for use standards.)

Subpart 101–42.2—Property Rehabilitation Services Performed by Federal Facilities

§ 101–42.200 Scope of subpart.

This subpart prescribes the policies and procedures governing executive agency in-house repair facilities.

§ 101–42.201 Federal repair facilities.

Each agency shall evaluate, periodically, its in-house repair and reclamation facilities to determine if it is more economical to use established GSA sources as shown in § 101–42.101.

§ 101–42.202 Establishment, continuation, or expansion of repair facilities.

The establishment, continuation, or expansion of in-house commercial type repair and reclamation facilities shall be governed by the criteria set forth in Bureau of the Budget Circular No. A–76, Revised, August 30, 1967.

§ 101–42.203 Notifications.

(a) Each executive agency shall furnish, if it has not already done so, to the appropriate GSA regional office serving that agency, information as to each Government-owned facility operated by it for the repair, maintenance, rehabilitation, or reclamation of personal property. Such information shall include the type of facility, personnel complement, capability, and geographical area served. Information as to Department of Defense facilities will pertain only to reconditioning or depot maintenance facilities for nonmilitary equipment.

(b) Agencies proposing to establish or substantially expand facilities for repair, maintenance, rehabilitation, or reclamation of personal property shall furnish the General Services Administration, Property Management and Disposal Service, Washington, D.C. 20405, with prior information such as type of facility, personnel complement, capability, and geographical area to be served, so that the proposal may be evaluated against existing contracts and facilities. Information as to Department of Defense facilities will pertain only to reconditioning or depot maintenance facilities.

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

Dated: July 3, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–8149; Filed, July 10, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1068—COMMUNITY ACTION PROGRAM GRANTEE FINANCIAL MANAGEMENT

Subpart—Allowances and Reimbursements for Members of Policy Making Bodies

Chapter X, Part 1068 of Title 45 of the Code of Federal Regulations is amended by adding a new subpart, reading as follows:

Sec.
1068.5–1 Applicability of this subpart.
1068.5–2 Definitions.
1068.5–3 Policy.
1068.5–4 Administration.

AUTHORITY: The provisions of this subpart issued under secs. 244(1), 602, 78 Stat. 530, 21 Stat. 707; 42 U.S.C. 2836, 2942.

§ 1068.5–1 Applicability of this subpart.

This subpart applies to all members of policy making bodies of grantees funded under Titles I–B, I–D, II, and III–B of the Economic Opportunity Act of 1964, as amended, if the assistance is administered by OEO. This includes members of principal representative boards, delegate agency governing bodies, area policy boards or councils, county boards of multicounty CAAs, governing boards of neighborhood-based organizations, policy advisory committees for particular types of projects and committees of a CAA or neighborhood or area board as these boards are defined in section 1068.5–2.

§ 1068.5–2 Definitions.

As used in this subpart:

(a) "Allowance" means a payment made to an individual for actual attendance at a meeting to assure and encourage his attendance at this meeting.

(b) "Reimbursement" means a payment made to an individual to cover the cost of certain expenses actually incurred as a result of attendance at a meeting or in the performance of other official duties and responsibilities in connection with a community action program.

(c) A "Meeting" is considered to take place when proper notification has been made inviting the participants to attend.

(d) "Policy Making Body" includes the following representative boards of grantees:

(1) Principal representative boards.

(2) Delegate agency governing bodies if the delegate agency's activities are solely or substantially financed with OEO funds as part of the community action program and at least one-third of its governing body is composed of representatives selected by the poor persons whom the delegate agency serves.

(3) Area policy boards or councils, county boards of a multicounty CAA, or neighborhood based organizations which perform a major policy-making function with regard to a subarea of the community served by the CAA. (Such boards may be an integral part of the CAA or may be established as delegate agencies of the CAA.)

(4) Policy advisory committees for a particular type of project, such as Head Start or Neighborhood Health Services.

(5) Committees of a CAA or neighborhood or area board if such a committee performs major policymaking functions. (An example of such a committee would be the executive or steering committee of a CAA board.)

§ 1068.5–3 Policy.

(a) *General.* Allowances and reimbursements may be paid to certain members of grantee policymaking bodies for attendance at meetings, when such payments serve to assure and encourage the maximum feasible participation of members of groups and residents of the areas served. The grantees' principal representative board shall exercise discretionary power in determining the extent to which this policy will be applied in its agency. This subpart lists the categories of policymaking bodies which are eligible to receive allowances and reimbursements. If a grantee has not budgeted funds for allowances or reimbursements as part of its normal budget submission, funds may be reprogramed for this purpose (if the grantee determines it is a priority) through the normal amendment procedure (see OEO Instruction 6710–1, section V, pages 3–24). A record of the principal representative board's decision regarding the payment or nonpayment of allowances and reimbursements, and reasons for this decision, should be maintained by the grantee.

(b) *Allowances.* (1) Any person who is a member of a grantee's policymaking body is eligible to be paid an allowance as long as his family income falls within OEO Poverty Guidelines and as long as he is not a Federal employee, not an employee of a CAA or delegate agency, and not an employee of a State or local public agency.

(2) Allowances should not exceed $5 per meeting unless the grantee's principal representative board determines a higher payment more suitable. Allowances in excess of $5 may be paid only if justified by CAP grantees on the basis of comparability with similar fees paid to the poor by antipoverty programs administered by non-CAP grantees and funded from sources other than OEO (e.g. Model Cities). (Comparability means that the allowance plus the reimbursements paid by the CAP grantee would be commensurate with the total payments made to the poor by other agencies.) Grantees should consult with other antipoverty programs in their area to determine if the fees being paid to the poor by the various programs are comparable.

(3) No person shall be paid an allowance for attendance at more than two meetings per month, regardless of whether the meetings are for the same or different policy making bodies.

(c) *Reimbursements.* (1) Any person, including a Federal employee or an employee of a State or local public agency, whose family income falls within OEO Poverty Guidelines and who is a member of a grantee's policy making body is eligible to be paid a reimbursement. Receiving an allowance does not preclude receiving a reimbursement for actual expenses incurred in attending that meeting. Nonpoor members of a grantee's policy making body may receive reimbursements for travel (under certain circumstances) and may receive per diem (see subparagraph (3)(ii) of this paragraph).

(2) No person shall be reimbursed for more than two meetings per month, regardless of whether the meetings are for the same or different policy making bodies.

(3) The following expenses incurred as the result of actual attendance at meetings, or in the performance of other official duties and responsibilities in connection with a community action program, may be reimbursed.

(i) *Travel.* Reimbursement may be made for transportation to and from official meetings or other official appointments by the least expensive, convenient means of transportation. This shall be public transportation, or, when no public transportation is available, by taxi, or by private automobile travel at a rate not to exceed 10 cents a mile. Women traveling unescorted to meetings after dark may be reimbursed for actual taxi fare paid even when convenient public transportation is available. Where the community served by the community action program covers a large geographic area, such as a multicounty CAA or a statewide grantee, reimbursements may also be made to those nonpoor members of a policymaking body who must travel a "substantial distance" from their home to attend meetings within the community. The grantee's principal respresentative board shall determine what constitutes a "substantial distance" in their community. Such payments shall accord with the Standardized Government Travel Regulations and with Part 1069 of this chapter. In cases where there is group riding, only the board members providing the vehicle shall be reimbursed.

(ii) *Per diem.* Per diem may be paid to both poor and nonpoor members of policy making bodies when attendance at a meeting requires overnight lodging Such payments shall accord with the Standardized Government Travel Regulations (current per diem rate is $16 a day) and with Part 1069 of this chapter. (A per diem allowance is paid in lieu of meals and lodging.)

(iii) *Meals.* When per diem is not in effect, reimbursement for the actual costs of meals may be paid to the poor, only, when the time of an official meeting or other official appointment is such as to require attendance during a meal hour and when the meal is not otherwise provided. Such reimbursement shall be for the actual cost of the meal, but may not exceed $1.50 per person for lunch and $3.50 per person for dinner.

(iv) *Baby-sitting expenses.* The poor, only, may be reimbursed for the actual costs necessarily incurred for the care of their young children while they attend an official meeting. The hourly rate paid must be comparable to that usually paid in the area for such services. In no event shall the rate of compensation exceed $1.25 per hour.

(v) *Lost wages.* When attendance at a meeting involves loss of wages, the poor may be reimbursed for actual wages lost up to $15 a day. This would be in addition to per diem if the meeting involved overnight travel.

(vi) *Other expenses.* Calls made on private telephones will not be allowed as a reimbursable expense. A grantee or delegate agency may make available to board members the use of telephones in the offices of the agency.

(4) The eligibility for reimbursement of expenses incurred in attendance at meetings by board members as limited in this subpart apply only to meetings held within the area served by the community action program. Reimbursement for travel and per diem outside this area is covered in Part 1069 of this chapter.

§ 1068.5–4 Administration.

(a) *Applying for funds.* Funds to pay allowances and reimbursements as defined in this subpart may be requested as part of any community action program application, but approval is subject to availability of budget funds.

(b) *Accounting for funds.* Payments made under the policy set forth in this subpart are subject to audit and to disallowance by OEO if not in accord with OEO Instructions and regulations. Individuals requesting reimbursement shall submit appropriate documentation of actual expense incurred (a listing of expenses and amounts is sufficient). Minutes of the meeting indicating the low-income members who were present and who received an allowance will be sufficient documentation of allowances paid for audit purposes. This material shall be made a part of the accounting records of the grantee.

(c) *Non-Federal share.* The allowances and reimbursements herein permitted may not be credited as a non-Federal share contribution in lieu of making such payments to eligible board members.

(d) *Public records.* The accounting records of allowable payments and expense reimbursements are required to be available for public inspection under the rules set forth in Part 1070 of this chapter.

Effective date. This subpart shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

THEODORE M. BERRY,
Director,
Community Action Program.

JUNE 27, 1969.

[F.R. Doc. 69-8165; Filed, July 10, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 39, 3d Rev., Amdt. 5]

PART 222—STATEMENTS, REPORTS, AND AGREEMENTS REQUIRED TO BE FILED

Forms of Vessel Utilization and Performance Reports Prescribed

This amendment is to remove the requirement for filing of Forms MA–7803 and MA–7804 and to require the filing only of Forms MA–578 and MA–578A.

Effective upon the date of publication of this amendment in the FEDERAL REGISTER § 222.2 is amended to read as follows:

§ 222.2 Forms of vessel utilization and performance reports prescribed.

(a) Pursuant to authority of section 212(A) of the Merchant Marine Act, 1936, as amended by Public Law 612, 84th Congress; 70 Stat. 332; 46 U.S.C. 1122a, the Secretary of Commerce has determined that it is necessary and desirable in order to carry out the purposes and provisions of the Merchant Marine Act, 1936, as amended (49 Stat. 1985, et seq.; 46 U.S.C. 1101, et seq.) to require an operator of a vessel in waterborne foreign commerce of the United States to file accurate reports on Form MA–578 with respect to passenger and dry cargo vessels, on Form MA–578A with respect to vessels carrying certain containerized cargo; such forms and instructions for the preparation thereof are hereby prescibed and approved.[1]

(1) An accurate report on Form MA–578, Vessel Utilization and Performance Report, shall be filed in duplicate with the appropriate District Director of Customs for transmittal to the Maritime Administration by the operator of every self-propelled dry cargo and passenger vessel of 1,000 or more gross registered tons before midnight of the 30th calendar day after entry into the first U.S. port and before midnight of the 30th calendar day after clearing the last U.S. port. Operators desiring to submit combination reports for dry cargo and passenger vessels (inbound and outbound portions) after clearing the final U.S. port may do so upon obtaining written permission from the Maritime Administration, Washington, D.C. 20235.

(2) In addition, and subject to the same qualifying and filing requirements set forth above, an accurate report on Form MA–578A, Supplemental Unitized

[1] Copy each of the Forms MA–578 (1–67) and MA–578A (3–21–67), together with instructions for their use, respectively, are on file in the Office of the Federal Register. These forms and instructions may be obtained from the Marine Section, District Director of Customs at U.S. ports.

Cargo Container Report, shall be filed by such operator when, on any one voyage, a vessel carries 10 or more (i) 8 x 8 x 10 feet or larger containers, or (ii) half-height containers 8 feet in width and 10 or more feet in length, or (iii) flatbeds 8 feet in width and 20 or more feet in length. Forms MA–578 and MA–578A are required to be filed in duplicate for all voyages of merchant vessels operated by or for the account of the Department of Defense except vessels of the Military Sea Transportation Service (MSTS) nucleus fleet.

(b) By agreement with the Bureau of Customs, District Directors of Customs will be responsible for policing receipt of dry cargo and passenger vessel inbound, outbound, and combination inbound/outbound reports on Form MA–578 and Form MA–578A.

NOTE: The reporting requirements contained in this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: July 8, 1969.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69–8178; Filed, July 10, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Arrowwood National Wildlife Refuge, N. Dak.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 15,900 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting with guns is not permitted.

(2) The open season for hunting deer on the refuge is from 12 noon to sunset on August 30, 1969, and from sunrise to sunset August 31, 1969, through September 28, 1969.

(3) A federal permit is required to enter the public hunting area. It may be obtained by applying in person at refuge headquarters, located 6 miles east of Edmunds, N. Dak., between the hours of 8 a.m. and 4:30 p.m. Monday thru Friday.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 28, 1969.

ARNOLD D. KRUSE,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, N. Dak.

JULY 3, 1969.

[F.R. Doc. 69–8151; Filed, July 10, 1969; 8:45 a.m.]

PART 32—HUNTING

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Montezuma National Wildlife Refuge, N.Y., is permitted except on the areas designated by signs as closed. The open area, comprising 3,639 acres, is delineated on maps available at refuge headquarters, 4 miles east of Seneca Falls, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) The open season is Monday through Friday from November 17 to December 2, 1969, inclusive. Actual dates open are November 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, and December 1, 2, 1969.

(2) Only longbows may be used. No gun hunting will be allowed.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 2, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 30, 1969.

[F.R. Doc. 69–8150; Filed, July 10, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[43 CFR Part 417]

PROCEDURAL METHODS FOR IMPLEMENTING COLORADO RIVER WATER CONSERVATION MEASURES WITH LOWER BASIN CONTRACTORS AND OTHERS

Notice of Proposed Rule Making

Basis and purpose. Pursuant to the authority vested in the Secretary of the Interior by the Boulder Canyon Project Act (45 Stat. 1057, 1060) by the contracts for the storage and delivery of Colorado River water pursuant to that Act (herein termed "Boulder Canyon Project Act Contracts") heretofore made between the United States and certain public or private organizations (herein termed "Contractors") and the March 9, 1964, Decree of the Supreme Court of the United States in the case of Arizona v. California et al., 376 U.S. 340, notice is hereby given of the intention to revise Part 417 of Title 43 of the Code of Federal Regulations. The purpose of this revision is to establish new procedures for the adoption of recommendations relating to water conservation practices in the diversion, delivery, distribution, and use of Colorado River water and to the making of annual determinations relating to the estimated quantities of water required by Contractors each calendar year to the end that deliveries of Colorado River water to each Contractor will not exceed that reasonably required for beneficial use. In addition, the revision deletes the requirement for annual publication of determinations in the FEDERAL REGISTER since all affected parties are given actual notice in writing of determinations.

It is the policy of the Department of the Interior to afford those dealing with the Department a full and fair opportunity to be heard and to have their views considered on matters affecting their interests. Accordingly, interested parties may submit written comments, suggestions or objections with respect to the proposed revisions to Part 417 to the Regional Director, Region 3, Bureau of Reclamation, Post Office Box 427, Boulder City, Nev. 89005, within 30 days of publication of this notice in the FEDERAL REGISTER.

Part 417 of Title 43 of the Code of Federal Regulations is revised in its entirety to read as follows:

PART 417—PROCEDURAL METHODS FOR IMPLEMENTING COLORADO RIVER WATER CONSERVATION MEASURES WITH LOWER BASIN CONTRACTORS AND OTHERS

Sec.

AUTHORITY: The provisions of this Part 417 issued under 45 Stat. 1057, 1060; 43 U.S.C. 617.

§ 417.1 Scope of part.

The procedures established in this Part shall apply to every public or private organization (herein termed "Contractor") in Arizona, California, or Nevada which, pursuant to the Boulder Canyon Project Act or to provisions of other Reclamation Laws, has a valid contract for the delivery of Colorado River water, and to Indian Reservations and Federal establishments enumerated in Article II(D) of the March 9, 1964, Decree of the Supreme Court of the United States in the case of Arizona v. California et al., 376 U.S. 340 (for purposes of this part each such Indian Reservation and Federal establishment is considered as a "Contractor"), except that (a) neither this part nor the term "Contractor" as used herein shall apply to any person or entity which has a contract for the delivery or use of Colorado River water made pursuant to the Warren Act of February 21, 1911 (36 Stat. 925) or the Miscellaneous Purposes Act of February 25, 1920 (41 Stat. 451), and (b) Contractors and permittees for small quantities of water and Contractors for municipal and industrial water may be excluded from the application of these procedures at the discretion of the Regional Director.

§ 417.2 Consultation with contractors.

The Regional Director, Bureau of Reclamation, Boulder City, Nev., or his representative will, prior to the beginning of each calendar year, arrange for and conduct such consultations with each Contractor as the Regional Director may deem appropriate as to the making by the Regional Director of annual recommendations relating to water conservation measures and operating practices in the diversion, delivery, distribution and use of Colorado River water, and to the making by the Regional Director of annual determinations of each Contractor's water requirements for the ensuing calendar year to the end that deliveries of Colorado River water to each Contractor will not exceed those reasonably required for beneficial use under the respective Boulder Canyon Project Act contract or other authorization for use of Colorado River water.

§ 417.3 Notice of recommendations and determinations.

Following consultation with each Contractor, and after consideration of all relevant comments and suggestions advanced by the Contractors in such consultations, the Regional Director will formulate his recommendations and determinations relating to the matters specified in § 417.2. The recommendations and determinations shall, with respect to each Contractor, be based upon but not necessarily limited to such factors as the area to be irrigated, climatic conditions, location, soils classifications, the kinds of crops raised, cropping practices, the type of irrigation system in use, the condition of water carriage and distribution facilities, record of water orders and rejections of ordered water, general operating practices, the operating efficiencies and methods of irrigation of the water users, municipal water requirements and the pertinent provisions of the Contractor's Boulder Canyon Project Act water delivery contract. The Regional Director shall give each Contractor written notice of his recommendations and determinations. The recommendations and determinations of the Regional Director shall be final and conclusive unless, within 30 days of the date of the notice, the Contractor submits his written comments and objections to the Regional Director and requests further consultation. If, after such further consultation, timely taken, the Regional Director does not modify his recommendations and determinations and so advises the Contractor in writing, or if modifications are made but the Contractor still feels aggrieved thereby after notification in writing of such modified recommendations and determinations, the Contractor may appeal to the Secretary of the Interior. During the pendency of such appeal, and until disposition thereof by the Secretary, the recommendations and determinations formulated by the Regional Director shall be of no force or effect.

§ 417.4 Changed conditions, emergency, or hardship modifications.

A Contractor may at any time apply in writing to the Regional Director for modification of recommendations or determinations deemed necessary because of changed conditions, emergency or hardship. Upon receipt of such written application identifying the reason for such requested modification, the Regional Director shall arrange for consultation with the Contractor with the objective of making such modifications as he may deem appropriate under the then existing

conditions. The Regional Director may initiate efforts for further consultation with any Contractor on his own motion with the objective of modifying previous recommendations and determinations, but in the event such modifications are made, the Contractor shall have the same opportunity to object and appeal as provided in § 417.3 hereof for the initial recommendations and determinations. The Regional Director shall afford the fullest practicable opportunity for consultation with a Contractor when acting under this section. Each modification under this section shall be transmitted to the Contractor by letter.

§ 417.5 General regulations.

In addition to the recommendations and determinations formulated according to the procedures set out above, the right is reserved to issue regulations of general applicability to the topics dealt with herein.

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

JULY 3, 1969.

[F.R. Doc. 69-8162; Filed, July 10, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-EA-73]

FEDERAL AIRWAY SEGMENT AND REPORTING POINT

Proposed Alteration and Revocation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 167 segment between Hartford, Conn., and Providence, R.I.; and revoke the Sterling Intersection reporting point.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, JFK International Airport, New York 11430. 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 amendments. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following airspace proposal:

1. Realign V-167 segment from Hartford to Providence via the intersection of Hartford 081° T (094° M) and Providence 270° T (284° M). This realignment would facilitate the movement of air traffic operating between Hartford and Boston by eliminating the requirement of eastbound aircraft to monitor the Providence VORTAC from the Clarks Intersection to the Sterling Intersection.

2. Revoke the Sterling Intersection as a compulsory reporting point. This intersection will be retained as an on-request reporting point.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1959 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 2, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-8173; Filed, July 10, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-65]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Morristown, Tenn., 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, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. 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. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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 Morristown transition area would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Moore-Murrell Airport; within 4.5 miles northwest and 9.5 miles southeast of the 239° bearing from Morristown RBN (Lat. 36°11'10" N., long. 83°22'00" W.), extending from the 9.5-mile radius area to 18.5 miles southwest of the RBN.

Since the last alteration of controlled airspace at Morristown terminal, changes in criteria appropriate to Moore-Murrell Airport and the associated instrument approach procedures require an increase in the transition area basic radius circle from 7 to 9.5 miles, an increase in the width of the extension from a total of 13 miles to a total of 14 miles, and an increase in the length of the extension from 12 to 18.5 miles.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on July 1, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-8174; Filed, July 10, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-49]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the 700 foot portion of the Ogden, Utah, transition area.

Interested person may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. 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 public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The criteria for establishment of controlled airspace to protect aircraft executing procedure turns has been changed. Accordingly it is necessary to alter this area to conform to the new criteria.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (34 F.R. 4637) the Ogden, Utah, transition area is amended by

deleting all before "* * *: that airspace extending upward from 1,200 feet above the surface * * *" and substituting therefor "That airspace extending upward from 700 feet above the surface bounded on the north by latitude 41°-27'00" N., on the east by longitude 111°-55'00" W., on the south by latitude 41°00'00" N., and on the west by longitude 112°22'00" W., within 4.5 miles southwest and 9.5 miles northeast of the Ogden VORTAC 316° radial extending from the VORTAC to 18.5 miles northwest of the VORTAC:"

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on July 2, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-8175; Filed, July 10, 1969; 8:46 a.m.]

Federal Highway Administration

[49 CFR Part 371][1]

[Docket No. 69-12; Notice No. 1]

FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

New Pneumatic Tires; Passenger Cars

Federal Motor Vehicle Safety Standard No. 109 (49 CFR 371.21), as amended (33 F.R. 19711), specifies tire dimensions and laboratory test requirements for bead unseating resistance, strength, endurance and high speed performance; defines tire load ratings; and specifies labeling requirements for new pneumatic tires for use on passenger cars manufactured after 1948.

Paragraph S5.5.4 of Standard No. 109 specifies that for the high speed performance aspects of the standard, tires are to be tested at 75 m.p.h. for 30 minutes, 80 m.p.h. for 30 minutes, and (except for deep-tread winter-type tires) 85 m.p.h. for 30 minutes.

Because, in actual practice, deep-tread winter-type tires are often required to perform at the same rate of speed as other type passenger car tires it is considered in the public interest to amend S5.5.4 to require the same level of high speed performance from deep-tread winter-type tires as other type tires are required to meet. It is proposed that the amendment will become effective 60 days from date of publication in the FEDERAL REGISTER.

Interested persons are invited to participate in the making of this proposed amendment by submitting written data, views, or arguments. Ten copies of comments should be submitted to the Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591. All comments received on or before the close of business August 26, 1969, will be considered before action is taken on the proposed amendment.

In consideration of the foregoing, it is proposed that 49 CFR Part 371, Federal Motor Vehicle Safety Standards, § 371.21, Federal Motor Vehicle Safety Standard No. 109, as amended (34 F.R. 19711) be amended by changing paragraph S5.5.4 as follows:

S5.5.4 Without readjusting inflation pressure, test at 75 m.p.h. for 30 minutes, 80 m.p.h. for 30 minutes, and 85 m.p.h. for 30 minutes.

This proposed amendment is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation from the Secretary of Transportation, Part I of the Regulations of the Office of the Secretary (49 CFR 1.4(c)).

Issued: July 7, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-8210; Filed, July 10, 1969; 8:49 a.m.]

[49 CFR Part 375]

[Dockets Nos. 28-1, 28-2, 28-6; Notice 7]

MOTOR VEHICLE SAFETY REGULATIONS

Consumer Information

The Consumer Information Regulations issued by the Administrator were published as a final rule on January 25, 1969 (34 F.R. 1246). The regulations were amended by order published in the FEDERAL REGISTER on May 23, 1969 (34 F.R. 8112). Section 375.6 of these regulations specified that manufacturers of motor vehicles should furnish the required information "at the time of original purchase to the first person who purchases the motor vehicle for purposes other than resale", and in addition, to the Administrator. The section essentially repeated the terms of section 112(d) of the National Traffic and Motor Vehicle Safety Act. Questions have arisen concerning the persons to whom and the time at which the manufacturer should provide the required information. It is proposed that § 375.6 be revised, in order to clarify these points and to further the goals of the Act in regard to consumer information.

One of the main objectives in providing this information to the public is to enable persons to compare various vehicles with a view to determining which one is most suitable for their needs from a safety standpoint. The proposed revision would make it clear that, in addition to providing the information to first purchasers for purposes other than resale, the manufacturer must also provide this information for examination by prospective purchasers. In requiring manufacturers to "provide" the information "for examination by prospective purchasers", it is intended that manufacturers and their dealers will arrange a system whereby the information is effectively and conveniently available to all those who wish to examine it. The manufacturer is not required, however, under this proposal to provide prospective purchasers with copies of this information for their retention.

Another question not covered by the existing § 375.6 is the time at which the information required is to be submitted to the Administrator. It is proposed that the information be submitted to the Administrator at least 30 days before it is first provided for examination by prospective purchasers so that there may be an evaluation and dissemination to the public of this information if deemed appropriate.

In consideration of the above, it is proposed that 49 CFR 375.6 be revised to read as follows:

§ 375.6 Requirements.

(a) At the time a motor vehicle is delivered to the first purchaser for purposes other than resale, the manufacturer of that vehicle shall provide to that purchaser, in writing and in the English language, the information specified in Subpart B of this part that is applicable to that vehicle.

(b) Every manufacturer of motor vehicles shall provide for examination by prospective purchasers, at each location where its vehicles are offered for sale, the information specified in Subpart B that is applicable to each of the vehicles offered for sale at that location. Any requirements in Subpart B that an information document unconditionally indicate the data applicable to the vehicle with which it is provided shall not apply to information provided pursuant to this paragraph.

(c) Each manufacturer of motor vehicles shall submit to the Administrator in triplicate the information specified in Subpart B that is applicable to each of the manufacturer's vehicles offered for sale, at least 30 days before that information is first provided for examination by prospective purchasers pursuant to paragraph (b) of this section.

Comment is invited on the proposed revision. Comments should refer to the docket and notice number, and be submitted in 10 copies to: Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591. All comments received within 60 days of the date of publication of this notice will be considered.

The amendment to the Consumer Information Regulations published May 23, 1969 (34 F.R. 8112) changed the applicability of the three issued sections of Subpart B from vehicles manufactured on or after October 1, 1969, to those manufactured on or after January 1, 1970. It is anticipated that paragraphs (a) and (b) of this proposed amendment will become effective January 1, 1970, and that paragraph (c) will become effective December 1, 1969.

This notice of proposed rule making is issued under the authority of sections 112 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1407) and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

Issued on July 7, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-8209; Filed, July 10, 1969; 8:49 a.m.]

[1] Formerly contained in 23 CFR 255.

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 85]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Delegation of Authority Regarding Waiver of Claims for Overpayment of Pay

Pursuant to the authority vested in me by section 5584 of title 5, United States Code, I hereby delegate to the Assistant Administrator for Administration, the following function and authority:

The waiver in whole or in part of a claim by the United States, not in excess of $500, arising from an erroneous payment of pay to a person while in the employ of the Agency for International Development, or a predecessor agency.

The authority delegated herein shall be exercised in accordance with title 5, United States Code, section 5584, the standards prescribed by the Comptroller General of the United States, and regulations, procedures and policies now or hereafter established or modified and promulgated within Agency for International Development.

This authority may be redelegated further to those officers as the Assistant Administrator for Administration shall specify, and may be exercised by persons performing the functions of those officers in an acting capacity.

This delegation of authority shall be effective immediately.

Dated: July 2, 1969.

RUTHERFORD POATS,
Acting Administrator.

[F.R. Doc. 69-8167; Filed, July 10, 1969; 8:46 a.m.]

HOUSING INVESTMENT GUARANTY PROJECTS IN LATIN AMERICAN COUNTRIES

Notice of Special Addendum for Ecuador

A. *Introduction.* The Agency for International Development ("A.I.D.") has issued a public announcement, entitled "Reopening of the Latin American Housing Guaranty Program". This announcement provides that competitive applications will be taken for new housing investment guaranty projects in Eucador from December 1, 1969, to December 15, 1969, and provides a tentative allocation of U.S. $3 million of guaranty authority for this purpose.

B. *General requirements for all housing guaranty applications submitted in Ecuador on a basis of this Special Addendum.* 1. Mortgage insurance in local currency will be a minimum requirement for all projects. A dollar guaranty of repayment of the loan by an entity acceptable to A.I.D. will be accepted in lieu thereof.

2. Fees payable by the prospective homeowners will be dependent on item 1, above.

a. When mortgage insurance in local currency is provided the fees will be as follows:

(1) Initial (paid at time of disbursements) default and delinquency reserve fee, 1½ percent.

(2) Annual (paid on a monthly basis) A.I.D. fee, 1 percent; devaluation insurance fee, 1 percent.

b. If an acceptable dollar guaranty of repayment is provided, A.I.D. will not require any reserve fees but will only require an annual A.I.D. fee of ½ percent (payable on a monthly basis).

3. Applicants should apprise themselves of all other fees and charges that will have to be paid by the home purchasers in Ecuador. These fees and charges must be included where appropriate in the application form.

4. In the event that adjustable mortgages are provided for under future Ecuadorian law, but prior to the execution of contract documents, approved projects will be required to have such adjustable mortgages.

C. *Categories of applications which will be accepted in Ecuador in accordance with this Special Addendum.* 1. Applications will be accepted in the four following categories:

a. Pilot or demonstration projects.

b. Housing projects for lower income families.

c. Institutions important to the Alliance.

d. Local participation projects.

2. Applications under the "Credit Institutions Projects" category will not be acceptable in Ecuador at the present time.

D. *Modifications of the categories of applications.* 1. Pilot or Demonstration: Applicants in this category must submit houses which will have a maximum selling price of $6,667 (120,000 sucres) at the time that construction commences.

2. Housing projects for Lower Income Families: Applicants in this category must submit houses which will have a maximum selling price of $2,788 (50,000 sucres) at the time that construction commences.

3. Institutions Important to the Alliance: Applicants in this category must be established Ecuadorian Housing Cooperatives. In each case the applicant shall obtain the prior written approval of the Banco Ecuatoriano de la Vivienda ("B.E.V."). Applicants in this category must submit houses which will have a maximum selling price of $4,500 (81,000 sucres) at the time that construction commences.

4. Local Participation: Applicants in this category must submit houses which will have a maximum selling price of $6,388 (115,000 sucres) at the time that construction commences. Applications showing a higher percentage of local financing than the 25 percent prescribed in the Announcement and lower selling prices than the maximum prescribed herein will be favored by A.I.D.

E. *In closing.* 1. For additional information on any of the above requirements or for information on any aspect of the housing guaranty program for Ecuador, please communicate with:

The United States A.I.D. Mission To Ecuador, care of American Embassy, Quito, Ecuador.
George K. Fitch, USAID Housing Officer.
Charles Blankenstein, USAID Capital Development Officer.

2. Additional information concerning this program may be obtained from:

Housing and Urban Development Division, Latin America Bureau, Agency for International Development, Department of State, Room 2242, Washington, D.C. 20523.
Stanley Baruch, Director.
Peter M. Kimm, Deputy Director for Guaranties and Engineering.

STANLEY BARUCH,
Director,
Housing and Urban Development.

[F.R. Doc. 69-8168; Filed, July 10, 1969; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ROBERT M. ORNDORFF

Notice of Granting of Relief

Notice is hereby given that Robert M. Orndorff, 1820 Morrell Avenue, Connellsville, Pa., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 3, 1934, in the Court of Oyer and Terminer and Quarter Sessions of the Peace for the County of Fayette, Pa., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Robert M. Orndorff, because of such convictions to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 United States Code, Appendix)

because of such convictions it would be unlawful for Mr. Orndorff to receive, possess, or transport in commerce, a firearm. Notice is hereby further given that I have considered Robert M. Orndorff's application and have found:

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

(2) It has been established to my satisfaction that the circumstances regarding the convictions, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the requested relief to Robert M. Orndorff from disabilities incurred by reason of his conviction, would not be contrary to public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Robert M. Orndorff be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 7th day of July, 1969.

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

[F.R. Doc. 69-8195; Filed, July 10, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-234]

GULF GENERAL ATOMIC INC.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued Amendment No. 4, as set forth below, to License No. CX-23. The license authoritizes Gulf General Atomic Inc., to possess, use and operate the Experimental Critical Facility located on the Company's Torrey Pines Mesa site in San Diego, Calif.

This amendment, effective as of the date of issuance, increases: (1) the total quantity of uranium-235, which the licensee may receive, possess and use under the license, from 250 kilograms to 400 kilograms; (2) the total number of 10-curie plutonium-beryllium neutrons sources, which the licensee may receive, possess and use under the license, to two; and adds 200 grams of uranium-233 to the list of materials that may be received, possessed and used under this license.

By application dated June 4, 1969, Gulf General Atomic Inc., requested authorization to receive, possess and use additional U^{235} in the form of new fuel elements in connection with operation of the Experimental Critical Facility. The additional fuel elements will be stored in the reactor building storage vault in horizontal trays in accordance with procedures which have previously been reviewed and approved by the Commission.

The additional plutonium-beryllium neutron source will be used for instrument check-out purposes under approved health-physics procedures. The 200 grams of U^{235} will be used in experimental programs in accordance with the provisions of the Technical Specifications for operation of the facility. Therefore, there is reasonable assurance that the health and safety of the public will not be endangered.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the application dated June 4, 1969, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 2d day of July 1969.

For the Atomic Energy Commission.

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

[License No. CX-23, Amdt. 4]

The Atomic Energy Commission has found that:

(a) The application for amendment dated June 4, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(b) Operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

(c) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Facility License No. CX-23, as amended, which authorizes the Gulf General Atomic Inc., to operate the Experimental Critical Facility on the Company's Torrey Pines Mesa site in San Diego, Calif., is hereby further amended in the following manner:

Subparagraph 2.B. is amended to read as follows:

"B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, 'Special Nuclear Material', to receive, possess and use (1) up to 400 kilograms of uranium-235, (2) two 10-curie plutonium-beryllium neutron sources, and (3) 200 grams of uranium-233, all in connection with operation of the ECF;"

This amendment is effective as of the date of issuance.

Date of issuance: July 2, 1969.

For the Atomic Energy Commission.

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

[F.R. Doc. 69-8202; Filed, July 10, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 20896, 20897; Order 69-7-42]

AIR WEST, INC.

Order Granting Petition for the Issuance of a Show Cause Order Regarding Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of July 1969.

On April 8, 1969, Air West, Inc. (Air West), filed an application requesting the amendment of its certificate of public convenience and necessity for Route 76 to permit nonstop service, without subsidy eligibility, between Burbank and Las Vegas. Air West contemporaneously filed a petition requesting the issuance of a show-cause order for the same authority. Air West also filed an application requesting, in the alternative, renewal of its exemption authority to provide Burbank-Las Vegas service which authority expires on June 9, 1969.[1]

No answers to Air West's application have been filed.

Upon consideration of the pleadings and other relevant matters, the Board has determined to grant Air West's petition for the issuance of an order to show cause why Air West's certificate of public convenience and necessity for Route 76 should not be amended to permit nonstop service between Burbank and Las Vegas, on a subsidy-ineligible basis. We tentatively find and conclude that the public convenience and necessity require the above-described amendment of Air West's certificate.

In support of our proposed ultimate finding, we tentatively conclude as follows: That the Burbank-Las Vegas market has experienced a marked increase in traffic as a result of the level of service provided by Air West pursuant to its exemption authority;[2] that grant of Air West's petition will provide

[1] The exemption authority was granted to Air West's corporate predecessor, Pacific Air Lines, Inc., by Order E-25279, dated June 9, 1967, for a period of 2 years. Air West filed an application for renewal of such authority.

[2] Air West carried 196 passengers per day during the last 6 months of 1968, during which time Air West provided three nonstop round trips per day. In comparison, in May, 1968, when Air West provided only one nonstop round trip per day, the market approximated less than 50 passengers per day.

Air West with greater operational flexibility and the opportunity to increase its equipment utilization; that grant of Burbank-Las Vegas nonstop authority will contribute to the alleviation of congestion at the Los Angeles International Airport; and that no other air carrier will experience significant diversion.

Interested persons will be given twenty days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final.[3] We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or of law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause on or before July 28, 1969, why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Air West's certificate of public convenience and necessity for Route 76 so as to permit nonstop service between Burbank and Las Vegas on a subsidy-ineligible basis;

2. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objection together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [4]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon the following persons who are hereby made parties to this proceeding: Delta Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., the City of Burbank and the City of Las Vegas.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8187; Filed, July 10, 1969; 8:47 a.m.]

[3] Air West should submit an estimate of the first year's gross transport revenues increase within the ranges specified in § 389.25 (a) (2) (i) of the Board's regulations.

[4] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing of objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[Docket No. 21009]

BRITISH UNITED AIRWAYS (SERVICES) LTD. AND BRITISH UNITED AIRWAYS LTD.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 22, 1969, at 10 a.m., e.d.s.t., in Room 630, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., July 7, 1969.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 69-8191; Filed, July 10, 1969; 8:48 a.m.]

[Docket No. 18650; Order 69-7-26]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority July 3, 1969.

By Order 69-6-103, dated June 19, 1969, action was deferred, with a view toward eventual approval, on a resolution adopted by the International Air Transport Association (IATA), relating to specific commodity rates. The Board, in deferring action on the agreement, granted 10 days in which interested persons might file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-6-103 will herein be made final.

Accordingly, it is ordered, That:

Agreement C.A.B. 20806, R-31, be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-8188; Filed, July 10, 1969; 8:48 a.m.]

[Docket No. 20291; Order 69-7-25]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority July 3, 1969.

By Order 69-6-65, dated June 12, 1969, action was deferred, with a view toward eventual approval, on a certain resolution adopted by Joint Conference 1-2-3 of the International Air Transport Association (IATA). This resolution, which relates to affinity group travel between the United States and India/Pakistan/Afghanistan/Ceylon/Nepal, would be amended by the inclusion of provisions requiring that the tickets for all group members shall be issued by the same IATA-approved agent unless issued by the carriers.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 69-6-65 will herein be made final.

Accordingly, it is ordered, That:

Agreement C.A.B. 20981, R-2, is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-8189; Filed, July 10, 1969; 8:48 a.m.]

[Docket No. 20950]

LUXAIR

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 30, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., July 7, 1969.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 69-8190; Filed, July 10, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. G-3912, etc.]

ASHLAND OIL & REFINING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JULY 2, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said associations should on or before July 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56 of the Commission's general policy and interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

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

KENNETH F. PLUMB,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3912 D 6-20-69	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Hugoton Field, Haskell County, Kans.	(1)	----
G-4070 C 6-19-69	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., East Haynesville and Colquitt Fields, Claiborne Parish, La.	14.8783	15.025
G-6314 C 3-21-69	Amerada Petroleum Corp.,[2] Post Office Box 2040, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Teague Field, Lea County, N. Mex.	10.0	14.65
G-7160 D 6-11-69	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, Okla. 74102 (partial abandonment).	Northern Natural Gas Co., Blinebry and Tubb Gas Pools, Lea County, N. Mex.	Uneconomical	----
G-7160 D 6-12-69	Gulf Oil Corp. (Operator) et al. (partial abandonment).	Northern Natural Gas Co., Eumont Pool, Lea County, N. Mex.	Uneconomical	----
G-10546 D 6-20-69	Ashland Oil & Refining Co	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	(3)	----
G-11030 E 6-5-69	Continental Oil Co. (successor to W. U. Paul), Post Office Box 2197, Houston, Tex. 77001.	Florida Gas Transmission Co., Borosa Field, Starr County, Tex.	18.0	14.65
G-11941 D 6-11-69	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Trunkline Gas Co., Hurricane Creek Field, Beauregard Parish, La.	Assigned	----
G-20138 C 6-11-69	Pubco Petroleum Corp., Post Office Box 869, Albuquerque, N. Mex. 87103.	El Paso Natural Gas Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	13.0	15.025
CI62-339 6-13-69 [3]	Union Carbide Petroleum Corp. (formerly Metals Service Co.), 270 Park Ave., New York, N.Y. 10017.	Trunkline Gas Co., Northeast Hitchcock Field, Galveston County, Tex.	20.0	14.65
CI62-505 6-13-69 [3]	do	Consolidated Gas Supply Corp., Lubeck District, Wood County, W. Va.	25.0	15.325
CI62-655 D 6-9-69	Paul H. Ash et al., d.b.a. A. & C. Oil and Gas Co., c/o John R. Haller, 123 East Second St., Weston, W. Va. 26452.	Equitable Gas Co., Skin Creek District, Lewis County, W. Va.	Assigned	----
CI62-1111 C 6-17-69	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver and Harper Counties, Okla.	[4] 20.015	14.65
CI63-729 E 6-16-69	CRA International, Ltd. (successor to Ridgely Inc.), Post Office Box 7305, Kansas City, Mo. 64116.	Northern Natural Gas Co., acreage in Ochiltree County, Tex.	[5] 16.5	14.65
CI64-988 C 6-12-69	Charles O. Hardey (Operator) et al., Post Office Box 1237, Shreveport, La. 71102.	United Gas Pipe Line Co., Sibley Field, Webster Parish, La.	12.0508	15.025
CI64-1007 C 6-19-69	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	12.2339	15.025
CI65-1172 E 5-26-69	Doyle H. Baird et al. (successor to Kerr-McGee Corp.), 555 17th St., Patterson Bldg., Denver, Colo. 80202.	Mountain Fuel Supply Co., Federal Four Mile Creek Unit, Moffat County, Colo.	15.0	15.025
CI66-522 (CI66-118) (CI66-521) C 5-15-69 [6] D 5-15-69 [7]	Ventura Oil Co., 1029 East Eighth Ave., Denver, Colo. 80218.	Equitable Gas Co., Glenville District, Gilmer County, and Buckhannon District, Upshur County, W. Va.	25.0	15.325
CI66-1317 E 6-4-69	Cornell Oil Co. (successor to Anson L. Clark), 4616 Greenville Ave., Dallas, Tex. 75206.	Panhandle Eastern Pipe Line Co., South Bishop Field, Ellis County, Okla.	17.0	14.65
CI68-1013 E 6-16-69	Royal Oil & Gas Corp. (successor to Mineral Resources Corp.), c/o John S. Holy, attorney, Post Office Box 643, Weston, W. Va. 26452.	Equitable Gas Co., Troy District, Gilmer County, W. Va.	25.0	15.325
CI69-197 C 6-20-69	Ashland Oil & Refining Co	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	28.0	15.325
CI69-228 C 6-11-69	Gulf Oil Corp	Transwestern Pipeline Co., North Gruver Field, Hansford County, Tex.	18.95	14.65
CI69-876 C 6-17-69	R. C. Wynn, 1525 Republic Bank Bldg., Dallas, Tex. 75201.	El Paso Natural Gas Co., Blanco Mesa Verde Pool, San Juan County, N. Mex.	13.0	15.025
CI69-877 C 6-17-69	do	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	13.0	15.025
CI69-999 (CI61-636) 4-21-69 [9]	Signal Oil and Gas Co.,[2] 1010 Wilshire Blvd., Los Angeles, Calif. 90017.	Transwestern Pipeline Co., Bell Lake Unit, Lea County, N. Mex.	[10] 15.5	14.65
CI69-1067 A 5-19-69	Phillips Petroleum Co.,[2] Bartlesville, Okla. 74003.	Northern Natural Gas Co., Owego Field, Pecos County, Tex.	[11] 16.5 [12 13] 14.5	14.65 ----
CI69-1170 (G-12581) F 6-9-69	W. L. Popejoy (successor to Agnes Cullen Arnold, et al.), 1519 The 600 Bldg., Corpus Christi, Tex. 78401.	Transcontinental Gas Pipe Line Corp., Washburn Ranch, West (5450') Field, La Salle County, Tex.	14.0	14.65
CI69-1171 A 6-11-69	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	El Paso Natural Gas Co., Pictured Cliffs Area, San Juan County, N. Mex.	13.0	15.025
CI69-1172 B 6-11-69	Cleary Petroleum Corp. (Operator), et al.	Northern Natural Gas Co., Como Field, Beaver County, Okla.	Depleted	----
CI69-1173 B 6-11-69	Cleary Petroleum Corp	do	Depleted	----

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-1174 A 6-11-69	Helmerich & Payne, Inc., 1579 East 21st St., Tulsa, Okla. 74114.	Panhandle Eastern Pipe Line Co., Northeast Waynoka Area, Wood County, Okla.	[12] 17.0	14.65
CI69-1175 A 6-10-69	Gulf Oil Corp	Texas Gas Transmission Corp., Church Point Field, Acadia Parish, La.	[14] 21.25	15.025
CI69-1176 A 6-10-69	Jerome P. McHugh, et al., 930 Petroleum Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Ignacio Dakota Field, La Plata County, Colo.	14.0	15.025
CI69-1177 A 6-11-69	Mobil Oil Corp	Texas Eastern Transmission Corp., Main Pass Block 6 Field, Offshore St. Bernard Parish, La.	20.0	15.025
CI69-1178 (CI63-389) F 4-29-69	An-Son Corp. (successor to Helendale Properties, Inc.), 3814 North Santa Fe, Oklahoma City, Okla. 73118.	Northern Natural Gas Co., Southwest Forgan Field, Beaver County, Okla.	17.0	14.65
CI69-1179 A 6-13-69	MacDonald Spidel, c/o John S. Holy, attorney, Post Office Box 643, Weston, W. Va. 26452.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	27.0	15.325
CI69-1180 A 6-13-69	Anadarko Production Co., et al., Post Office Box 9317, Fort Worth, Tex. 76101.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., West Panhandle Field, Moore and Potter Counties, Tex.	14.0	14.65
CI69-1182 B 6-13-69	Pan American Petroleum Corp.	Arkansas Louisiana Gas Co., Sentell Field, Caddo Parish, La.	Depleted	
CI69-1183 (CI62-655) F 6-9-69	S. D. Knudson, et al. (successor to Paul H. Ash, et al., d.b.a. A. & C Oil and Gas Co.), c/o John R. Haller, agent, 123 East Second St., Weston, W. Va. 26452.	Equitable Gas Co., Skin Creek Field, Lewis County, W. Va.	25.0	15.325
CI69-1184 A 6-16-69	Union Oil of California	Panhandle Eastern Pipe Line Co., South Peek Field, Roger Mills County, Okla.	[13] 18.0	14.65
CI69-1188 A 6-13-69 [15]	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Eugene Island Block 266 Field, South Marsh Island and Eugene Island Areas, Offshore Iberia and St. Mary Parishes, La.	21.25	15.025
CI69-1189 A 6-13-69	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Michigan Wisconsin Pipe Line Co., South Marsh Island and Eugene Island Areas, Offshore Iberia Parish, La.	21.25	15.025
CI69-1190 A 6-13-69 [16]	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Eugene Island 266 Field, Offshore Louisiana.	21.25	15.025
CI69-1191 A 6-9-69	W. A. Moncrief, Jr., et al., Moncrief Bldg., Ninth at Commerce, Fort Worth, Tex. 76102.	Southern Union Gathering Co., Basin-Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI69-1192 B 6-16-69	Amerada Petroleum Corp. (Operator), Post Office Box 2040, Tulsa, Okla. 74102.	Northern Natural Gas Co., Seminole Field, Gaines County, Tex.	([17])	
CI69-1193 A 6-16-69	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Southern Natural Gas Co., Montegut Field, Terrebonne and Lafourche Parishes, La.	21.25	15.025
CI69-1194 A 6-16-69	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Arkansas Louisiana Gas Co., Northeast Hillsdale Field, Grant and Garfield Counties, Okla.	[13] [18] 17.0	14.65
CI69-1195 A 6-17-69	Sun Oil Co	Southern Natural Gas Co., Forrest Home Field, Adams County, Miss.	20.6	15.025
CI69-1197 A 6-16-69	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Arkansas Louisiana Gas Co., Kinta Pool, Pittsburg County, Okla.	16.0	14.65
CI69-1198 A 6-18-69	William Gruenerwald & Associates, Inc., Post Office Box 909 Colorado Springs, Colo. 80901.	Panhandle Eastern Pipe Line Co., acreage in Seward County, Kans.	[13] 16.0	14.65
CI69-1199 A 6-17-69	Adena Gas Co., c/o Lloyd G. Jackson, partner, Post Office Box 498, Hamlin, W. Va. 25523.	United Fuel Gas Co., acreage in Lincoln County, W. Va.	16.0	15.325
CI69-1200 A 6-19-69	Bodcaw Co., 1300 Mercantile Dallas Bldg., Dallas, Tex. 75201.	Texas Gas Transmission Corp., North Shongaloo-Red Rock Field, Webster Parish, La.	[19] 19.75	15.025
CI69-1201 A 6-19-69	Yucca Petroleum Co. (Operator) et al., c/o Jerry F. Lyons, attorney, Post Office Box 550, Amarillo, Tex. 79105.	Panhandle Eastern Pipe Line Co., Walgamott Field, Woods County, Okla.	[20] 17.85	14.65
CI69-1202 (G-12910) F 6-17-69	S & G Oil Co., Inc. (successor to Continental Oil Co.), Post Office Box 1383, Tulsa, Okla. 74101.	Cities Service Gas Co., Wakita Trend Field, Alfalfa County, Okla.	[21] 14.0	14.65
CI69-1203 (CI64-1140) F 6-17-69	Francis Oil & Gas, Inc., et al. (successors to Humble Oil & Refining Co.), c/o David L. Fist, attorney, 413 Thurston National Bldg., Tulsa, Okla. 74103.	Michigan Wisconsin Pipe Line Co., Quinlan Field, Woodward County, Okla.	[22] [23] 19.5	14.65
CI69-1204 A 6-19-69	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Frost Field, Cass County, Tex.	15.0	14.65
CI69-1205 A 6-19-69	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., South Marsh and Eugene Island Areas, Offshore Louisiana.	21.25	15.025
CI69-1206 (CI65-289) F 6-18-69	Ladd Petroleum Corp. (successor to McCulloch Oil Corp. of California), 830 Denver Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Ignacio Blanco Field, La Plata County, Colo.	13.0	15.025
CI69-1207 (CI61-564) F 6-18-69	Ladd Petroleum Corp. (successor to Richard Chamberlain et al.) [24]	do	14.0	15.025
CI69-1208 (CI61-564) (G-18119) F 6-18-69	Ladd Petroleum Corp. (successor to McCulloch Oil Corp. of California (Operator) et al.).	do	14.0	15.025

[1] Deletes expired leases.
[2] Applicant has agreed to accept permanent authorization conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[3] Amendment to certificate filed to reflect change in corporate name.
[4] Includes 1 cent upward B.t.u. adjustment and 0.015 cent tax reimbursement. Subject to upward and downward B.t.u. adjustment.
[5] Rate in effect subject to refund in docket No. RI63-282.
[6] Reflects transfer of certain acreage from Equitable Contract No. 6045 (A. M. Van Flick, agent for Pacific States Gas & Oil Co., FPC GRS No. 6, docket No. CI66-118) and Contract No. 6084 (Pacific States Gas & Oil, Inc., FPC GRS No. 3, docket No. CI66-521) to subject Contract No. 6087.
[7] Reflects transfer of certain acreage from the subject Contract No. 6087 to Contract No. 6235 (on file as Rabbit Oil & Gas Co., FPC GRS No. 1, certificated in docket No. CI68-1372).
[8] Includes 1.95 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[9] Applicant is filing for certificate to cover its portion of a sale presently covered by Continental Oil Co.'s FPC GRS No. 180 and certificate in docket No. CI61-636.
[10] Plus applicable taxes.
[11] Gas-well gas.
[12] Casinghead gas.
[13] Subject to upward and downward B.t.u. adjustment.
[14] Applicant states its willingness to accept a permanent certificate in conformance with Opinions Nos. 546 and 546-A.
[15] Applicant has heretofore filed in docket No. CI68-1306 an application for a certificate of public convenience and necessity to sell gas from a part of the subject acreage.
[16] Applicant has heretofore filed in docket No. CI68-1302 an application for a certificate of public convenience and necessity to sell gas from a part of the subject acreage.
[17] The proposed sale involved residue gas which was to be processed from casinghead gas. This required construction of a processing plant for this purpose. Plans for the plant did not materialize and it will not be built.
[18] Subject to deduction for compression, if required.
[19] Includes 1.75-cent tax reimbursement.
[20] Includes 0.85 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[21] Rate in effect subject to refund in dockets Nos. G-20341 and RI65-375.
[22] Subject to upward B.t.u. adjustment.
[23] Contract provides for rate of 19.5 cents per Mcf; however, Applicants state their willingness to accept certificate at 17 cents per Mcf.
[24] "Et al" parties under certificate issued to McCulloch Oil Corp. of California (Operator) et al., docket No. C-61-564.

See footnotes at end of table.

[F.R. Doc. 69-8113; Filed, July 10, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CENTRAL BANKING SYSTEM, INC.

Notice of Request and Order for Hearing

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)), and § 222.4(a) of the Board's Regulation Y (12 CFR 222.4(a)), by Central Banking System, Inc., Oakland, Calif., a bank holding company, for a determination that the planned insurance activities of its proposed nonbanking

subsidiary, a corporation to be formed by Applicant, are of the kind described in the aforementioned sections of the Act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to the acquisition or retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

Inasmuch as section 4(c)(8) of the Act requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing:

It is hereby ordered, That pursuant to section 4(c)(8) of the Bank Holding Company Act and in accordance with §§ 222.4(a) and 222.5(a) of the Board's Regulation Y (12 CFR 222.4(a), 222.5(a)), promulgated under the Bank Holding Company Act, a hearing with respect to this matter be held commencing on August 19, 1969, at 10 a.m. at the Federal Reserve Bank of San Francisco, 400 Sansome Street, San Francisco, Calif., before Philip J. LaMacchia (whose address is U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C.), a hearing examiner selected by the Civil Service Commission, pursuant to section 3344 of title 5 of the United States Code. The hearing will be conducted according to the Board's Rules of Practice for Formal Hearings (12 CFR Part 263). The right is reserved to the Board or the hearing examiner to designate any other date or place for such hearing of any part thereof which may be determined to be necessary or appropriate for the convenience of the parties. The Board's rules of practice for formal hearings provide, in part, "Unless otherwise specifically provided by statute or by rule of the Board, a hearing shall ordinarily be private and shall be attended only by the parties, their representatives or counsel, representatives of the Board, witnesses while testifying, and other persons having an official interest in the proceeding: *Provided, however,* That, on written request by a party or a representative of the Board, or on the Board's own motion, the Board, in its discretion and to the extent permitted by law, may permit other persons to attend or may order the hearing to be public."

Any person desiring to give testimony at the hearing should file with the Secretary of the Board, directly or through the Federal Reserve Bank of San Francisco, on or before August 5, 1969, a written request containing a statement of the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such requests will be presented to the hearing examiner, and the persons submitting the requests will be notified, prior to the hearing, of his determination thereon. The application may be inspected at the Federal Reserve Bank of San Francisco or at the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, D.C.

Dated at Washington, D.C., this 3d day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8203; Filed, July 10, 1969; 8:49 a.m.]

DACOTAH BANK HOLDING CO.

Notice of Request and Order for Hearing

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)), and § 222.4(a) of the Board's Regulation Y (12 CFR 222.4(a)), by Dacotah Bank Holding Co., Aberdeen, S. Dak., a bank holding company, for determinations that the activities of Citizens Agricultural Credit Corporation, F & M Agricultural Credit Corporation, Citizens Insurance Agency, Inc., Roslyn Insurance Agency, Inc., and Security Insurance Agency, Inc., are or are to be of the kind described in the aforementioned sections of the Act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to the acquisition or retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

Inasmuch as section 4(c)(8) of the Act requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing:

It is hereby ordered, That pursuant to section 4(c)(8) of the Bank Holding Company Act and in accordance with §§ 222.4(a) and 222.5(a) of the Board's Regulation Y (12 CFR 222.4(a), 222.5(a)), promulgated under the Bank Holding Company Act, a hearing with respect to this matter be held commencing on August 12, 1969, at 10:00 a.m. at the Federal Reserve Bank of Minneapolis, 73 South Fifth Street, Minneapolis, Minn., before Philip J. LaMacchia (whose address is U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C.), a hearing examiner selected by the Civil Service Commission, pursuant to section 3344 of title 5 of the United States Code. The hearing will be conducted according to the Board's Rules of Practice for Formal Hearings (12 CFR Part 263). The right is reserved to the Board or the hearing examiner to designate any other date or place for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties. The Board's rules of practice for formal hearings provide, in part, "Unless otherwise specifically provided by statute or by rule of the Board, a hearing shall ordinarily be private and shall be attended only by the parties, their representatives or counsel, representatives of the Board, witnesses while testifying, and other persons having an official interest in the proceedings: *Provided, however,* That, on written request by a party or a representative of the Board, or on the Board's own motion, the Board, in its discretion and to the extent permitted by law, may permit other persons to attend or may order the hearing to be public."

Any person desiring to give testimony at the hearing should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Minneapolis, on or before July 29, 1969, a written request containing a statement of the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such requests will be presented to the hearing examiner, and the persons submitting the requests will be notified, prior to the hearing, of his determination thereon. The application may be inspected at the Federal Reserve Bank of Minneapolis or at the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, D.C.

Dated at Washington, D.C., this 3d day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8204; Filed, July 10, 1969; 8:49 a.m.]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

CRESTON VALLEY WILDLIFE MANAGEMENT AREA

Order Amending Order of Approval

In the matter of the application of the Creston Valley Wildlife Management Area to the International Joint Commission for an order amending the order of approval of the Commission dated the 12th day of October 1950, as amended, by the order of approval of the Commission dated the 3d day of April 1956.

Notice is hereby given that the International Joint Commission has received an application from the Creston Valley Wildlife Management Area for amendments to the above-noted orders of approval relating to the regulation of Duck Lake to permit the construction and operation of a wildlife nesting habitat in Duck Lake which lies to the east of both the east and west branches of the Kootenay River approximately 15 miles north of the international boundary.

Specifically, the Commission has been asked to amend Condition (7) of its order of April 3, 1956, by substituting the words "elevation 1745" for the words "elevation 1745.5" where they occur. Also, the Commission is being asked to approve the construction of a dike within Duck

Lake which will enclose an area of approximately 850 acres for waterfowl nesting; the levels in this area to be maintained at elevation 1744 or lower. The remaining 3,150 acres is to continue as a flood control reservoir with a maximum elevation of 1745. During construction of the dike and drainage works, the Commission is being asked to approve the holding of Duck Lake at elevation 1742 or lower.

Notice is also given that the International Joint Commission will conduct a public hearing on this matter at 10 a.m., local time, Tuesday, August 12, 1969, in the Downtowner Motel, Creston, British Columbia. All interested persons will be given opportunity to express their views either orally or by written statements. Where possible, fifteen (15) copies of written statements should be filed with each Secretary ten (10) days in advance of the hearing with thirty (30) additional copies deposited with either of them at the hearing.

Copies of the application and of the orders of approval of the Commission referred to above are available upon request to the Secretaries of the Commission.

W. A. BULLARD,
Secretary, U.S. Section, International Joint Commission, Washington, D.C. 20440.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission, Room 850, 151 Slater Street, Ottawa 4, Ontario, Canada.

JULY 7, 1969.

[F.R. Doc. 69-8164; Filed, July 10, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2825]

GREENWOOD MANAGEMENT CORP.

Order Permanently Suspending Exemption

JULY 3, 1969.

In the matter of Greenwood Management Corp., 431 South 3d East, Suite 102, Salt Lake City, Utah, File No. 24D-2825.

I. Greenwood Management Corp. (issuer), a Utah corportion, with offices located at Salt Lake City, Utah, filed with the Commission on December 23, 1968, a notification on Form 1-A and an offering circular relating to an offering of 300,000 shares of common stock, at 10 cents per share for an aggregate of $30,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. Kenneth M. Hisatake of Salt Lake City was designated as agent for the issuer in connection with the sale of the shares offered and was to receive no commission. The offering commenced February 24, 1969.

II. The Commission on May 7, 1969, temporarily suspended the Regulation A exemption of Greenwood Management Corp., stating that it had reasonable cause to believe from information reported to it by the staff that:

A. The terms and conditions of Regulation A were not complied with in that:

1. The Form 1-A filed on behalf of the issuer fails to disclose Curtis Minerals as an affiliate of the issuer;

2. The Form 1-A fails to disclose sales of unregistered securities by its affiliates within 1 year prior to the filing of Form 1-A and present or proposed offerings of securities by affiliates;

3. The offering circular fails to disclose all material transactions within the past 2 years between the issuer and persons affiliated with and controlling the issuer;

4. The offering circular filed on behalf of the issuer fails to disclose that net cash proceeds of the offering were to be used, in significant part, to repay a loan incurred in the acquisition of shares of stock of an affiliate of the issuer;

5. The offering circular fails to include accurate and adequate financial statements of the issuer.

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

1. The failure to accurately and adequately disclose the assets and liabilities of the issuer;

2. The failure to disclose certain material transactions between the issuer and its promoters and affiliates;

3. The failure to disclose that a public offering of securities of an affiliated issuer was in progress at the time of the issuer's public offering pursuant to Regulation A;

4. The failure to accurately and adequately set forth the uses to which proceeds of the offering would be applied.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended, by reason of the matters described above.

III. An answer was filed by the issuer on June 9, 1969, however, on June 16, 1969, the issuer withdrew its request for hearing and communicated its intent to abide by the decisions made by the Commission. The Commission finds that it is in the public interest and for the protection of investors to permanently suspend the exemption of the issuer under Regulation A.

It is ordered, Pursuant to Rule 261(a), subparagraphs (1) and (2) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8207; Filed, July 10, 1969; 8:49 a.m.]

[812-2549]

RICHARDS, MERRILL & PETERSON, INC., AND HUGHBANKS, INC.

Notice of Filing of Application for an Order of Exemption

JULY 7, 1969.

In the matter of Richards, Merrill & Peterson, Inc., Old National Bank Building, Spokane, Wash. 99201, and Hughbanks, Inc., 1090 Dexter Horton Building, Seattle, Wash. 98104; (812-2549).

Notice is hereby given that Richards, Merrill & Peterson, Inc., and Hughbanks, Inc. ("applicants"), prospective representatives of a group of underwriters of a proposed offering of shares of Capital Investors Corp. ("Fund"), a registered closed-end investment company, has filed an application for an exemptive order pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"). Applicant requests that they, to the extent necessary, be exempted from section 30(f) of the Act to the extent that it adopts section 16(b) of the Securities Exchange Act of 1934 ("Exchange Act") in connection with their transactions incident to the distribution of Fund shares. 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.

Fund shares are to be purchased by the underwriters at a price of $7.78 per share, pursuant to a "firm commitment" underwriting agreement to be entered into between the Fund and the underwriters represented by applicants. Upon the effective date of the Fund's registration statement under the Securities Act of 1933, the shares will be sold to the public at a public offering price of $8.50 per share, the gross underwriting commission thus being $0.72 per share. The underwriters do not intend to make sales to selected dealers at an offering price less a concession.

While the number of shares covered by the registration statement on file under the Securities Act of 1933 is stated as 500,000 shares, it is contemplated that this number of shares may be increased before the Underwriting Agreement is signed and such registration statement is effective.

It seems likely that applicants will acquire individually from the Fund in accordance with the provisions of the Underwriting Agreement more than 10 percent of the Capital Stock of the Fund (thus making them "insiders" subject to the provisions of section 16(b)) and together more than 50 percent of the Capital Stock of the Fund which will be outstanding at the time of the closing with the underwriters.

The purpose of the purchase by applicant and the other underwriters is for resale in connection with the initial distribution of shares of the Fund. It will thus be a transaction effected in connection with a distribution of a substantial block of securities within the purpose and spirit of the Commission's Rule 16b-2.

Applicants state that it is necessary for it to obtain the exemption requested by this application because of the requirements of the last clause of the first sentence of paragraph (a)(3) of Rule 16b–2 since it appears likely that the aggregate participation of underwriters who will not require an exemption under that rule will not be at least equal to the participation of applicants.

In addition to purchases from the Fund and sales to customers there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, over-allotments, purchases to cover over-allotments, and sales of shares purchased in stabilization.

Applicants state that no underwriter has any inside information or possibility of using inside information and, in fact, there is no inside information in existence since the Fund prior to the initial distribution will have virtually no assets or business of any sort. No director or officer of any underwriter is a director or officer of the Fund.

Section 30(f) of the Act imposes the duties and liabilities of section 16 of the Exchange Act upon, among others, beneficial owners of more than 10 percent of any class of outstanding securities of, and directors of, a registered closed-end investment company. Section 16(b) of the Exchange Act contains provisions for accountability for profits from purchases and sales or sales and purchases within 6 months of any equity security of the related issuer by those persons covered thereby. Applicants represent that the requested exemption from the provisions of section 30(f) of the Act is necessary and 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. They state that the transactions sought to be exempted cannot lend themselves to the practices to which section 16(b) of the Exchange Act was enacted to apply.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated 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 July 21, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–8208; Filed, July 10, 1969; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 717]

MINNESOTA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Nobles County, Minn.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on June 28, 1969, and continuing thereafter.

OFFICE

Small Business Administration Regional Office, 816 Second Avenue, South, Minneapolis, Minn. 55402.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1970.

Dated: July 2, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69–8166; Filed, July 10, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction No. 51–A]

ERIE-LACKAWANNA RAILWAY CO., AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 51, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 51 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 9 a.m., July 8, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 8, 1969.

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

[F.R. Doc. 69–8183; Filed, July 10, 1969; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 8, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41686—*Clay, kaolin or pyrophyllite from specified points in Alabama.* Filed by O. W. South, Jr., agent (No. A–6113), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, in carloads, as described in the application, from Letohatchie and Montgomery, Ala., to Providence, R.I., and points taking same rates in National Rate Basis Tariff 1–A.

Grounds for relief—Rate relationship.

Tariff—Supplement 53 to Southern Freight Association, agent, tariff ICC S–751.

FSA No. 41687—*Soda ash to points in Louisiana and Texas.* Filed by Western Trunk Line Committee, agent (No. A–2593), for interested rail carriers. Rates on soda ash, in carloads, as described in the application, from Alchem, Stauffer, and Westvaco, Wyo., to specified points in Louisiana and Texas.

Grounds for relief—Rate relationship.

Tariffs—Supplement 99 to Western Trunk Line Committee, agent, tariff ICC A–4374, and supplement 11 to Southwestern Freight Bureau, agent, tariff ICC 4832.

FSA No. 41688—*Asphalt and other petroleum products from Sinclair, Wyo.* Filed by Colorado-Utah-Wyoming Committee, agent (No. 6), for interested rail carriers. Rates on asphalt, and other petroleum products, in tank carloads, as described in the application, from Sinclair, Wyo., to points in Colorado and Wyoming.

Grounds for relief—Modified short-line distance formula and grouping.

Tariff—Supplement 49 to Colorado-Utah-Wyoming Committee, agent, tariff ICC 4.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8184; Filed, July 10, 1969; 8:47 a.m.]

[Notice 864]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 7, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR, Part 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 protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 13651 (Sub-No. 12 TA), filed July 1, 1969. Applicant: PEOPLES TRANSFER, INC., Post Office Box 6367, 1400 North Black Canyon Highway, Phoenix, Ariz. 85005. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, 3550 North Central, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard boxes and containers* such as are used in packing fruits and vegetables, from points in Los Angeles County, Calif., to points in Luna and Socorro Counties, N. Mex., and from points in Maricopa County, Ariz., to points in Luna, Dona Ana, Socorro, Sierra, Torrance, San Juan, Bernalillo, and Valencia Counties, N. Mex., and points in El Paso and Deaf Smith Counties, Tex.; Delta and Montezuma Counties, Colo.; and Riverside and Imperial Counties, Calif., for 180 days. Supporting shippers: Boise Cascade Corp., Boise, Idaho; Fibreboard Corp., 475 Brannan Street, San Francisco, Calif. 94119. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 57315 (Sub-No. 16 TA), filed July 1, 1969. Applicant: TRI-STATE TRANSPORT, INC., 91 Heard Street, Chelsea, Mass. 02150. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yogurt*, from Stratford, Conn., to Boston, Westwood, Somerville, and Worcester, Mass., and Jersey City, N.J., for 150 days. Supporting shipper: Borden, Inc., 33 West 60th Street, New York, N.Y. 10023. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2211-B, J.F.K. Federal Building, Government Center, Boston, Mass. 02203.

No. MC 76472 (Sub-No. 10 TA), filed July 1, 1969. Applicant: MATERIAL TRUCKING, INC., 924 South Heald Street, Wilmington, Del. 19801. Applicant's representative: William Saienni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, in bulk, from Wilmington, Del., to Aspers, Pa., for 180 days. Supporting shipper: Glen-Gery Corp., Post Office Box 206, Reading, Pa. 19607; Joseph E. Tolson, Traffic Manager. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 87123 (Sub-No. 3 TA), filed July 1, 1969. Applicant: ROSE HARE, doing business as MAX KAFER EXPRESS, 218 West 37th Street, New York, N.Y. 10018. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture thereof, between Belford, Long Branch, Morgan, and Jackson Township, N.J., on the one hand, and on the other, Philadelphia, Pa., for 150 days. NOTE: Applicant does intend to tack with carriers at Philadelphia, and New York, N.Y., commercial zone. Supporting shippers: Devon Knitwear Co., Inc., 3300 Frankford Avenue, Philadelphia, Pa.; Jaylo Fashions, 147 Brighton Avenue, West End, N.J.; The Scharf Corp., 320 Memorial Parkway, New Brunswick, N.J. 08901; Rimi Fashions Inc., Rural Delivery 3, Box 319, Jackson, N.J. Send protests to: Paul W. Assenza—District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 107162 (Sub-No. 24 TA), filed July 1, 1969. Applicant: NOBLE GRAHAM, Route No. 1, Brimley, Mich. 49715. Applicant's representative: Philip H. Porter, 708 First National Bank Building, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from port of entry on the United States-Canada boundary line, between the United States and Canada, at or near Sault Ste. Marie, Mich., to East Jordan, Mich., over the Mackinac Bridge, for 180 days. Supporting shipper: Traders Metal Co., Limited, Post Office Box 459, Sault Ste. Marie, Ontario, Canada. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 133720 (Sub-No. 1 TA), filed July 1, 1969. Applicant: SHAWANO TERMINAL WAREHOUSE, INC., Post Office Box 67, Shawano, Wis. 54166. Applicant's representative: Robert D. Sundby, 110 East Main Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket shells, and related supplies*, from Shawano, Wis., to points in Alger, Baraga, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, and Ontonagon Counties, Mich., for 180 days. Supporting shipper: Batesville Casket Co., Inc., Batesville, Ind. 47006 (Adrian J. Borchelt, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 133814 (Sub-No. 1 TA), filed July 1, 1969. Applicant: E. E. CARROLL, doing business as CARROLL TRUCKING COMPANY, 3533 Audubon Road, Montgomery, Ala. 36111. Applicant's representative: J. Douglas Harris, 409-412 Bell Building, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from points in Jefferson County, Ala., to Pensacola, Fla., for 180 days. Supporting shipper: Watkins Brick Co., Post Office Box 8, Ensley Station, Birmingham, Ala. 35218. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814-2121 Building, Birmingham, Ala., 35203.

No. MC 133854 TA, filed July 1, 1969. Applicant: DOYLE REASNOR AND LEO REASNOR, doing business as REASNOR CONSTRUCTION CO., Box 148, Kinta, Okla. 75542. Applicant's representative: Leo Reasnor (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from mine site of Kerr-McGee Corp., 6 miles southeast of Stigler, Okla., to rail siding of Texas & Pacific Railway, approximately 3 miles east of Stigler, Okla., and rail siding of Fort Smith and Van Buren Railway at McCurtain, Okla., for 180 days. Supporting shipper: Kerr-McGee Corp., Kerr-McGee Building,

Oklahoma City, Okla. 73102. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 133855 TA, filed July 1, 1969. Applicant: GERALD G. WOOD, doing business as WOOD & SONS, Route No. 1, Sun Prairie, Wis. 53590. Applicant's representative: Robert J. Kay, 433 West Washington Avenue, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Progeny test bulls and mature bulls*, from De Forest, Dane County, Wis., to points in the United States, and from points in the United States to De Forest, Dane County, Wis., for the account of American Breeders Service, Inc., De Forest, Wis. for 180 days. Supporting shipper: American Breeders Service, Inc., De Forest, Wis. 53532. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8185; Filed, July 10, 1969; 8:47 a.m.]

[Notice 374]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 8, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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 70748. By order of July 1, 1969, Division 3, acting as an Appellate Division, approved the transfer to George Aigner & Sons, Inc., Chicago, Ill., of Certificates in Nos. MC-111126 and MC-111126 (Sub-No. 1), issued June 6, 1950 and August 17, 1951, respectively, to William Sadowsky, doing business as Advance Lumber Cartage Co., Chicago, Ill., authorizing the transportation of: Lumber, wooden poles, requiring special equipment, and plasterboard, from points in Illinois in the Chicago commercial zone to points in Indiana, and from points in the Chicago, Ill., commercial zone to points in Wisconsin. Harold E. Marks, 208 South La Salle Street, Chicago, Ill. 60604, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8186; Filed, July 10, 1969; 8:47 a.m.]

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FEDERAL REGISTER

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PART II

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

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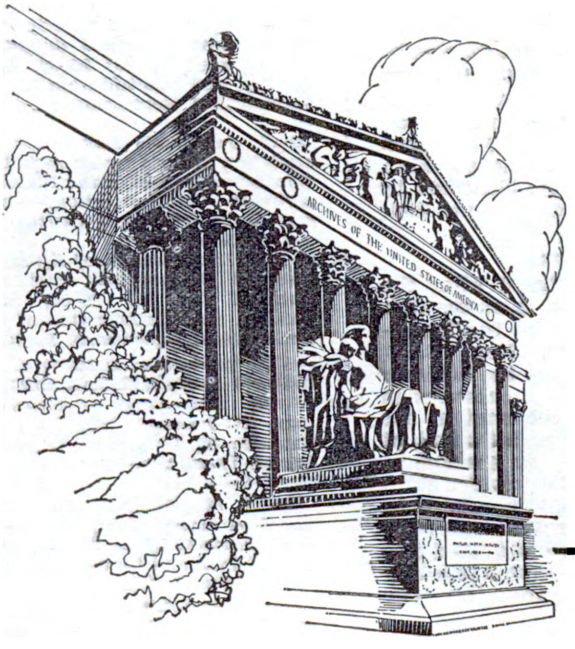

Advisory Circular Checklist and Status of Federal Aviation Regulations

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC 00-2M—Effective May 29, 1969]

ADVISORY CIRCULAR CHECKLIST AND STATUS OF FEDERAL AVIATION REGULATIONS

1. *Purpose.* This notice contains the revised checklist of current FAA advisory circulars and the status of Federal Aviation Regulations as of May 29, 1969.

2. *Explanation.* The FAA issues advisory circulars to inform the aviation public in a systematic way of nonregulatory material of interest. Unless incorporated into a regulation by reference, the contents of an advisory circular are not binding on the public. Advisory circulars are issued in a numbered-subject system corresponding to the subject areas in the recodified Federal Aviation Regulations (14 CFR Ch. I). This checklist is issued triannually listing all current circulars and now includes information concerning the status of the Federal Aviation Regulations.

3. *The Circular Numbering System.*

a. *General.* The advisory circular numbers relate to the subchapter titles and correspond to the parts, and when appropriate, the specific sections of the Federal Aviation Regulations. Circulars of a general nature bear a number corresponding to the number of the general subject (subchapter) in the FAR's.

b. *Subject numbers.* The general subject matter areas and related numbers are as follows:

Subject Number and Subject Matter

00	General.
10	Procedural.
20	Aircraft.
60	Airmen.
70	Airspace.
90	Air Traffic Control and General Operations.
120	Air Carrier and Commercial Operators and Helicopters.
140	Schools and Other Certified Agencies.
150	Airports.
170	Air Navigational Facilities.
180	Administrative.
210	Flight Information.

c. *Breakdown of subject numbers.* When the volume of circulars in a general series warrants a subsubject breakdown, the general number is followed by a slash and a subsubject number. Material in the 150, Airports, series is issued under the following subsubjects:

Number and Subject

150/1900	Defense Readiness Program.
150/4000	Resource Management.
150/5000	Airport Planning.
150/5100	Federal-aid Airport Program.
150/5150	Surplus Airport Property Conveyance Programs.
150/5190	Airport Compliance Program.
150/5200	Airport Safety—General.
150/5210	Airport Safety Operations (Recommended Training, Standards, Manning).
150/5220	Airport Safety Equipment and Facilities.
150/5230	Airport Ground Safety System.
150/5240	Civil Airports Emergency Preparedness.
150/5300	Design, Construction, and Maintenance—General.
150/5320	Airport Design.
150/5325	Influence of Aircraft Performance on Aircraft Design.
150/5335	Runway, Taxiway, and Apron Characteristics.
150/5340	Airport Visual Aids.
150/5345	Airport Lighting Equipment.
150/5360	Airport Buildings.
150/5370	Airport Construction.
150/5380	Airport Maintenance.
150/5390	Heliports.

d. *Individual circular identification numbers.* Each circular has a subject number followed by a dash and a sequential number identifying the individual circular. This sequential number is not used again in the same subject series. Revised circulars have a letter A, B, C, etc., after the sequential number to show complete revisions. Changes to circulars have CH 1, CH 2, CH 3, etc., after the identification number on pages that have been changed. The date on a revised page is changed to the effective date of the change.

4. *The Advisory Circular Checklist.*

a. *General.* Each circular issued is listed numerically within its subject-number breakdown. The identification number (AC 120-1), the change number of the latest change, if any, to the right of the identification number, the title, and the effective date for each circular are shown. A brief explanation of the contents is given for each listing.

b. *Omitted numbers.* In some series sequential numbers omitted are missing numbers, e.g., 00-8 through 00-11 have not been used although 00-7 and 00-12 have been used. These numbers are assigned to advisory circulars still in preparation which will be issued later.

c. *Free and sales circulars.* The checklist has been separated into two parts in this issue. Part I includes only circulars that are free to the public. Part II includes only circulars that are for sale by the Superintendent of Documents.

d. *Internal directives for sale.* A list of certain internal directives sold by the Superintendent of Documents is shown at the end of Part II of the checklist. These documents are not identified by advisory circular numbers, but have their own directive numbers.

5. *How to get circulars.*

a. When a price is listed after the description of a circular, it means that this circular is for sale by the Superintendent of Documents. When (Sub.) is included with the price, the advisory circular is available on a subscription basis only. After your subscription has been entered by the Superintendent of Documents, supplements or changes to the basic document will be provided automatically at no additional charge until the subscription expires. When no price is given, the circular is distributed free of charge by FAA. Paragraph 5 tells how to get copies of circulars from these two sources.

b. Request free advisory circulars shown without an indicated price from:

Department of Transportation, Federal Aviation Administration, Distribution Unit, TAD 484.3, Washington, D.C. 20590.

NOTE: Persons who want to be placed on FAA's mailing list for future circulars should write to the above address. Be sure to identify the subject matter desired by the subject numbers and titles shown in paragraph 3b because separate mailing lists are maintained for each advisory circular subject series. Checklists and circulars issued in the general series will be distributed to every addressee on each of the subject series lists. Persons requesting more than one subject classification may receive more than one copy of related circulars and this checklist because they will be included on more than one mailing list. Persons already on the distribution list for AC's and changes to FAR's will automatically receive related circulars.

c. Order advisory circulars and internal directives with purchase price given from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Send check or money order with your order to the Superintendent of Documents. Make the check or money order payable to the Superintendent of Documents in the amounts indicated in the list. Orders for mailing to foreign countries should include an additional amount of 25 percent of the price to cover postage. No c.o.d. orders are accepted.

6. *Reproduction of Advisory Circulars.* Advisory circulars may be reproduced in their entirety or in part without permission from the Federal Aviation Administration.

7. *Cancellations.* The following advisory circulars are canceled:

AC 00-2L Advisory Circular Checklist, 1-17-69. Canceled by AC 00-2M, Advisory Circular Checklist, 5-29-69.

AC 20-6J United States Civil Aircraft Register, 7-1-68. Canceled by AC 20-6K, United States Civil Aircraft Register, 1-1-69.

AC 20-11 Eligibility and Quality of Aircraft Replacement Parts and Supplies, 8-18-63. Canceled by AC 20-62, Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts, 4-30-69.

AC 20-12 Acceptable Functional and Installation Criteria for Aircraft Type Certification Approval of the Installation of Airborne Communication, Navigation, and Automatic Flight Control Systems, 4-6-64. Canceled.

AC 20-19A Identification of Approved Aeronautical Replacement Parts, 1-19-66. Canceled by AC 20-62, Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts, 4-30-69.

AC 20-21 Application of Glass Fiber Laminates in Aircraft, 12-3-64. Canceled.

AC 20-23B Interchange of Service Experience—Mechanical Difficulties, 12-7-67. Canceled by AC 20-23C, Interchange of Service Experience—Mechanical Difficulties, 5-9-69.

AC 20-25 Identification of Technical Standard Order (TSO) Safety Belts, 7-5-64. Canceled by AC 20-25A, Identification of Technical Standard Order (TSO) Safety Belts, 3-14-69.

AC 20-34 Prevention of Retractable Landing Gear Failures, 3-8-65. Canceled by AC 20-34A, Prevention of Retractable Landing Gear Failures, 4-21-69.

AC 20–37 Aircraft Metal Propeller Blade Failure, 6–7–65. Canceled by AC 20–37A, Aircraft Metal Propeller Blade Failures, 4–4–69.

AC 20–58 Acceptable Means of Testing Automatic Altitude Reporting Equipment for Compliance With FAR 91.36(b), 6–10–68. Canceled by AC 20–58A, Acceptable Means of Testing Automatic Altitude Reporting Equipment for Compliance With FAR 91.36(b), 4–28–69.

AC 61.117–1B Flight Test Guide—Commercial Pilot, Airplane, 4–21–67. Canceled by AC 61.117–1C, Flight Test Guide—Commercial Pilot, Airplane, 2–7–69.

AC 61–12B Student Pilot Guide, 5–31–67. Canceled by AC 61–12C, Student Pilot Guide, 10–3–68.

AC 61–27 Instrument Flying Handbook, 12–20–66. Canceled by AC 61–27A, Instrument Flying Handbook, 4–30–68.

AC 61–35 Gold Seal Flight Instructor Certificates, 10–4–66. Canceled by AC 61–35A, Gold Seal Flight Instructor Certificates, 2–11–69.

AC 61–40 Performance of Stalls on Pilot Flight Tests, 9–14–67. Canceled.

AC 90–13 and Change 1 Turbojet Training Program—General Aviation, 4–22–64 and 12–23–65. Canceled.

AC 90–18 Large Propeller-Driven Aircraft Training Program—General Aviation, 10–21–64. Canceled.

AC 90–21 Dualing of Service O Circuits 8273, 8275, and 8276, 3–1–65. Canceled.

AC 120–1 Reporting Requirements of Air Carrier and Commerical Operators, 6–6–63. Canceled by AC 120–1A, Reporting Requirements of Air Carriers, Commercial Operators, and Travel Clubs, 4–24–69.

AC 120–11 Section 42.52(b) of Civil Air Regulations Part 42, 11–11–63. Canceled.

AC 120–22 Systemsworthiness Analysis Program, 7–29–66. Canceled.

AC 120–24 Establishment and Revision of Aircraft Engine Overhaul and Inspection Periods, 9–1–66. Canceled by AC 120–24A, Establishment and Revision of Aircraft Engine Overhaul and Inspection Periods, 2–25–69.

AC 121–2 and Change 1 FAA Airborne Vibration Monitoring Program for Turbine Engines, 1–15–63 and 5–20–63. Canceled.

AC 140–1C Consolidated Listing of FAA Certificated Repair Stations, 8–1–67. Canceled by AC 140–1D, Consolidated Listing of FAA Certificated Repair Stations, 7–1–68.

AC 145.101–1 Application for Air Agency Certificate—Manufacturer's Maintenance Facility, 7–12–66. Canceled by AC 145.101–1A, Application for Air Agency Certificate—Manufacturer's Maintenance Facility, 3–10–69.

AC 147–2D Federal Aviation Administration Certificated Mechanic School Directory, 7–15–68. Canceled by AC 147–2E, Federal Aviation Administration Certificated Mechanic School Directory, 1–15–69.

AC 149.9–1A Military Surplus Parachutes, 9–24–64. Canceled.

AC 150/4290–2 Assistance in Obtaining Copper Products for Airport Lighting, 9–18–68. Canceled.

AC 150/5040–1 Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Large Air Transportation Hubs Through 1980, 9–21–67. Canceled by AC 150/5040–1A, Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Large Air Transportation Hubs Through 1980, 3–27–69.

AC 150/5050–1 Airport Planning as a Part of Comprehensive State Planning Programs, 4–25–66. Canceled. AC 150/5050–3 announces a new report covering the material.

AC 150/5240–6A Radiation Safety for Civil Airports, 12–27–65. Canceled.

AC 150/5300–4 Utility Airports—Design Criteria and Dimensional Standards, 5–19–67. Canceled by AC 150/5300–4A, Utility Airports—Air Access to National Transportation, 5–6–69.

AC 150/5340–1A and Change 1 Marking of Serviceable Runways and Taxiways, 6–30–66 and 9–15–66. Canceled by AC 150/5340–1B, Marking of Serviceable Runways and Taxiways, 4–2–69.

AC 150/5345–1A Approved Airport Lighting Equipment, 8–9–66. Canceled by AC 150/5345–1B, Approved Airport Lighting Equipment 10–30–68.

AC 170–4 Emergency Signaling Device for Aircraft in Distress, 1–9–64. Canceled by AC 91–19, Emergency Locator Beacons—Crash, Survival, Personnel, 3–17–69.

AC 183.29–1C Designated Engineering Representatives, 4–25–67. Canceled by AC 183.29–1D, Designated Engineering Representatives, 2–28–69.

Handbook 7300.7 Aeronautical Communications and Pilot Services, 3–3–66. Canceled by Handbook 7110.10, Flight Services, 4–1–69.

8. *Additions.* The following advisory circulars are added to the list:

AC 00–2M Advisory Circular Checklist, 5–29–69.

AC 00–25 Forming and Operating a Flying Club, 3–24–69.

AC 00–26 Definition of "U.S. National Aviation Standards", 1–22–69.

AC 00–27 U.S. National Standard for the IFF Mark X (SIF) Air Traffic Control Radar Beacon System Characteristics (ARTCRBS), 1–24–69.

AC 20–6K United States Civil Aircraft Register, 1–1–69.

AC 20–7E Supplement 6, General Aviation Inspection Aids, 1–14–69.

Supplement 7, General Aviation Inspection Aids, 2–7–69.

Supplement 8, General Aviation Inspection Aids, 3–5–69.

Supplement 9, General Aviation Inspection Aids, 4–3–69.

Supplement 10, General Aviation Inspection Aids, 5–12–69.

AC 20–23C Interchange of Service Experience—Mechanical Difficulties, 5–9–69.

AC 20–25A Identification of Technical Standard Order (TSO) Safety Belts, 3–14–69.

AC 20–34A Prevention of Retractable Landing Gear Failures, 4–21–69.

AC 20–37A Aircraft Metal Propeller Blade Failure, 4–4–69.

AC 20–58A Acceptable Means of Testing Automatic Altitude Reporting Equipment for Compliance with FAR 91.36(b), 4–28–69.

AC 20–62 Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts, 4–30–69.

AC 37–3 Radio Technical Commission for Aeronautics Document DO–138, 1–10–69.

AC 61.117–1C Flight Test Guide—Commercial Pilot, Airplane, 2–7–69.

AC 61–12C Student Pilot Guide, 10–3–68.

AC 61–27A Instrument Flying Handbook, 4–30–68.

AC 61–35A Gold Seal Flight Instructor Certificates, 2–11–69.

AC 65–8 1969 Aviation Maintenance Symposium—Advances in Aviation Maintenance Technology, 5–14–69.

AC 90–43 Operations Reservations for High-Density Traffic Airports, 3–25–69.

AC 90–44 Airport Ground Operations During Low Visibility Conditions, 4–25–69.

AC 91–19 Emergency Locator Beacons—Crash, Survival, Personnel, 3–17–69.

AC 91–20 Inspection Schedule—for Beech Model B–99, 3–14–69.

AC 120–1A Reporting Requirements of Air Carriers, Commercial Operators, and Travel Clubs, 4–24–69.

AC 120–24A Establishment and Revision of Aircraft Engine Overhaul and Inspection Periods, 2–25–69.

AC 140–1D Consolidated Listing of FAA Certificated Repair Stations, 7–1–68.

AC 145.101–1A Application for Air Agency Certificate—Manufacturer's Maintenance Facility, 3–10–69.

AC 147–2E Federal Aviation Administration Certificated Mechanic School Directory, 1–15–69.

AC 150/5040–1A Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Large Air Transportation Hubs Through 1980, 3–27–69.

AC 150/5050–3 Announcement of a Report Entitled "Planning the State Airport System", 1–31–69.

AC 150/5100–5 Land Acquisition in the Federal-Aid Airport Program, 1–30–69.

AC 150/5150–2, Change 1 Federal Surplus Personal Property for Public Airport Purposes, 4–22–69.

AC 150/5210–11 Response to Aircraft Emergencies, 4–15–69.

AC 150/5230–3 Fire Prevention During Aircraft Fueling Operations, 4–8–69.

AC 150/5300–4A Utility Airports—Air Access to National Transportation, 5–6–69.

AC 150/5340–1B Marking of Serviceable Runways and Taxiways, 4–2–69.

AC 150/5340–20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines, 2–17–69.

AC 150/5345–1B Approved Airport Lighting Equipment, 10–30–68.

AC 150/5345–39 FAA Specification L–853, Runway and Taxiway Centerline Reflective Markers, 1–10–69.

AC 150/5345–40 Specification for L–854 Radio Controls, 3–21–69.

AC 150/5355–1 Diagrammatic Maps and Location Signs at Airports, 3–21–69.

AC 183.29–1D Designated Engineering Representatives, 2–28–69.

ADVISORY CIRCULAR CHECKLIST

NOTICE

In an effort to avoid confusion when ordering material, the checklist has been divided into two parts. Part I contains only the free material, copies of which are to be obtained from the Department of Transportation (see 5b for address). Part II contains only the material for sale, copies of which are to be obtained from the Superintendent of Documents (see 5c for address).

Superintendent of Documents catalogue numbers have been included to aid Superintendent of Documents personnel in processing orders. Please use them when ordering—along with the title and FAA number. To avoid unnecessary delays, do not order single-sales material and subscription-sales material on the same order form, as orders are separated for processing by different departments when they arrive at Superintendent of Documents.

Subject matter areas and numerical chronology have been maintained in both parts.

PART I

General

SUBJECT NO. 00

00–1 The Advisory Circular System (12–4–62).

Describes the FAA Advisory Circular System.

00–2M Advisory Circular Checklist (5–29–69).

Transmits the revised checklist of current FAA advisory circulars and the status of the Federal Aviation Regulations as of 5–29–69.

00–7 State and Regional Defense Airlift Planning (4–30–64).

Provides guidance for the development of plans by the FAA and other Federal and State agencies for the use of non-air-carrier aircraft during an emergency.

00–7 CH 1 Provision of Appendix 4 and Addition of New Appendix 9 to State and Regional Defense Airlift Planning (1–5–65).

The title is self-explanatory.

00–7 CH 2 State and Regional Defense Airlift Planning (2–20–67).

Change 2 to basic document.

00–14 Flights by U.S. Pilots Into and Within Canada (4–16–65).

Provides information concerning flights into and within Canada.

00–15 Potential Hazard Associated With Passengers Carrying "Anti-Mugger" Spray Devices (8–20–65).

Advises aircraft operators, crewmembers, and others who are responsible for flight safety, of a possible hazard to flight should a passenger inadvertently or otherwise discharge a device commonly known as an "anti-mugger" spray device in the cabin of an aircraft.

00–17 Turbulence in Clear Air (12–16–65).

Provides information on atmospheric turbulence and wind shear, emphasizing important points pertaining to the common causes of turbulence, the hazards associated with it, and the conditions under which it is most likely to be encountered.

00–19 System Description for a Modernized Weather Teletypewriter Communications System (7–8–66).

Transmits a technical report of the system improvements which the Federal Aviation Agency plans to make in the operation of the Services A, C, and O weather teletypewriter communications network.

00–20 Cancellation of Flight Standards Service Releases (9–7–66).

Cancels all outstanding Flight Standards Service Releases.

00–21 Shoulder Harness (10–5–66).

Provides information concerning the installation and use of shoulder harnesses by pilots in general aviation aircraft.

00–23A Near Midair Collision Reporting (12–18–68).

Advises that the FAA will continue through December 31, 1969, to handle reports of near midair collisions in accordance with the policy established January 1, 1968.

00–24 Thunderstorms (6–12–68).

Contains information concerning flights in or near thunderstorms.

00–26 Definition of "U.S. National Aviation Standards" (1–22–69).

Informs the aviation community of the approval by the FAA Administrator of a definition of U.S. National Aviation Standards, the need for such standards, and their relationship to the Federal Aviation Regulations.

00–27 U.S. National Standard for the IFF Mark X (SIF) Air Traffic Control Radar Beacon System Characteristics (ATCRBS) 1–24–69.

Informs the aviation community of the approval by the FAA Administrator of the U.S. National Aviation Standard for the ATCRBS.

Procedural

SUBJECT NO. 10

11–1 Airspace Rule-Making Proposals and Changes to Air Traffic Control Procedures (10–28–64).

Emphasizes the need for the early submission of proposals involving airspace rule-making activity or changes to existing procedures for the control of air traffic.

Aircraft

SUBJECT NO. 20

20–1 Limitations of Self-Locking Castellated Nuts (6–20–63).

Provides information on the limitations of cotter pinned self-locking nuts.

20–3A Status and Availability of Military Handbooks and ANC Bulletins for Aircraft (1–15–64).

Announces the status and availability of Military Handbooks and ANC Bulletins prepared jointly with FAA.

20–5A Plane Sense (4–4–67).

Provides general aviation information for the private aircraft owner.

20–10 Approved Airplane Flight Manuals for Transport Category Airplanes (7–30–63).

Calls attention to the regulatory requirements relating to FAA Approved Airplane Flight Manuals.

20–13A Surface-Effect Vehicles (8–28–64).

States FAA policy on surface-effect vehicles (vehicles supported by a cushion of compressed air).

20–14 Aircraft Airworthiness; Restricted Category: Certification of Aircraft With Uncertificated Engines or Engines to Which Major Alterations Have Been Made (10–25–63).

Sets forth information needed by FAA for type certification of aircraft in the restricted category with uncertificated engines or engines having major alterations.

20–15A Qualification of Type Certificated Engines and Propellers for Aircraft Installations (3–24–66).

Calls attention to the relationship between both Federal Aviation Regulations, Parts 33 (Aircraft Engine Airworthiness) and 35 (Propeller Airworthiness), and various aircraft airworthiness parts.

20–17 Surplus Military Aircraft (1–6–64).

Informs how to obtain copies of regulations required for certification of surplus military aircraft.

20–18A Qualification Testing of Turbojet Engine Thrust Reversers (3–16–66).

Discusses the requirements for the qualification of thrust reversers and sets forth an acceptable means of compliance with the tests prescribed in Federal Aviation Regulations, Part 3, when run under nonstandard ambient air conditions.

20–20A Flammability of Jet Fuels (4–9–65).

Gives information on the possibility of combustion of fuel in aircraft fuel tanks.

20–23C Interchange of Service Experience — Mechanical Difficulties (5–9–69).

Explains the advantages of a voluntary exchange of service experience data.

20–24A Qualification of Fuels, Lubricants, and Additives (4–1–67).

Establishes procedures for the approval of the use of subject materials in certificated aircraft.

20–25A Identification of Technical Standard Order (TSO) Safety Belts (3–14–69).

Describes the markings which indicate that a safety belt has been manufactured under the FAA TSO system and approved for use in certificated aircraft.

20–27A Certification and Operation of Amateur-Built Aircraft (8–12–68).

Provides information and guidance material for amateur aircraft builders.

20–28 Nationally Advertised Aircraft Construction Kits (8–7–64).

Explains that using certain kits could render the aircraft ineligible for the issuance of an experimental certificate as an amateur-built aircraft.

20–29A Use of Anti-Icing Additive PFA–55MB (6–19–67).

Provides information on the use of anti-icing additive for jet fuels to assure compliance with FAR's that require assurance of continuous fuel flow under icing conditions.

20–30A Airplane Position Lights and Supplementary Lights (4–18–68).

Provides an acceptable means for complying with the position light requirements for airplane airworthiness and acceptable criteria for the installation of supplementary lights on airplanes.

20–32A Carbon Monoxide (CO) Contamination in Aircraft—Detection and Prevention (9–13–68).

Informs aircraft owners, operators, maintenance personnel, and pilots of the potential dangers of carbon monoxide contamination and discusses means of

detection and procedures to follow when contamination is suspected.

20–33 Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 10, 13, and 14 (2–8–65).

Advises the public that policy information contained in the subject Civil Aeronautics Manuals may be used in conjunction with specific sections of the Federal Aviation Regulations.

20–34A Prevention of Retractable Landing Gear Failures (4–21–69).

Provides information and suggested procedures to minimize landing accidents involving aircraft having retractable landing gear.

20–35A Tie-Down Sense (10–29–68).

Provides information of general use on aircraft tie-down techniques and procedures.

20–36A Index of Materials, Parts and Appliances Certified Under the Technical Standard Order System—March 1, 1966 (4–8–66).

Lists the materials, parts, and appliances for which the Administrator has received statements of conformance under the Technical Standard Order system as of March 1, 1966. Such products are deemed to have met the requirements for FAA approval as provided in Part 37 of the Federal Aviation Regulations.

20–37A Aircraft Metal Propeller Blade Failure (4–4–69).

Provides information and suggested procedures to increase service life and to minimize blade failures of metal propellers.

20–38A Measurement of Cabin Interior Emergency Illumination in Transport Airplanes (2–8–66).

Outlines acceptable methods, but not the only methods, for measuring the cabin interior emergency illumination on transport airplanes, and provides information as to suitable measuring instruments.

20–39 Installation Approval of Entertainment Type Television Equipment in Aircraft (7–15–65).

Presents an acceptable method (but not the only method) by which compliance may be shown with Federal Aviation Regulations 23.1431, FAR 25.1309(b), FAR 27.1309(b), or FAR 29.1309(b) as applicable.

20–40 Placards for Battery-Excited Alternators Installed in Light Aircraft (8–11–65).

Sets forth an acceptable means of complying with placarding rules in Federal Aviation Regulations 23 and 27 with respect to battery-excited alternator installations.

20–41 Replacement TSO Radio Equipment in Transport Aircraft (8–30–65).

Sets forth an acceptable means for complying with rules governing transport category aircraft installations in cases involving the substitution of technical standard order radio equipment for functionally similar radio equipment.

20–42 Hand Fire Extinguishers in Transport Category Airplanes and Rotorcraft (9–1–65).

Sets forth acceptable means (but not the sole means) of compliance with certain hand fire extinguisher regulations in FAR 25 and FAR 29, and provides related general information.

20–43 Aircraft Fuel Contamination (9–3–65).

Informs the aviation community of the potential hazards of fuel contamination, its control, and recommended fuel servicing procedures.

20–44 Glass Fiber Fabric for Aircraft Covering (9–3–65).

Provides a means, but not the sole means, for acceptance of glass fiber fabric for external covering of aircraft structure.

20–45 Safetying of Turnbuckles on Civil Aircraft (9–17–65).

Provides information on turnbuckle safetying methods that have been found acceptable by the Agency during past aircraft type certification programs.

20–46 Suggested Equipment for Gliders Operating Under IFR (9–23–65).

Provides guidance to glider operators on how to equip their gliders for operation under instrument flight rules (IFR), including flight through clouds.

20–47 Exterior Colored Band Around Exits on Transport Airplanes (2–8–66).

Sets forth an acceptable means, but not the only means, of complying with the requirement for a 2-inch colored band outlining exits required to be openable from the outside on transport airplanes.

20–48 Practice Guide for Decontaminating Aircraft (5–5–66).

The title is self-explanatory.

20–49 Analysis of Bird Strike Reports on Transport Category Airplanes (7–27–66).

Provides the results of a statistical study on the frequency of collisions of birds with transport aircraft and the resulting damages.

20–51 Procedures for Obtaining FAA Approval of Major Alterations to Type Certificated Products (4–12–67).

Provides assistance to persons who desire to obtain FAA approval of major alterations to type certificated products.

20–52 Maintenance Inspection Notes for Douglas DC–6/7 Series Aircraft (8–24–67).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of DC–6/7 series aircraft.

20–53 Protection of Aircraft Fuel System Against Lightning (10–6–67).

Sets forth acceptable means, not the sole means, by which compliance may be shown with fuel system lightning protection airworthiness regulations.

20–54 Hazards of Radium-Activated Luminous Compounds Used on Aircraft Instruments (10–24–67).

Provides information concerning health hazards associated with the repair and maintenance of instruments containing luminous markings activated with radium-226 or radium-228 (mesothorium).

20–55 Turbine Engine Overhaul Standard Practices Manual—Maintenance of Fluorescent Penetrant Inspection Equipment (1–22–68).

Advises operators of the necessity for periodic checking of black light lamps and filters used during fluorescent penetrant inspection of engine parts.

20–56 Marking of TSO–C72a Individual Flotation Devices (1–19–68).

Outlines acceptable methods for marking individual flotation devices which also serve as seat cushions.

20–57 Automatic Landing Systems (1–29–68).

Sets forth an acceptable means of compliance but not the only means for the installation approval of automatic landing systems in transport category aircraft which may be used initially in Category II operations.

20–58A Acceptable Means of Testing Automatic Altitude Reporting Equipment for Compliance with FAR 91.36(b) (4–28–69).

Title is self-explanatory.

20–59 Maintenance Inspection Notes for Convair 240, 340/440, 240T, and 340T Series Aircraft (2–19–68).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Convair 240, 340/440, 240T, and 340T series aircraft.

20–60 Accessibility to Exess Emergency Exits (7–18–68).

Sets forth acceptable means of compliance with the "readily accessible" provisions in the Federal Aviation Regulations dealing with excess emergency exits.

20–62 Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts (4–30–69).

Provides information relative to the determination of the eligibility of aeronautical parts and materials for installation on certificated aircraft.

21–1 Production Certificates (6–15–65).

Provides information concerning Subpart G of Federal Aviation Regulations (FAR) Part 21, and sets forth acceptable means of compliance with its requirements.

21–2A Export Airworthiness Approval Procedures (2–16–67).

Announces the adoption of new regulations and provides guidance to the public regarding the issuance of export airworthiness approvals for aeronautical products to be exported from the United States.

21–2A CH 1 (8–30–67).

21–2A CH 2 (10–30–67).

21–2A CH 3 (3–20–68).

21–2A CH 4 (11–6–68).

21–4A Special Flight Permits for Operation of Overweight Aircraft (9–16–66).

Furnishes guidance concerning special flight permits necessary to operate an aircraft in excess of its usual maximum certificated takeoff weight.

21–5 Summary of Supplemental Type Certificates (2–24–66).

Announces the availability to the public of a new Summary of Supplemental Type Certificates (STC's), Part 21 of the Federal Aviation Regulations.

21–6 Production Under Type Certificate Only (5–29–67).

Provides information concerning Subpart F of FAR Part 21, and sets forth examples, when necessary, of acceptable means of compliance with its requirements.

21–7 Certification and Approval of Import Products (6–13–67).

Provides guidance and information relative to U.S. certification and approval of import aircraft, aircraft engines, propellers manufactured in a foreign country with which the United States has an acceptance agreement of those products for export and import.

21.25–1 Use of Restricted Category Airplanes for Glider Towing (4–20–65).

Announces that glider towing is now considered to be a special purpose for type and airworthiness certification in the restricted category.

21.303–1 Replacement and Modification Parts (3–2–66).

Provides information concerning section 21.303 of Federal Aviation Regulations, Part 21, and sets forth examples of acceptable means of compliance with its requirements.

23–1 Type Certification Spin Test Procedures (4–1–64).

Sets forth an acceptalbe means by which compliance may be shown with the one-turn spinning requirement in Part 3 of the CAR's.

23.1329–1 Automatic Pilot Systems Approval (Non-Transport) (12–23–65).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 23.1329 may be shown.

25–1 Airplane Flight Manual Procedures Associated with Performance Limitations (9–4–63).

Provides acceptable means for compliance with Special Regulation SR–422B, section 4T.743(c).

25–2 Extrapolation of Takeoff and Landing Distance Data Over a Range of Altitude for Turbine-Powered Transport Aircraft (7–9–64).

Sets forth acceptable means by which compliance may be shown with the requirements in CAR 4b and SR–422B.

25–4 Inertial Navigation Systems (INS) (2–18–66).

Sets forth an acceptable means for complying with rules governing the installation of inertial navigation systems in transport category aircraft.

25.253–1 High-Speed Characteristics (11–24–65).

Sets forth an acceptable means by which compliance may be shown with FAR 25.253 during certification flight tests.

25.253–1 CH 1 (1–10–66).

Provides amended information for the basic advisory circular.

25.1329–1A Automatic Pilot System Approval (7–8–68).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 25.1329 may be shown.

25.1457–1 Cockpit Voice Recorder Installations (4–7–65).

Sets forth an acceptable means of compliance with provisions in FAR Part 25 pertaining to cockpit voice recorder location and erasure features.

27.1581–1 Sea Rotorcraft Autorotative Landing on Land (8–3–65).

Sets forth acceptable means, not the sole means, with which to provide suitable warning information to crews of float-equipped rotorcraft (pneumatic bag type) when a safe autorotative landing on land may not be possible.

29–1 Approval Basis for Automatic Stabilization Equipment (ASE) Installations in Rotorcraft (12–26–63).

Gives means for compliance with flight requirements in various CAR's.

29–1 CH 1 (3–26–64).

Transmits revised information about the time delay of automatic stabilization equipment.

29.773–1 Pilot Compartment View (1–19–66).

Sets forth acceptable means, not the sole means, by which compliance with FAR 29.773(a)(1), may be shown.

33–1A Turbine-Engine Foreign Object Ingestion and Rotor Blade Containment Type Certification Procedures (6–19–68).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the design and construction requirements of Part 33 of the Federal Aviation Regulations.

33–2 Aircraft Engine Type Certification Handbook (3–30–66).

Contains guidance relating to type certification of aircraft engines which will constitute acceptable means, although not the sole means, of compliance with the Federal Aviation Regulations.

33–2 CH 1 (9–13–67).

Transmits revised material to the basic advisory circular.

33–3 Turbine and Compressor Rotors Type Certification Substantiation Procedures (9–9–68).

Sets forth guidance and acceptable means, not the sole means, by which compliance may be shown with the turbine and compressor rotor substantiation requirements in FAR Part 33.

37–2 Test Procedures for Maximum Allowable Airspeed Indicators (12–9–68).

Provides guidance concerning test procedures which may be used in showing compliance with the standards in FAR 37.145 (TSO–C46a).

37–3 Radio Technical Commission for Aeronautics Document DO–138 (1–10–69).

This circular announces RTCA Document DO–138 and discusses how it may be used in connection with technical standard order authorizations.

39–1 Jig Fixtures; Replacement of Wing Attach Angles and Doublers on Douglas Model DC–3 Series Aircraft (8–1–63).

Describes methods of determining that jig fixtures meet the requirements of Airworthiness Directive 63–4–1.

39–3 Distribution of Airworthiness Directives (3–29–67).

Announces a new procedure for the distribution of airworthiness directives.

39–5 Distribution of Airworthiness Directives (10–3–67).

Announces the availability to the public of a subscription service for airworthiness directives.

43–1 Matching VHF Navigation Receiver Outputs With Display Indicators (8–2–65).

Alerts industry to the possibility of mismatching outputs, both guidance and flag alarm, of certain VHF navigation receivers when used with some types of display indicators causing the receiver to fail without providing a flag alarm.

43–2 Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (9–10–65).

Sets forth guidance material which may be used to determine the adequacy of barometers used in the calibration of aircraft static instruments and presents

information concerning the general operation, calibration, and maintenance of such barometers.

43.9–1B Instruction for Completion of FAA Form 337 (6–27–66).

Provides instructions for completing revised FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller, or Appliance).

43.11–1B Aircraft Use and Inspection Report (8–29–68).

Provides instructions for the completion of FAA Form 8320–3 (11–67), Aircraft Use and Inspection Report formerly FAA 2350.

43–202 Maintenance of Weather Radar Radomes (6–11–65).

Provides guidance material useful to repair facilities in the maintenance of weather radar radomes.

43–203A Altimeter and Static System Tests and Inspections (6–6–67).

Specifies acceptable methods for testing altimeter and static system. Also, provides general information on test equipment used and precautions to be taken.

Airmen

SUBJECT NO. 60

60–1 Know Your Aircraft (6–12–63).

Describes potential hazards associated with operation of unfamiliar aircraft and recommends good operating practices.

60–2E Annual Aviation Mechanic Safety Awards Program (6–20–68).

Provides details of the annual Aviation Mechanic Safety Awards Program which is a joint effort of FAA, The Flight Safety Foundation, and the aviation community.

60–4 Pilot's Spatial Disorientation (2–9–65).

Acquaints pilots flying under visual flight rules with the hazards of disorientation caused by the loss of reference with the natural horizon.

60–5 Advisory Information on Written Test Questions Missed (4–24–67).

Announces a new automated method of reporting written test results to airmen applicants. The applicant will be provided information concerning the subject matter areas in which one or more questions were answered incorrectly on the test.

60–6 FAA Approved Airplane Flight Manuals, Placards, Listings, Instrument Markings—Small Airplanes (12–13–68).

Alerts pilots to the regulatory requirements relating to the subject and provides information to aid pilots to comply with the provisions of FAR section 91.31.

61–1B Aircraft Type Ratings (12–14–67).

Lists the aircraft type ratings issued to pilots and advises the public of the designations used for the aircraft on which type ratings are issued.

61–5A Helicopter Pilot Written Test Guide—Private—Commercial (8–14–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirements for a private or commercial pilot certificate with a helicopter rating.

61.15–1 Helicopter or Gyroplane Class Rating Requirement for Rotorcraft Pilots (1–15–63).

Calls the attention of certificated rotorcraft pilots to the fact that helicoptor or gyroplane class ratings are required for the operation of rotorcraft after 2–1–63.

61–19 Safety Hazard Associated with Simulated Instrument Flights (12–4–64).

Emphasizes the need for care in the use of any device restricting visibility while conducting simulated instrument flights that may also restrict the view of the safety pilot.

61–22A Pilot Flight Tests in Small Airplanes With Stability/Control Augmentation (3–16–66).

Rescinds the limitation published in AC 61–22 for pilot certificates issued on the basis of flight training and tests in airplane equipped with gyroscopic stability/control augmentation systems.

61–24 Student Pilot Certificate Endorsements for Solo Flight in Single-Place or Single-Control Aircraft (7–20–65).

Describes a suggested procedure for checking out student pilots for solo flights in single-place or single-control aircraft.

61–26 Flight Instructor Requalification Program and Increased Student Pilot Operating Requirements (9–23–65).

Informs the public of the procedures which will be used by FAA inspectors in implementing the Flight Instructor Certificate renewal, instructor supervision of student pilots, and other associated requirements instituted by FAR Amendment 61–18.

61–31 Gyroplane Pilot Examination Guide, Private and Commercial (2–9–66).

Outlines information basic to a gyroplane pilot, lists sources useful in acquiring this knowledge, and presents sample examination questions.

61–33 Gyroplane Flight Instructor Examination Guide (3–25–66).

Assists applicants who are preparing for the Flight Instructor Rotocraft Gyroplane Written Examination. Revised in 1966.

61–35A Gold Seal Flight Instructor Certificate (2–11–69).

Announces the issuance of gold seal certificates to persons with outstanding qualifications and performance records as flight instructors.

61–36 Use of Other Than U.S. Coast and Geodetic Survey Charts on Pilot Flight Tests (2–6–67).

Clarifies the requirement governing the use on pilot flight tests of en route and instrument approach charts prepared by other than the U.S. Coast and Geodetic Survey.

61–37 Correction to Koch Chart in AC 61–11 and AC 61–28 (2–14–67).

Informs holders of AC 61–11, Airplane Flight Instructor Examination Guide, (1965) and AC 61–28, Commercial Pilot Written Examination Guide (1966), of inaccuracies in the Koch Charts for Altitude and Temperature Effects which appear in these publications.

61–38 Rotorcraft Helicopter Written Test Guide (8–16–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirement for a flight instructor certificate with a helicopter rating.

61–39 Flight Test Guide, Private and Commercial Pilot—Glider (8–28–67).

Assists applicants for private and commercial pilot flight tests in gliders.

61–41 Glider Flight Instructor Written Test Guide (11–7–67).

Outlines the scope of the basic aeronautical knowledge requirements for a glider flight instructor; acquaints the applicant with source material that may be used to acquire this basic knowledge; and presents a sample test with correct answers and explanations.

61–43 Glider Pilot Written Test Guide—Private and Commercial (11–30–67).

Outlines the scope of the basic aeronautical knowledge requirements for a glider pilot; acquaints the applicant with source material that may be used to acquire this basic knowledge; and presents a sample test with correct answers and explanations.

61–44 Valid Flight Instructor Certificates (11–30–67).

Alerts student pilots, flight instructors, and pilot school operators to the expiration of many flight instructor certificates.

61–45 Instrument Rating (Helicopter) Written Test Guide (1–24–68).

Assists applicants who are preparing for the helicopter instrument rating. Presents a study outline, study materials and a sample test with answers.

65–6A Change in Airframe and Powerplant Mechanic Tests (12–8–67).

Provides a new effective date for the changeover to a new format for the Airframe and Powerplant mechanic written, oral, and practical tests announced by the earlier circular.

65–8 1969 Aviation Maintenance Symposium-Advances in Aviation Maintenance Technology (5–14–69).

Announces the fifth annual aviation maintenance symposium to be held in Oklahoma City—December 9, 10, and 11, 1969.

65.33–1 List of Study References for the ATC Tower Operator Examination (5–25–66).

The title is self-explanatory.

65.95–2 Handbook and Study Guide for Aviation Mechanics' Inspection Authorization (5–3–67).

Gives guidance to persons conducting annual and progressive inspection and approving major repairs or alterations of aircraft. While the handbook is primarily intended for mechanics holding or preparing for an Inspection Authorization, it may be useful to aircraft manufacturers and certificated repair stations who have these privileges.

Airspace

SUBJECT NO. 70

70/7460–2 Proposed Construction or Alteration of Objects That May Affect the Navigable Airspace (4–5–68).

Alerts those persons proposing to erect or alter an object that may affect the navigable airspace of the requirement to submit a notice to the Administrator of the FAA.

70/7460–3 Petitioning the Administrator for Discretionary Review; Section 77.37, FAR (8–8–68).

Revises and updates information concerning the submission of petitions to the Administrator for review, extension, or revision of determinations issued by regional directors or their designees.

73–1 Establishment of Alert Areas (3–11–68).

Announces the establishment of alert areas and sets forth the procedures which FAA will follow in establishing such areas.

77–1 Objects Affecting Navigable Airspace (7–2–65).

Announces the availability of the revised Part 77 of the Federal Aviation Regulations (FAR), dated May 1, 1965. This revised Part 77 supersedes the edition dated December 12, 1962.

Air Traffic Control and General Operations

SUBJECT NO. 90

90–1A Civil Use of U.S. Government Produced Instrument Approach Charts (4–10–68).

Clarifies landing minimums requirements and revises instrument approach charts.

90–5 Coordination of Air Traffic Control Procedures and Criteria (6–13–63).

States Air Traffic Service policy respecting coordination of air traffic procedures and criteria with outside agencies and/or organizations.

90–8 Radio Identification of Student Pilots (8–15–63).

Encourages student pilots to identify themselves when communicating with FAA facilities.

90–10 Holding Pattern (3–1–64).

Advises pilots that revised IFR aircraft holding pattern procedures, implemented by FAA in January 1, 1962, will be the sole basis for providing protected airspace for holding patterns, beginning March 1, 1964.

90–11A Air Traffic Control Radio Frequency Assignment Plan (6–7–68).

Describes the civil air traffic control very high frequency assignment plan and the allocation of frequencies in the 118–136 MHz band.

90–12 Severe Weather Avoidance (4–15–64).

Provides information regarding air traffic control assistance in avoiding severe weather conditions.

90–14A Altitude—Temperature Effect on Aircraft Performance (1–26–68).

Introduces the Denalt Performance Computer and reemphasizes the hazardous effects density altitude can have on aircraft.

90–15 Pilot's Response to ATC Clearances and Instructions (7–2–64).

States Agency philosophy concerning expected pilot response to air traffic control clearances and instructions.

90–19 Use of Radar for the Provision of Air Traffic Control Services (10–29–64).

Advises the aviation community of FAA practice in the use of radar information to provide air traffic control services.

90–20 Weather Radar Radomes (11–12–64).

Highlights some important points to consider in the selection and maintenance of weather radar radomes.

90–22A Automatic Terminal Information Service (ATIS) (10–9–68).

Provides updated information concerning the operation of Automatic Terminal Information Service (ATIS).

90–23A Wake Turbulence (12–21–65).

Provides information on the subject of wake turbulence and suggests techniques that may help pilots avoid the hazards associated with wing tip vortex turbulence.

90–24 Service A Weather Teletypewriter Circuit Loading Adjustment (3–15–65).

Advises Service A weather teletypewriter system subscribers of a pending transfer of certain data from Area to Supplemental Circuits and provides lead time for obtaining extension service on the latter where necessary to continue receiving such data.

90–27 Operation of Pictorial Display/Course Line Computer Equipment in the National Airspace System (8–20–65).

Sets forth the advantages to be gained by the utilization of airborne Pictorial Display/Course Line Computer (PD/CLC) equipment in conjunction with VOR/DME/TACAN ground facilities.

90–28 Course Changes While Operating Under Instrument Flight Rules Below 18,000 Feet Mean Sea Level (9–2–65).

Reminds pilots making course changes that routings prescribed in air traffic control clearances must be adhered to as closely as possible in order that flight paths will remain within airway/route boundaries during en route and terminal flight operations.

90–30A Precision Approach Radar (PAR) Service (11–21–67).

Provides information concerning the provision of Precision Approach Radar (PAR) service at FAA operated air traffic control facilities.

90–31 Retention of Flight Service Station (FSS) Civil Flight Plans and Related Records (7–1–67).

Establishes new retention periods for flight plans, preflight briefing logs, visual flight rule flight progress strips, and related records with FSSs.

90–32 Radar Capabilities and Limitations (8–15–67).

Advises the aviation community of the inherent capabilities and limitations of radar systems and the effect of these factors on the service provided by air traffic control (ATC) facilities.

90–33 VFR Communications for General Aviation (11–20–67).

Describes VHF (118–136 MHz band) air/ground communications channel utilization for general aviation aircraft in the VFR environment and includes information on the use of channels in the private aircraft (122–123 MHz) band recently made available by the Federal Communications Commission (Docket 17177).

90–34 Accidents Resulting from Wheelbarrowing in Tricycle Gear Equipped Aircraft (2–27–68).

Explains "wheelbarrowing", the circumstances under which it is likely to occur, and recommended corrective action.

90–35 Frequency Discipline (5–17–68).

Reemphasizes the need for pilots to be constantly aware of the importance of practicing frequency discipline in normal conduct of operations.

90–36 The Use of Chaff as an In-Flight Emergency Signal (5–22–68).

Advises of the value and proper usage of chaff to alert radar controllers to the presence of an aircraft in distress which has a two-way radio failure.

90–37 Flight Operations Near Airports (6–19–68).

Emphasizes to pilots the necessity of adhering to good operating practices and procedures, particularly when operating at or near airports.

90–38 Use of Preferred IFR Routes (8–4–68).

Outlines the background, intent, and requested actions pertaining to the use of preferred IFR routes.

90–39 Identification of Civil Aircraft in Radio Communications (8–5–68).

Outlines an important change in the Federal Communications Commission (FCC) rules for the aviation services concerning the methods of identifying aircraft in radio transmissions.

90–40 Intersection Takeoffs (9–5–68).

Apprises pilots concerning procedures governing intersection takeoffs.

90–41 Standard Terminal Arrival Routes (9–6–68).

Describes a program for establishment and use of standard terminal arrival (STARS).

90–42 Traffic Advisory Practices at Nontower Airports (12–9–68).

This circular establishes, as good operating practices, procedures for pilots to exchange traffic information when operating to or from nontower airports.

90–43 Operations Reservations for High-Density Traffic Airports. (3–25–69).

Advises the aviation community of the means for all aircraft operators, except scheduled and supplemental air carriers and scheduled air taxis, to obtain a reservation to operate to and/or from designated high-density traffic airports.

90–44 Airport Ground Operations During Low Visibility Conditions (4–25–69).

Alerts the aviation community to potential problem areas which may exist on airport movement areas during periods of extremely low visibility.

91–3 Acrobatic Flight (9–30–63).

Sets safe operating practices for the conduct of acrobatic flight operations.

91–5 Waivers Part 91, Federal Aviation Regulations (2–27–64).

Provides information on submission of applications and issuance of waivers to FAR Part 91.

91–6 Water, Slush, and Snow on the Runway (1–21–65).

Provides background and guidelines concerning the operation of turbojet aircraft with water, slush, and/or snow on the runway.

91–7 Hazards Associated With In-Flight Use of "Visible-Fluid" Type Cigarette Lighters (3–16–65).

Discusses the potential hazards associated with in-flight use of "visible-fluid" type cigarette lighters.

91–8 Use of Oxygen by General Aviation Pilots/Passengers (5–16–65).

Provides general aviation personnel with information concerning the use of oxygen.

91–9 Potential Hazards Associated With Turbojet Ground Operations (6–19–65).

Alerts turbojet operators and flight crews to potential hazards involving turbojet operations at airports.

91–10A Suggestions for Use of ILS Minima by General Aviation Operators of Turbojet Airplanes (10–8–65).

Provides general aviation operators of turbojet airplanes with information on practices and procedures to be considered before utilizing the lowest published IFR minima prescribed by FAR Part 97 and provides information on pilot-in-command experience, initial and recurrent pilot proficiency, and airborne airplane equipment.

91–11 Periodic Inspection Reminder (8–10–65).

Provides the aviation community with a uniform visual reminder of the date a periodic inspection becomes due.

91–12 Required Inspection for Air Carrier Aircraft Reverting to General Operation Under FAR 91 (5–24–66).

Describes acceptable methods for complying with the required inspections established by FAR Part 91.

91–13 Cold Weather Operation of Aircraft (11–16–66).

Emphasizes factors to be considered for the effective preparation, maintenance, and operation of aircraft in cold weather.

91–14 Altimeter Setting Sources (2–15–67).

Provides the aviation public, industry, and FAA field personnel with guidelines for setting up reliable altimeter setting sources.

91–16 Category II Operations—General Aviation Airplanes (8–7–67).

Sets forth acceptable means by which Category II operations may be approved in accordance with FAR Parts 23, 25, 61, 91, 97, and 135.

91–17 The Use of View Limiting Devices on Aircraft (2–20–68).

Alerts pilots to the continuing need to make judicious and cautious use of all view limiting devices on aircraft.

91–18 Course Needle Oscillations on VHF Omnidirectional Range (VOR) Receivers (12–6–68).

Advises all operators of aircraft equipped with VHF omnidirectional range (VOR) receivers regarding course needle oscillations.

91–19 Emergency Locator Beacons—Crash, Survival, Personnel (3–17–69).

Provides information concerning recent activities relating to emergency locator radio beacons. Describes for users the means by which such signals will be monitored or heard.

91–20 Inspection Schedule—for Beech Model B–99 (3–14–69).

Provides information for use by persons planning to develop an inspection schedule for Beech Model B–99.

91.29–1 Special Structural Inspections (1–8–68).

Discusses occurrences which may cause structural damage affecting the airworthiness of aircraft.

91.83–1 Canceling or Closing Flight Plans (3–12–64).

Outlines the need for canceling or closing flight plans promptly to avoid costly search and rescue operations.

91.83–2 IFR Flight Plan Route Information (2–16–66).

Clarifies the air traffic control needs for the filing of route information in an IFR (Instrument Flight Rules) flight plan.

95–1 Airway and Route Obstruction Clearance (6–17–65).

Advises all interested persons of the airspace areas within which obstruction clearance is considered in the establishment of Minimum En Route Instrument Altitudes (MEAs) for publication in FAR Part 95.

99.11–1 Flight Plan Requirements: Coastal or Domestic ADIZ (11–15–63).

Provides recommended flight plan filing procedures for operation within or into an Air Defense Identification Zone (ADIZ).

99.27–1 Flight Plan Tolerances for Air Defense Identification Zones (9–30–63).

Provides recommended flight plan tolerances for operations within or into the ADIZ.

101–1 Waivers of Part 101, Federal Aviation Regulations (1–13–64).

Provides information on submission of applications and issuances of waivers to FAR Part 101.

103–1 Hazard Associated With Sublimation of Solid Carbon Dioxide (Dry Ice) Aboard Aircraft (12–16–63).

Discusses potential hazards of dry ice and gives precautionary measures.

105–2 Sport Parachute Jumping (9–6–68).

Provides suggestions to improve sport parachuting safety; information to assist parachutists in complying with FAR Part 105; and a list of aircraft which may be operated with one cabin door removed, including the procedures for obtaining FAA authorization for door removal.

Air Carrier and Commercial Operators and Helicopters

SUBJECT NO. 120

120–1A Reporting Requirements of Air Carriers, Commercial Operators, and Travel Clubs (4–24–69).

Advises of the mechanical reliability reporting requirements contained in FAR Parts 121 and 127 and the accident and incident reporting requirements of NTSB Part 430, Safety Investigation Regulations.

120–2A Precautionary Propeller Feathering To Prevent Runaway Propellers (8–20–63).

Emphasizes the need for prompt feathering when there is an indication of internal engine failure.

120–4B Criteria for Turbojet Landing Weather Minima—Air Carriers and Commercial Operators of Large Aircraft (6–14–68).

Sets forth the criteria for approval of landing weather minima for turbojet

aircraft below ¾-mile visibility or RVR 4,000 but above Category II minima.

120–5 High Altitude Operations in Areas of Turbulence (8–26–63).

Recommends procedures for use by jet pilots when penetrating areas of severe turbulence.

120–7 Minimum Altitudes for Conducting Certain Emergency Flight Training Maneuvers and Procedures (9–4–63).

Recommends minimum altitudes for conducting simulated emergency flight training maneuvers be established.

120–12 Private Carriage Versus Common Carriage by Commercial Operators Using Large Aircraft (6–24–64).

Provides guidelines for determining whether current or proposed transportation operations by air constitute private or common carriage.

120–13 Jet Transport Aircraft Attitude Instrument Systems (6–26–64).

Provides information about the characteristics of some attitude instrument systems presently installed in some jet transport aircraft.

120–14 Air Taxi Operators and Commercial Operators of Small Aircraft (7–6–64).

Clarifies the requirements of Part 135 of the FAR's and provides additional information not readily available.

120–16 Continuous Airworthiness Program (10–19–64).

Provides air carriers and commercial operators with guidance and information pertinent to the regulatory amendments concerned with requirements for air carrier continuous airworthiness program.

120–17 Handbook for Maintenance Control by Reliability Methods (12–31–64).

Provides information and guidance material which may be used to design or develop maintenance reliability programs which include a standard for determining time limitations.

120–17 CH 1 (6–24–66).

120–17 CH 2 (5–6–68).

120–18 Preservation of Maintenance Records (5–10–65).

Provides information and guidance relative to the microfilming of maintenance records.

120–20 Criteria for Approval of Category II Landing Weather Minima (6–6–66).

Sets forth criteria, guidelines, and procedures which provide an acceptable basis for the approval of Category II ILS minima and the installation approval of the associated airborne systems.

120–20 CH 1 (1–12–68).

Transmits a revised Appendix 3 of the Advisory Circular.

120–20 CH 2 (5–21–68).

Clarifies use of minimum glide slope threshold crossing height in Par. 11, Appendix 3.

120–21 Aircraft Maintenance Time Limitations (6–24–66).

Provides method and procedures for the initial establishment and revision of time limitations on inspections, checks, maintenance or overhaul.

120–24A Establishment and Revision of Aircraft Engine Overhaul and Inspection Periods (2–25–69).

Describes methods and procedures used by the FAA in the establishment and revision of aircraft engine overhaul periods.

120–26 Civil Aircraft Operator Designators (1–25–68).

States the criteria and the procedures for the assignment of a designator and a corresponding air/ground call sign to civil aircraft operators engaged in domestic services on a repetitive basis.

120–27 Aircraft Weight and Balance Control (10–15–68).

Provides a method and procedures for weight and balance control.

121–1 Standard Maintenance Specifications Handbook (12–15–62).

Consolidated reprint 5–15–69, includes Changes 1 through 18.

Provides procedures acceptable to FAA which may be used by operators when establishing inspection intervals and overhaul times.

121–3H Maintenance Review Board Reports (2–7–68).

Adds the Boeing 727, Supplement No. 1; Boeing 737; Fairchild-Hiller FH–227; and Fairchild-Hiller FH–227, Revision 1 to the list of available Maintenance Review Board Reports.

121–6 Portable Battery-Powered Megaphones (1–5–66).

Sets forth an acceptable means for complying with rules (applicable to various persons operating under Part 121 of the Federal Aviation Regulations) that prescribe the installation of approved megaphones.

121–7 Use of Seat Belts by Passengers and Flight Attendants To Prevent Injuries (7–14–66).

Concerned with the prevention of injury due to air turbulence.

121–8 Additional Airport Aids—Runway Marking and Lighting—Air Carrier Turbojet Operations (9–19–66).

Emphasizes the importance of runway markings and approach slope guidance in assisting turbojet airplane pilots to touchdown at the proper runway point.

121–9 Maintenance of Evacuation Slides (9–22–66).

Provides information and guidance to air carriers and commercial operators in the maintenance of emergency evacuation slides.

121–10 Doppler Radar Navigational Aids (3–23–67).

States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they apply to persons operating under Part 121 who desire approval of Doppler RADAR navigation systems for use in their operations.

121–10 CH 1 (1–10–68).

Transmits a page change to the subject advisory circular.

121–11 Approval of Inertial Navigation Systems (INS) (3–23–67).

States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they apply to persons operating under Part 121 who desire approval of inertial navigation systems as the sole means of navigation in their operations.

121–11 CH 1 (1–10–68).

Transmits a page change to the subject advisory circular.

121–12 Wet or Slippery Runways (8–17–67).

Provides uniform guidelines in the application of the "wet runway" rule by certificate holders operating under FAR 121 (8–17–67).

121.195(d)–1 Alternate Operational Landing Distances for Wet Runways; Turbojet Powered Transport Category Airplanes (11–19–65).

Sets forth an acceptable means, but not the only means, by which the alternate provision of section 121.195(d) may be met.

123–1 Air Travel Clubs (10–17–68).

Sets forth guidelines and procedures to assist air travel clubs using large aircraft in meeting safety requirements of FAR Part 123.

135.155–1 Alternate Static Source for Altimeters and Airspeed and Vertical Speed Indicators (2–16–65).

Sets forth an acceptable means of compliance with provisions in FAR Part 135 and Part 23 dealing with alternate static sources.

135–1 Air Taxi Aircraft Weight and Balance Control (9–17–68).

Provides a method and procedures for developing a weight and balance control system for small aircraft operating in the air taxi fleet under FAR Part 135.

137–1 Agricultural Aircraft Operations (11–29–65).

Explains and clarifies the requirements of FAR Part 137 and provides additional information, not regulatory in nature, which will assist interested persons in understanding the operating privileges and limitations of this part.

Schools and Other Certificated Agencies

SUBJECT NO. 140

140–1D Consolidated Listing of FAA Certificated Repair Stations (7–1–68).

Gives the name, address, certificate number, and ratings of repair stations.

140–2D List of Certificated Pilot Flight and Ground Schools (3–13–68).

Lists FAA certificated schools as of March 1968.

140–3A Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR (6–12–68).

The title is self-explanatory.

140–4 Use of Audio-Visual Courses in Approved Pilot Ground Schools Certificated Under Part 141 (8–7–68).

Informs operators of certificated pilot schools on the use of audio-visual training aids for instruction in approved ground school courses conducted under the FARs.

145.101–1A Application for Air Agency Certificate—Manufacturer's Maintenance Facility (3–10–69).

Explains how to obtain a repair station certificate.

147–2E Federal Aviation Administration Certificated Mechanic School Directory (1–15–69).

Provides a revised listing of all FAA certificated mechanic schools as of January 15, 1969.

149–2D Listing of Federal Aviation Administration Certificated Parachute Lofts (8–1–68).

Provides a revised list of all FAA certificated parachute lofts.

Airports

SUBJECT NO. 150

DEFENSE READINESS PROGRAM

150/1930–1 Radiological Decontamination of Civil Airports (8–19–66).

Offers guidance in preattack preparations, emergency action and decontamination methods.

AIRPORT PLANNING

150/5040–1A Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Large Air Transportation Hubs Through 1980 (3–27–69).

Announces the availability of the new report and where to obtain it.

150/5050–2 Compatible Land Use Planning in the Vicinity of Airports (4–13–67).

Advises Federal Aviation Administration personnel, local government officials and the public of the availability of the following two reports prepared under the auspices of the FAA by the firm of Transportation Consultants, Inc. *Compatible Land Use Planning On and Around Airports, and Aids Available for Compatible Land Use Planning Around Airports.*

150/5050–3 Announcement of a Report Entitled "Planning the State Airport System" (1–31–69).

Advises of the availability of the report and how to obtain it.

150/5060–1A Airport Capacity Criteria Used in Preparing the National Airport Plan (7–8–68).

Presents the method used by the Federal Aviation Administration for determining when additional runways, taxiways, and aprons should be recommended in the National Airport Plan. The material is also useful to sponsors and engineers in developing Airport Layout Plans and for determining when additional airport pavement facilities should be provided to increase aircraft accommodation capacity at airports.

150/5060–2 Airport Site Selection (7–19–67).

Recommends procedures and provides guidance for analyzing potential airport sites.

150/5070–1 Rapid Transit Service for Metropolitan Airports (8–26–65).

Informs airport officials of a Federal assistance program for rapid transit.

150/5070–2 Planning the Metropolitan Airport (9–17–65). (Consolidated reprint 6–30–66 includes change 1.)

Provides guidance and methodology for planning the metropolitan airport system as a part of the comprehensive metropolitan planning program.

150/5070–3 Planning the Airport Industrial Park (9–30–65).

Provides guidance to communities, airport boards, and industrial developers for the planning and development of Airport Industrial Parks.

150/5070–4 Planning for Rapid Urbanization Around Major Metropolitan Airports (3–31–66).

Alerts planning agencies to the need for developing appropriate planning programs to guide rapid urbanization in the vicinity of major metropolitan airports and suggests procedures for such planning programs.

150/5090–1 Regional Air Carrier Airport Planning (2–2–67).

This circular: (1) Informs local and State governments, airport operators, and area planners of a Federal policy concerning the development of a single airport to serve two or more cities and their environs; and (2) provides such planners with guidance for evaluating the feasibility of establishing such regional airports.

FEDERAL-AID AIRPORT PROGRAMS

150/5100–2 Priorities Under the Federal-aid Airport Program for Fiscal Year 1967 (5–9–66).

Provides information of priorities used in the allocation of Federal funds for airport development under the Federal-aid Airport Program.

150/5100–3A Federal-aid Airport Program-Procedures Guide for Sponsors (9–20–68).

Provides guidance to public agencies that sponsor or propose to sponsor projects under the Federal-aid Airport Program (FAAP) authorized by the Federal Airport Act.

150/5100–4 Airport Advance Planning (1–12–68).

Provides an explanation of the FAA advance planning program.

150/5100–5 Land Acquisition in the Federal-Aid Airport Program (1–30–69).

Provides general information to sponsors of airport development projects under the Federal-aid Airport Program on the eligibility of land acquisition and extent of Federal participation in land acquisition costs.

SURPLUS AIRPORT PROPERTY CONVEYANCE PROGRAMS

150/5150–2 Federal Surplus Personal Property for Public Airport Purposes (6–27–68).

Outlines policies and procedures for State and local agencies applying for and acquiring surplus Federal personal property for public airport purposes.

150/5150–2 CH 1 (4–22–69).

Revises the flow of copies of the SF 123 to provide for more accurate review of donated property.

AIRPORT COMPLIANCE PROGRAM

150/5190–1 Minimum Standards for Commercial Aeronautical Activities on Public Airports (8–18–66).

Gives to owners of public airports information helpful in the development and application of minimum standards for commercial aeronautical activities.

150/5190–2 Exclusive Rights at Airports (9–2–66).

Provides basic information and guidance on FAA policy concerning exclusive rights at public airports on which Federal funds, administered by the FAA, have been expended.

150/5190–3 Model Airport Zoning Ordinance (1–16–67).

Provides a guide to be used in preparing airport zoning ordinances. This model will require modification and revision to suit circumstances and fulfill State and local law.

AIRPORT SAFETY—GENERAL

150/5200–1 Bird Hazards to Aviation (3–1–65).

Discusses certain steps that can be taken toward reducing or solving the bird strike problem on and near airports.

150/5200–2 Bird Strike/Incident Report Form (11–27–65).

Informs military and civil aviation organizations that FAA Form 3830, "Bird

Strike/Incident Report Form," is available for use in reporting bird hazards and accidents/incidents to aircraft.

150/5200–3 Bird Hazards to Aircraft (10–7–66).

Transmits the latest published information concerning the reduction of bird strikes on aircraft.

150/5200–4 Foaming of Runways (12–21–66).

Discusses runway foaming and suggests procedures for providing this service.

150/5200–5 Considerations for the Improvement of Airport Safety (2–2–67).

Emphasizes that, in the interest of accident/incident prevention, airport management should conduct self-evaluations and operational safety inspections. An exchange of information and suggestions for the improvement of airport safety is also suggested.

150/5200–6A Security of Aircraft at Airports (6–28–68).

Directs attention to the problem of pilferage from aircraft on airports and suggests action to reduce pilferage and the hazards that may result therefrom.

150/5200–7 Safety on Airport During Maintenance of Runway Lighting (1–24–68).

Points the possibility of an accident occurring to airport employees caused by electrocution.

150/5200–8 Use of Chemical Controls to Repel Flocks of Birds at Airports (5–2–68).

Acquaints airport operators with new recommendations on the use of chemical methods for dispersing flocks of birds.

150/5200–9 Bird Reactions and Scaring Devices (6–26–68).

Transmits a report on bird species and their responses and reactions to scaring devices.

150/5200–10 Airport Emergency Operations Planning (7–26–68).

Provides guidance to airport management and disaster control personnel in the preparation of plans for emergency actions at civil airports.

150/5200–11 Airport Terminals and the Physically Handicapped (11–27–68).

Discusses the problems of the physically handicapped air traveler and suggests features that can be incorporated in modification or new construction of airport terminal buildings.

150/5210–2 Airport Emergency Medical Facilities and Services (9–3–64).

Provides information and advice so that airports may take specific voluntary preplanning actions to assure at least minimum first-aid and medical readiness appropriate to the size of the airport in terms of permanent and transient personnel.

150/5210–4 FAA Aircraft Fire and Rescue Training Film, "Blanket for Survival" (10–27–65).

Provides information on the purpose, content, and availability of the subject training film.

150/5210–5 Painting, Marking, and Lighting of Vehicles Used on an Airport (8–31–66).

Makes recommendations concerning safety, efficiency, and uniformity in the interest of vehicles used on the aircraft operational area of an airport.

150/5210–6 Aircraft Fire and Rescue Facilities and Extinguishing Agents (9–7–66).

Furnishes guidance for estimating the facilities necessary to provide adequate aircraft fire and rescue service at civil airports.

150/5210–7 Aircraft Fire and Rescue Communications (10–28–66).

Provides airport management with information helpful in the establishment of communication and alarm facilities. Such facilities alert and guide those personnel who must deal with aircraft ground emergencies.

150/5210–8 Aircraft Firefighting and Rescue Personnel and Personnel Clothing (1–13–67).

Provides guidance concerning the manning of aircraft fire and rescue trucks, the physical qualifications that personnel assigned to these trucks should meet, and the protective clothing with which they should be equipped.

150/5210–9 Airport Fire Department Operating Procedures During Periods of Low Visibility (10–27–67).

Suggests training criteria which airport management may use in developing minimum response times for aircraft fire and rescue trucks during periods of low visibility.

150/5210–10 Airport Fire and Rescue Equipment Building Guide (12–7–67).

The title is self-explanatory.

150/5210–11 Response to Aircraft Emergencies (4–15–69).

Informs airport operators and others of an existing need for reducing aircraft firefighting response time, and outlines a uniform response time goal of 2 minutes within aircraft operational areas on airports.

150/5220–1 Guide Specification for a Light-Weight Airport Fire and Rescue Truck (7–24–64).

Describes a vehicle with performance capabilities considered as minimum for an acceptable light rescue truck.

150/5220–2 Guide Specification for 1,800-Gallon Aircraft Fire and Rescue Truck (7–24–64).

Describes a vehicle possessing the minimum performance capabilities recommended for an acceptable aircraft fire and rescue truck.

150/5220–3 Guide Specification for 1,000-Gallon Aircraft Fire and Rescue Truck (3–9–67).

The title is self-explanatory.

150/5220–4 Water Supply Systems for Aircraft Fire and Rescue Protection (12–7–67).

The title is self-explanatory.

150/5220–5 Guide Specification for a Combination Foam and Dry Chemical Aircraft Fire and Rescue Truck (12–29–67).

Specification requirements developed by FAA to assist airport management in developing local procurement specifications for fire and rescue trucks.

150/5220–6 Guide Specification for 1,000-Gallon Tank Truck (4–10–68).

Assists airport management in the development of local procurement specifications.

150/5220–7 Guide Specification for 2,500-Gallon Aircraft Fire and Rescue Truck (8–30–68).

Guide Specification developed to assist airport management in the development of local procurement specifications.

150/5230–1 Suggestions for Airport Safety Self-Inspection (3–30–64).

Summarizes the functional statements, procedures, forms, and schedules on safety self-inspection now in use at many U.S. civil airports.

150/5230–2 Guide Specification for Fire Extinguishing System (Foam) for Heliports (4–14–65).

Contains guidance material which may be used by airport management in the development of local procurement specifications.

150/5230–3 Fire Prevention During Aircraft Fueling Operations (4–8–69).

This advisory circular provides information on fire preventative measures which aircraft servicing personnel should observe during fueling operations.

CIVIL AIRPORTS EMERGENCY PREPAREDNESS

150/5240–1A Airport Disaster Control Guide (10–31–67).

Acts as a guide to reducing or avoiding problems imposed by enemy nuclear attack.

DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL

150/5300–2 Airport Design Requirements for Terminal Navigational Aids (3–30–64).

Provides information regarding location, functions, and citing requirements of air navigation aids on and in the immediate vicinity of airports.

150/5300–3 Adaptation of TSO–N18 Criterion to Clearways and Stopways (10–18–64).

Sets forth standards recommended by the FAA for guidance of the public for

the adaptation of TSO–N18 criterion to clearways and stopways.

150/5300–5 Airport Reference Point (9–26–68).

Defines and presents the method for calculating an airport reference point.

150/5310–2 Airport Planning and Airport Layout Plans (9–19–68).

Contains guidance material for airport planning and preparation of airport layout plans. It applies to any airport. It is also used as a basis for determining the acceptability of airport layout plans prepared or revised with Federal cost participation under the Federal-aid Airport Program.

150/5310–3 FAA Order 5310.2, Relocating Thresholds Due to Obstructions at Existing Runways (5–27–68).

Announces the issuance of instructions to FAA field personnel on the displacement or relocation of thresholds.

150/5320–6A Airport Paving (5–9–67).

Provides data for the design and construction of pavements at civil airports.

150/5320–6A CH 1 (6–11–68).

Transmits page changes and adds new chapter 6 to basic AC.

150/5325–2A Airport Surface Areas Gradient Standards (5–12–66).

Sets forth standards recommended by FAA for guidance of the public in establishing the gradient of airport surface areas used for landing, takeoff, and other aircraft ground movement.

150/5325–3 Background Information on the Aircraft Performance Curves for Large Airplanes (1–26–65).

Provides airport designers with information on aircraft performance curves for design which will assist them in an objective interpretation of the data used for runway length determination.

150/5325–3 CH 1 (5–12–66).

Transmits a revision to the effective runway gradient standards.

150/5325–4 Runway Length Requirements for Airport Design (4–5–65).

Presents aircraft performance curves and sets forth standards for the determination of runway lengths to be provided at airports. The use of these standards is required for project activity under the Federal-aid Airport Program when a specific critical aircraft is considered as the basis for the design of a runway.

150/5325–4 CH 1 (8–5–65).

Provides amended information for the basic advisory circular and includes aircraft performance curves for the BAC 1–11.

150/5325–4 CH 2 (9–21–65).

Transmits aircraft performance curves for the Boeing 707–300C and the Fairchild F–27 and F–27B.

150/5325–4 CH 3 (4–25–66).

Transmits aircraft performance curves for the Douglas DC–8–55, DC–8F–55, and DC–9–10 Series, the Fairchild F–27J, and the Nord 262.

150/5325–4 CH 4 (5–12–66).

Transmits a revision to the effective runway gradient standards.

150/5325–4 CH 5 (7–13–66).

Transmits aircraft performance curves for the Douglas DC–9–10 Series equipped with Pratt & Whitney JT8D–1 Engines.

150/5325–4 CH 6 (12–8–66).

It is recommended that turbojet powered aircraft use more runway length when landing under wet or slippery, rather than under dry conditions. This change furnishes a basis for estimating the additional recommended length.

150/5325–4 CH 7 (2–7–67).

Presents designs curves for landing and takeoff requirements of airplanes in common use in the civil fleet. Also presented are instructions on the use of these design curves and a discussion of the factors considered in their development.

150/5325–4 CH 8 (11–8–67).

Transmits aircraft performance curves for the Boeing 747, Convair 640 (340D or 440D), and Douglas DC–9–30 Series.

150/5325–5A Aircraft Data (1–12–68).

Presents a listing of principal dimensions of aircraft affecting airport design for guidance in aircraft development.

150/5325–6 Effects of Jet Blast (4–15–65).

Presents the criteria for treatment of jet blast effects which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5325–7 Is Your Airport Ready for the Boeing 747 (1–23–68).

Presents a preliminary condensed survey of today's airport design criteria and their suitability to the presently known characteristics of the Boeing 747 airplane.

150/5330–2A Runway/Taxiway Widths and Clearances for Airline Airports (7–26–68).

Presents the Federal Aviation Administration recommendations for landing strip, runway, and taxiway widths and clearances at airports served by certificated air carriers.

150/5330–3 Wind Effect on Runway Orientation (5–5–66).

Provides guidance for evaluating wind conditions and determining their effect on the orientation of runways.

150/5335–1 Airport Taxiways (1–28–65).

Provides the criteria for airport taxiways which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5335–1 CH 1 (11–15–66).

Taxiways designed for two- and three-engine jet powered air carrier airplanes may have a minimum width of 60 feet. This change provides guidance for the design of such taxiway design widths.

150/5335–2 Airport Aprons (1–27–65).

Provides the criteria for airport aprons which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5340–1B Marking of Serviceable Runways and Taxiways (4–2–69).

Sets forth standards and practices for the guidance of the public in marking and remarking serviceable runways and taxiways. Required for FAAP.

150/5340–4A Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (8–4–66).

Describes standards for the design and installation of runway centerline and touchdown zone lighting systems.

150/5340–5 Segmented Circle Airport Marker System (8–1–63).

Recommends an airport marking system of pilot aids and traffic control devices. Required for FAAP project activity.

150/5340–7A Marking and Lighting of Deceptive, Closed, and Hazardous Areas on Airports (1–10–68).

Describes standards for marking deceptive, closed, and hazardous areas on airports.

150/5340–8 Airport 51-foot Tubular Beacon Tower (6–11–64).

Provides design and installation details on the subject tower.

150/5340–9 Prefabricated Metal Housing for Electrical Equipment (8–18–64).

Provides design and installation details on the subject metal housing.

150/5340–13A High Intensity Runway Lighting System (4–14–67).

Provides corrected curves for estimating loads in high intensity series circuits.

150/5340–14A Economy Approach Lighting Aids (3–7–67).

Describes standards for the design, installation, and maintenance of economy approach lighting aids.

150/5340–15A Taxiway Edge Lighting System (11–1–67).

Describes standards for the design, installation, and maintenance of a taxiway edge lighting system.

150/5340–15A CH 1 (4–2–68).

Transmits change to basic AC.

150/5340–16A Medium Intensity Runway Lighting System (12–19–67).

Describes standards for the design, installation, and maintenance of a medium intensity runway lighting system.

150/5340–17 Standby Power for Non-FAA Airport Lighting Systems (1–25–68).

Describes standards acceptable for the design, installation, and maintenance of standby power for nonagency owned airport visual aids associated with the National Airspace System.

150/5340–18 Taxiway Guidance System (9–27–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway guidance sign system.

150/5340–19 Taxiway Centerline Lighting System (11–14–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway centerline lighting system.

150/5340–20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines (2–17–69).

Describes standards for the installation and maintenance of reflective markers for airport runway and taxiway centerlines.

150/5345–1B Approved Airport Lighting Equipment (10–30–68).

Contains lists of approved airport lighting equipment and manufacturers qualified to supply such equipment.

150/5345–2 Specification for L–810 Obstruction Light (11–4–63).

Required for FAAP project activity.

150/5345–2 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–3A Specification for L–821 Airport Lighting Panel for Remote Control of Airport Lighting (10–20–67).

Required for FAAP project activity.

150/5345–3A CH 1 (6–11–68).

Corrects case dimensions for the size 4 panel and other page changes.

150/5345–4 Specification for L–289 Internally Lighted Airport Taxi Guidance Sign (10–15–63).

Required for FAAP project activity.

150/5345–4 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–5 Specification for L–847 Circuit Selector Switch, 5000 Volt 20 Ampere (9–3–63).

Required for FAAP project activity.

150/5345–6 Specification for L–809 Airport Light Base and Transformer Housing (9–3–63).

Required for FAAP project activity.

150/5345–7 Specification for L–824 Underground Electrical Cables for Airport Lighting Circuits (11–4–63).

Required for FAAP project activity.

150/5345–9B Specification for L–819 Fixed Focus Bidirectional High Intensity Runway Lights (6–27–67).

Describes the subject specification requirements.

150/5345–10B Specification for L–828 Constant Current Regulator With Stepless Brightness Control (4–8–68).

Required for FAAP project activity.

150/5345–11 Specification for L–812 Static Indoor Type Constant Current Regulator Assembly, 4 Kw and 7½ Kw, With Brightness Control for Remote Operation (3–2–64).

Required for FAAP project activity.

150/5345–12A Specification for L–801 Beacon (5–12–67).

Describes the subject specification requirements.

150/5345–13 Specification for L–841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1–6–64).

Required for FAAP project activity.

150/5345–14 Specification for L–827 "A" Frame Hinged Support for 12-Foot Wind Cone (2–13–64).

Required for FAAP project activity.

150/5345–14 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–15 Specification for L–842 Airport Centerline Light (1–6–64).

Required for FAAP project activity.

150/5345–16 Specification for L–843 Airport In-Runway Touchdown Zone Light (1–20–64).

Required for FAAP project activity.

150/5345–17 Specification for L–845 Semiflush Inset Prismatic Airport Light (3–3–64).

Describes the subject specification requirements.

150/5345–18 Specification for L–811 Static Indoor Type Constant Current Regulator Assembly, 4 Kw; With Brightness Control and Runway Selection for Direct Operation (3–3–64).

Required for FAAP project activity.

150/5345–18 CH 1 (5–28–64).

Advises that a detail requirement is not applicable to the circular.

150/5345–19 Specification for L–838 Semiflush Prismatic Airport Light (5–11–64).

Describes the subject specification requirements.

150/5345–20 Specification for L–802 Runway and Strip Light (6–24–64).

Describes the subject specification requirements.

150/5345–20 CH 1 (8–31–64).

Provides amended information for the basic advisory circular.

150/5345–20 CH 2 (1–14–66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345–20 CH 3 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–21 Specification for L–813 Static Indoor Type Constant Current Regulator Assembly; 4 Kw and 7½ Kw; for Remote Operation of Taxiway Lights (7–28–64).

Describes the subject specification requirements.

150/5345–22 Specification for L–834 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit (10–8–64).

Describes the subject specification requirements.

150/5345–23 Specification for L–822 Taxiway Edge Light (10–13–64).

Describes the subject specification requirements.

150/5345–23 CH 1 (1–14–66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345–23 CH 2 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–24 Specification for L–849 Condenser Discharge Type Flashing Light (6–30–65).

Describes the subject specification requirements for a condenser discharge type flashing light.

150/5345–24 CH 1 (6–14–66).

Deletes a detail requirement.

150/5345–25 Specification for L–848 Medium Intensity Approach Light Bar Assembly (6–30–65).

Describes the subject specification requirements for a medium intensity approach light bar assembly.

150/5345–26 Specification for L–823 Plug and Receptacle, Cable Connectors (10–5–64).

Describes the subject specification requirements.

150/5345–27 Specification for L–807 8-Foot Illuminated Wind Cone (2–10–65).

Describes the subject specification requirements for an illuminated wind cone for the guidance of the public. Required for FAAP project activity.

150/5345–27 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–28 Specification for L–851 Abbreviated Visual Approach Slope Indicator System (10–28–66).

Describes the subject specification requirements for abbreviated visual approach slope indicator system (AVASI) equipment.

150/5345–29 FAA Specification L–852, Light Assembly, Airport Taxiway Centerline (3–18–68).

Describes, for public guidance, FAA Specification L–852 which establishes the performance requirements and pertinent construction details for bidirectional semiflush inset light assemblies for lighting airport taxiway centerlines.

150/5345–30A Specification for L–846 Electrical Wire for Lighting Circuits To Be Installed in Airport Pavements (2–3–67).

Describes, for the guidance of the public, subject specification requirements for electrical wire.

150/5345–31 Specification for L–833 Individual Lamp Series-to-Series Type Insulating Transformer for 600 Volt or 3,000 Volt Series Circuits (12–3–64).

Describes the subject specification requirements.

150/5345–32 Specification for L–837 Large-Size Light Base and Transformer Housing (1–13–65).

Describes the subject specification requirements.

150/5345–33 Specification for L–844 Individual Lamp Series-to-Series Type Insulating Transformer for 5000 Volt Series Circuit 20/6.6 Amperes 200 Watt (1–13–65).

Describes the subject specification requirements.

150/5345–34 Specification for L–839 Individual Lamp Series-to-Series Type Insulating Transformer for 5000 Volt Series Circuit 6.6/20 Amperes 300 Watt (1–13–65).

Describes the subject specification requirements.

150/5345–35 Specification for L–816 Circuit Selector Cabinet Assembly for 600 Volt Series Circuits (1–28–65).

Describes the subject specification requirements.

150/5345–36 Specification for L–808 Lighted Wind Tee (2–3–65).

Describes the subject specification requirements.

150/5345–37B FAA Specification L–850, Light Assembly Airport Runway Centerline and Touchdown Zone (1–8–68).

Revises subject light assembly.

150/5345–38 Changes to Airport Lighting Equipment (3–23–67).

The title is self-explanatory.

150/5345–39 FAA Specification L–853, Runway and Taxiway Centerline Reflective Markers (1–10–69).

Describes specification requirements for L–853 Runway and Taxiway reflective markers for guidance of the public.

150/5345–40 Specification for L–854 Radio Controls (3–21–69).

Describes specification requirements for guidance of the public.

150/5355–1 Diagrammatic Maps and Location Signs at Airports (3–21–69).

Informs airport authorities of the desirability to provide diagrammatic maps of facilities within terminal buildings and of the need for clearly marked locations signs at airports, especially at those used by international travelers.

150/5360–1 Airport Service Equipment Buildings (4–6–64).

Provides guidance on design of buildings for housing equipment used in maintaining and repairing operational areas.

150/5360–2 Airport Cargo Facilities (4–6–64).

Provides guidance material on air cargo facilities.

150/5360–3 Federal Inspection Service Facilities at International Airports (4–1–66).

Describes and illustrates recommended facilities for inspection of passengers, baggage, and cargo entering the United States through international airport terminals. The material is for the guidance of architect-engineers and others interested in the planning and design of these airport facilities.

150/5370–2 Safety on Airports During Construction Activity (4–22–64).

Provides guidelines concerning safety at airports during periods of construction activity.

150/5380–1 Airport Maintenance (4–14–63).

Provides a basic checklist and suggestions for an effective airport maintenance program.

150/5380–2A Snow Removal Techniques Where In-Pavement Lighting Systems Are Installed (12–24–64).

Provides information on damage to in-pavement lighting fixtures by snow removal equipment and recommends procedures to avoid such damage.

150/5380–3 Cleaning of Runway Contamination (6–28–68).

Provides information to the aviation industry relative to cleaning rubber deposits, oil, grease, and jet aircraft exhaust deposits from runway surfaces.

150/5380–4 Ramp Operations During Periods of Snow and Ice Accumulation (9–11–68).

Directs attention to an increased accident potential when snow or ice accumulates on the surfaces of ramps and aircraft parking and holding areas and suggests some measures to reduce this potential.

150/5390–1 Heliport Design Guide (11–3–64). (Consolidated reprint 6–10–68 includes Change 1.)

Contains design guidance material for the development of heliports, both surface and elevated, to serve single- and multi-engine helicopters operating under visual flight rules.

Air Navigational Facilities

SUBJECT NO. 170

170–1 Operation and Use of Approved Lights (ALS) and Sequenced Flashing Lights (SFL) Systems (1–14–63).

Advises airspace users of the operation and use of the ALS and SFL systems.

170–2 Implementation of ILS Channels 11 Through 20 (10–16–63).

Advertises that ILS Channels 11 through 20 are now being used in the United States and encourages owners to equip their aircraft with 20-channel capability.

170–3B Distance Measuring Equipment (DME) (11–8–65).

Presents information on DME and some of its uses to pilots unfamiliar with this navigational aid.

170–6A Use of Radionavigation Test Generators (3–30–66).

Gives information received from the Federal Communications Commission as to the frequencies on which the FCC will license test generators (used to radiate a radionavigation signal) within the scope of its regulations and gives additional information to assist the user when checking aircraft navigation receivers.

170/6850–1 Aeronautical Beacons and True Lights (8–28–68).

Describes FAA standards for the installation and operation of aeronautical beacons serving as true lights.

170–7 Decommissioning of ILS Middle Compass Locators (10–29–65).

Disseminates information regarding the FAA program for decommissioning of compass locators associated with ILS middle markers.

170–8 Use of Common Frequencies for Instrument Landing Systems Located on Opposite Ends of the Same Runway (11–7–66).

In the future, common frequencies may be assigned to like components of two instrument landing systems serving opposite ends of the same runway. This will include the localizers, glide slopes, and associated outer and middle marker compass locators (LOM and LMM).

170–9 Criteria for Acceptance of Ownership and Servicing of Civil Aviation Interest(s) Navigational and Air Traffic Control Systems and Equipment (11–26–68).

Contains a revised FAA policy under which the FAA accepts conditional ownership of equipment and systems from civil aviation interests, without the use of Federal funds, and operates, maintains, and provides the logistic support of such equipment.

171–1 Estimating Packing and Shipping Costs for Export Shipments for ATC and Navaid Equipments (2–18–66).

Assists personnel engaged in preparing packing and shipping estimates of air navigation and traffic control equipments for overseas shipment.

Administrative

SUBJECT NO. 180

183.29–1D Designated Engineering Representatives (2–28–69).

Lists the Designated Engineering Representatives available for consulting work. Designated Engineering Representatives, as direct representatives of the Federal Aviation Administration, are authorized to approve certain types of data as complying with the Federal Aviation Regulations within particular categories; such as structural, systems and equipment, powerplant, flight analyst, flight test pilot, and engine.

Flight Information

SUBJECT NO. 210

210–1 National Notice to Airmen System (2–8–64).

Announces FAA policy for the preparation and issuance of essential flight information to pilots and other aviation interests.

210–2 Schedule of Effective Dates for Flight Information (6–26–68).

Announced a 1-week shift in the U.S. schedule for effective dates for flight information.

211–1 Content Criteria for Airman's Information Manual (3–15–66).

Announces the FAA policy for inclusion of aeronautical data in the Airman's Information Manual (AIM).

211–2 Recommended Standards for IFR Aeronautical Charts (3–20–67).

Sets forth standards recommended by the Federal Aviation Administration for the guidance of the public in the issuance of IFR, aeronautical charts for use in the National Airspace System (NAS).

211–3 Aviation Fuel Code Used in Flight Information Publications (5–19–67).

Transmits information concerning the change in aviation fuel codes used in FAA reports and publications, NATO symbols to be used.

PART II

General

SUBJECT NO. 00

00–6 Aviation Weather (5–20–65).

Provides an up-to-date and expanded text for pilots and other flight operations personnel whose interest in meteorology is primarily in its application to flying. Published in 1965. ($2.25 GPO.) FAA 5.8/2 : W 37.

00–25 Forming and Operating a Flying Club (3–24–69).

Provides preliminary information that will assist anyone or any group of people interested in forming and operating a flying club. ($0.35 GPO). TD 4.8 : F 67.

Aircraft

SUBJECT NO. 20

20–6K U.S. Civil Aircraft Register (1–1–69).

Lists all active U.S. civil aircraft by registration number. Published in 1969. ($11.50 GPO.) TD 4.18/2 : 969.

20–7E General Aviation Inspection Aids, Summary (August 1968).

Provides the aviation community with a uniform means for interchanging service experience that may improve the durability and safety of aeronautical products. Of value to mechanics, operators of repair stations, and others engaged in the inspection, maintenance, and operation of aircraft in general. ($2, $2.50 foreign—Sub. GPO.) TD 4.409 : 968.

20–7E Supplement 1 (September 1968).

20–7E Supplement 2 (October 1968).

20–7E Supplement 3 (November 1968).

20–7E Supplement 4 (December 1968).

20–7E Supplement 5 (January 1969).

20–7E Supplement 6 (February 1969).

20–7E Supplement 7 (March 1969).

20–7E Supplement 8 (April 1969).

20–7E Supplement 9 (May 1969).

20–9 Personal Aircraft Inspection Handbook (12–2–64).

Provides a general guide, in simple, nontechnical language, for the inspection of aircraft. Reprinted 1967. ($1 GPO.) FAA 5.8/2 : Ai 7/2.

20–50 Ultrasonic Nondestructive Testing (11–9–66).

Provides FAA personnel and the general aviation public with some of the theory and processes of ultrasonic testing which will assist them in the more advanced uses of this system for the inspection of aircraft and aircraft components during manufacture or maintenance. ($0.45 GPO.) TD 4.8 : Ul 8.

21–3 Basic Glider Criteria Handbook (1962).

Provides individual glider designers, the glider industry, and glider operating organizations with guidance material that augments the glider airworthiness certification requirements of the Federal Aviation Regulations. Reprinted 1969. ($1 GPO.) FAA 5.8/2: G 49/962.

43.13–1 Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair (5–16–66).

Contains methods, techniques, and practices acceptable to the Administrator for inspection and repair to civil aircraft. Published in 1965. ($3—Sub. GPO.) FAA 5.15 : 965.

Subscription now includes: Ch. 1 (5–1–67); Ch. 2 (8–9–67); Ch. 3 (1–24–68); Ch. 4 (1–29–68); Ch. 5 (9–20–68).

43.13–2 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (4–19–66).

Contains methods, techniques, and practices acceptable to the Administrator in altering civil aircraft. Published in 1965. ($2—Sub. GPO.) FAA 5.16 : 965.

Subscription now includes: Ch. 1 (1–12–67); Ch. 2 (5–26–67); Ch. 3 (6–26–67); Ch. 4 (9–12–67); Ch. 5 (11–9–67); Ch. 6 (4–12–68).

Airmen

SUBJECT NO. 60

61–2A Private Pilot (Airplane) Flight Training Guide (9–1–64).

Contains a complete private pilot flight training syllabus which consists of 30 lessons. Published in 1964. ($1 GPO.) FAA 5.8/2: P 64/4/964.

61–3B Flight Test Guide—Private Pilot—Airplane—Single Engine (4–2–68).

Assists the private pilot applicant in preparing for his certification flight test. Published in 1968. ($0.20 GPO.) TD 4.408 : P 64/2.

61–4B Flight Test Guide—Multiengine Airplane Class or Type Rating (4–1–68).

Assists the private pilot applicant in preparing for certification or rating flight tests. Published in 1968. ($0.15 GPO.) TD 4.408 : M 91.

61–8A Instrument Pilot Examination Guide (1–12–66).

Assists pilots in preparing for the Instrument Pilot Examination. Reprinted 1969. ($0.55 GPO.) FAA 5.8/2 : In 7/966.

61–9 Pilot Transition Courses for Complex Single-Engine and Light Twin-Engine Airplanes (6–16–64).

Provides training syllabuses and check-out standards for pilots who seek to qualify on additional types of airplanes. Published in 1964. ($0.15 GPO.) FAA 5.8/2 : P 64/7.

61–10 Private and Commercial Pilots Refresher Courses (9–1–64).

Provides a syllabus of ground instruction periods and training lessons. Published in 1964. ($0.15 GPO.) FAA 5.8/2 : P 64/9.

61–11A Airplane Flight Instructor Written Test Guide (9–5–67).

Provides information to prospective airplane flight instructors about certification requirements, application procedures, and reference study materials; a sample examination is presented with explanations of the correct answers. Published in 1967. ($0.60 GPO.) TD 4.408 : In 7.

61–12C Student Pilot Guide (10–3–68).

Serves as a guide for prospective student pilots and presents general procedures for obtaining student and private pilot certificates. Published in 1969. ($0.20 GPO.) TD 4.8 : P 64/968.

61–13 Basic Helicopter Handbook (1–20–66).

Provides detailed information to applicants preparing for private, commercial, and flight instructor pilot certificates with a helicopter rating about helicopter aerodynamics, performance, and flight maneuvers. It will also be useful to certificated helicopter flight instructors as an aid in training students. Published in 1965. ($0.75 GPO.) FAA 5.8/2 : H 36.

61–14 Flight Instructor Practical Test Guide (1–19–65).

Provides assistance to the certificated pilot in preparing for the practical demonstration required for the issuance of the flight instructor certificate. Published in 1964. ($0.10 GPO.) FAA 5.8/2 : F 64/8.

61–16 Flight Instructor's Handbook (1–19–65).

Contains study and reference material on the principles of teaching and flight training procedures. Reprinted 1939. ($1.25 GPO.) FAA 5.8/2 : F 64/7.

61–17A Flight Test Guide—Instrument Pilot Airplane (6–6–67).

Provides assistance for the instrument pilot applicant in preparing for his instrument rating flight test. Published in 1967. ($0.10 GPO.) TD 4.408 : In 7/2.

61–18B Airline Transport Pilot (Airplane) Written Test Guide (7–1–68).

Describes the type and scope of aeronautical knowledge covered by the written examination, lists appropriate references for study, and presents sample examination questions. Published in 1968. ($0.55 GPO.) TD 4.408 : P 64/3.

61–21 Flight Training Handbook (1–11–66).

Provides information and direction in the introduction and performance of training maneuvers for student pilots, pilots requalifying or preparing for additional ratings, and flight instructors. Published in 1965. ($0.70 GPO.) FAA 1.8 : F 64/4.

61–23 Private Pilot's Handbook of Aeronautical Knowledge (5–27–66).

Contains essential, authoritative information used in training and guiding applicants for private pilot certification, flight instructors, and flying school staffs. Published in 1966. ($2.75 GPO.) FAA 5.8/2 : P 64/5/965.

61–25 Flight Test Guide—Helicopter, Private and Commercial Pilot (12–7–65).

Assists the helicopter pilot applicant in preparing for the certification flight tests; provides information concerning applicable procedures and standards. Published in 1965. ($0.10 GPO.) FAA 1.8 : H 36/2.

61–27A Instrument Flying Handbook (4–30–68).

Provides the pilot with basic information needed to acquire an FAA instrument rating. It is designed for the reader who holds at least a private pilot certificate and is knowledgeable in all areas covered in the "Private Pilot's Handbook of Aeronautical Knowledge." Published in 1969. ($2.50 GPO.) TD 4.408 : In 7/3.

61–28 Commercial Pilot Examination Guide (5–17–66).

Guides prospective applicants toward a clear understanding of the requirements, the reference material, the form of the examination, and the examining procedures. Published in 1966. ($0.75 GPO.) FAA 5.8/2 : P 64/3/966.

61–29 Instrument Flight Instructor Written Examination Guide (9–28–66).

Designed to aid those preparing for the Instrument Flight Instructor Written Examination, this guide outlines basic knowledge necessary to an instrument flight instructor, indicates sources helpful in acquiring this knowledge, and provides sample questions and answers for practice. Published in 1966. ($0.50 GPO.) FAA 1.8 : In 7.

61–30 Flight Test Guide—Gyroplane, Commercial Pilot (2–8–66).

Assists commercial pilot operator in preparing for certification test. Revised in 1966. ($0.15 GPO.) FAA 5.8/2 : G 99/2/966.

61–32 Private Pilot Written Examination Guide (8–15–67).

A combination workbook, written test guide. Includes 71 exercises covering every section of the Private Pilot's Handbook of Aeronautical Knowledge plus a sample written test presented in a fashion similar to the current Private Pilot Written Examination. Reprinted in 1969. ($1.75 GPO.) TD 4.408: P 64.

61–34 Federal Aviation Regulations Written Examination Guide for Private, Commercial, and Military Pilots (11–17–67).

Outlines the scope of the basic knowledge required of civilian pilots who are studying regulations as they pertain to certification of private and commercial pilots. Additionally, it accomplishes the same for military pilots or qualified former military pilots who are applying for FAA private or commercial pilot certificates on the basis of military competency. Reprinted 1969. ($0.50 GPO.) TD 4.8 : P 64.

61–42 Airline Transport Pilot (Helicopter) Written Test Guide (11–7–67).

Provides guidance to applicants preparing for the Airline Transport Pilot Rotorcraft/Helicopter (VFR and/or IFR) Written Tests. Describes the type and scope of required aeronautical knowledge covered by the written test. ($0.25 GPO.) TD 4.408 : H 36.

61.117–1C Flight Test Guide—Commercial Pilot, Airplane (2–7–69).

Assists the commercial applicant in preparing for his certification flight test. ($0.20 GPO.) TD 4.8 : P 64/3.

63–1A Flight Engineer Written Test Guide (5–10–68).

Contains information about certification requirements and describes the type and scope of the examination. It also lists appropriate study and reference material and presents sample examinations with test items similar to those found in the official examinations. Published in 1968. ($0.50 GPO.) TD 4.408 : En 3.

63–2 Flight Navigator Written Examination Guide (10–26–66).

This circular: (1) Outlines the scope of the basic aeronautical knowledge requirements for a Flight Navigator; (2) acquaints the applicant with source material that may be used to acquire this basic knowledge; and (3) presents a sample examination, answers and explanations to the sample examination test items, and other data used in the current Flight Navigator Written Examinations. Published in 1967. ($0.25 GPO.) FAA 5.8/2 : F 64/10.

65–2A Airframe and Powerplant Mechanics Certification Guide (10–12–67).

Provides information to prospective airframe and powerplant mechanics and other persons interested in FAA certification of aviation mechanics. Reprinted in 1969. ($0.65 GPO.) TD 4.8 : Ai 7/6.

65–4A Aircraft Dispatcher Written Test Guide (8–16–68).

Describes the type and scope of aeronautical knowledge covered by the aircraft dispatcher written examination, lists reference materials, and presents sample questions. Published in 1969. ($0.50 GPO.) TD 4.8 : Ai 7/12.

65–5 Parachute Rigger Certification Guide (6–19–67).

Provides information on how to apply for a parachute rigger certificate or rating and assists the applicant in preparing for the written, oral, and practical tests. Published in 1968. ($0.15 GPO.) TD 4.8 : P 21.

Airspace

SUBJECT NO. 70

70/7460–1 Obstruction Marking and Lighting (2–29–68). (Consolidated reprint includes change 1, 1969)

Describes the agency standards on obstruction marking and lighting and establishes the methods, procedures, and

equipment types as official FAA policy. ($0.60 GPO.) TD 4.8 : Ob 7/968.

Air Traffic Control and General Operations

SUBJECT No. 90

91.11–1 Guide to Drug Hazards in Aviation Medicine (7–19–63).

Lists all commonly used drugs by pharmacological effect on airmen with side effects and recommendations. Published in 1962. ($0.35 GPO.) FAA 7.9 : D 84.

91–15 Terrain Flying (2–2–67).

A pocket-size booklet designed as a tool for the average private pilot. Contains a composite picture of the observations, opinions, warnings, and advice from veteran pilots who have flown this vast land of ours that can help to make flying more pleasant and safer. Tips on flying into Mexico, Canada, and Alaska. ($0.55 GPO.) TD 4.2 : T 27.

Schools and Other Certificated Agencies

SUBJECT No. 140

143–1B Ground Instructor Examination Guide—Basic—Advanced (4–18–67).

Designed to assist applicants preparing for the Basic or Advanced Ground Instructor Written Examination by outlining the required knowledge and by providing sample questions for practice. Revised in 1967. ($1 GPO.) TD 4.408 : G 91.

143–2A Ground Instructor—Instrument—Written Test Guide (9–29–67).

Provides information to applicants for the instrument ground instructor rating about the subject areas covered in the examination and illustrated by a study outline, a list of study materials, and a sample examination with answers. Reprinted in 1969. ($0.70 GPO.) TD 4.8: G 91.

Airports

SUBJECT No. 150

DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL

150/5300–4A Utility Airports—Air Access to National Transportation (5–6–69).

Presents recommendations of the Federal Aviation Administration for the design of utility airports. These airports are developed for general aviation operations and this guide has been prepared to encourage and guide persons interested in their development. ($1.75 GPO.) TD 4.8 : Ai 7/968.

150/5320–5A Airport Drainage (1–28–66).

Provides guidance for airport managers, engineers, and the public in the design and maintenance of airport drainage systems. Published in 1965. ($0.45 GPO.) FAA 8.8 : D 78.

150/5370–1A Standard Specifications for Construction of Airports (5–28–68).

Contains specification items for construction of airports and other related information. Acceptable for FAAP project activity. Published in 1968. ($3.50 GPO.) TD 4.24 : 968.

Internal Directives

Contractions Handbook, 7340.1A (1–1–69).

Gives approved word and phrase contractions used by personnel connected with air traffic control, communications, weather, charting and associated services. ($1 GPO.) TD 4.308 : C 76.

Contractions Handbook, 7340.1A CH 1 (1–14–69).

($0.15 GPO.) TD 4.308 : C 76.

Location Identifiers, 7350.1L.

Incorporates all authorized 3-letter location identifiers for special use in United States, worldwide, and Canadian assignments. Dated 5–15–69. ($6 Sub.—GPO.) TD 4.310:.

Flight Services, 7110.10 (4–1–69).

This handbook consists of two parts. Part I, the basic, prescribes procedures and phraseology for use by personnel providing flight assistance and communications services. Part II, the teletypewriter portion, includes Services A and B teletypewriter operating procedures, pertinent International Teletypewriter Procedures, and the conterminous U.S. Service A Weather Schedules. Supersedes Aeronautical Communications and Pilot Services, dated 3–3–66. ($9-Sub. GPO.) TD 4.308 : F 64.

International Flight Information Manual, Vol. 17 (April 1969).

This Manual is primarily designed as a preflight and planning guide for use by U.S. nonscheduled operators, business and private aviators contemplating flights outside of the United States.

The Manual, which is complemented by the International Notams publication, contains foreign entry requirements, a directory of aerodromes of entry including operational data, and pertinent regulations, and restrictions. It also contains passport, visa, and health requirements for each country. Published annually with quarterly amendments. ($3—Annual Sub. GPO.) TD 4.309 : 16.

International Notams, Vol. 22 (April 1969).

Covers notices on navigational facilities and information on associated aeronautical data generally classified as "Special Notices". Acts as a notice-to-airmen service only. Published weekly. ($5—Annual Sub. GPO.) TD 4.11 :.

Airman's Information Manual:

Part 1—Basic Flight Manual and ATC Procedures.

This part is issued quarterly and contains basic fundamentals required to fly in the National Airspace System; adverse factors affecting Safety of Flight; Health and Medical Facts of interest to pilots; ATC information affecting rules, regulations and procedures; a Glossary of Aeronautical Terms; U.S. Entry and Departure Procedures, including Airports of Entry and Landing Rights Airports; Air Defense Identification Zones (ADIZ); Designated Mountainous Areas; Scatana, and Emergency Procedures. (Annual Sub. $2.50, Foreign mailing—75 cents additional. GPO.) TD 4.12 : pt. 1/.

Part 2—Airport Directory.

This part is issued semiannually and contains a Directory of all Airports, Seaplanes Bases, and Heliports in the conterminous United States, Puerto Rico, and the Virgin Islands which are available for transient civil use. It includes all of their facilities and services, except communications, in codified form. Those airports with communications are also listed in Part 3 which reflects their radio facilities. A list of new and permanently closed airports which updates this part is contained in Part 3.

Included, also, is a list of selected Commercial Broadcast Stations of 100 watts or more of power. (Annual Sub. $4, Foreign mailing—$1 additional. GPO.) TD 4.12 : pt. 2/.

Parts 3 and 3A—Operational Data and Notices to Airmen.

Part 3 is issued every 28 days and contains a Master Alphabetical Index covering all Parts of the AIM; an Airport/Facility Directory containing a list of all major airports with communications; a tabulation of Air Navigation Radio Aids and their assigned frequencies; Parachute Jump Areas; Preferred Routes; Standard Instrument Departures (SIDs); Substitute Route Structures; a Sectional Chart Bulletin, which updates Sectional charts cumulatively; Restrictions to Enroute Navigation Aids; VOR Receiver Check Points; Special General and Area Notices; a tabulation of New and Permanently Closed Airports, which updates Part 2, and Oil Burner Routes.

Part 3A is issued every 14 days and contains Notices to Airmen considered essential to the safety of flight as well as supplemental data to Part 3. (Annual Sub. $18, Foreign mailing—$5 additional. GPO.) TD 4.12 : pt. 3/.

Aircraft Type Certificate Data Sheets and Specifications.

Contains all current aircraft specifications and type certificate data sheets issued by the FAA. Monthly supplements provided. ($20—Sub., Foreign mailing—$5 additional. GPO.) TD 4.15 : 967.

Aircraft Engine and Propeller Type Certificate Data Sheets.

Contains all current aircraft engine and propeller type certificate data sheets and specifications issued by FAA. Monthly supplements provided. ($16—Sub., Foreign mailing—$4 additional. GPO.) TD 4.15/2 : 968.

Summary of Supplemental Type Certificates.

Contains all supplemental type certificates issued by FAA regarding design changes in aircraft, engines, or propellers. List includes description of change, the model and type certificate number, the supplemental type certificate number, and the holder of the change. Quarterly supplements provided. ($9—Sub., Foreign mailing—$3.50 additional. GPO.) FAA 5.12 : 965.

STATUS OF THE FEDERAL AVIATION REGULATIONS

As of May 29, 1969

IMPORTANT NOTICE

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As each volume is issued, an availability notification providing price and an order form will be issued and distributed by the Superintendent of Documents. If you are now on an FAA mailing list to receive Changes to any FAR Part, you will receive this notice.

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FAR part No.	Title	Effective date	Price	Changes
†1	Definitions and Abbreviations	5-15-62		
†11	General Rule-Making Procedures	11-10-62		
†13	Enforcement Procedures	11-10-62		
†15	Nondiscrimination in Federally Assisted Programs of the Federal Aviation Agency	1-30-65		
†21	Certification Procedures for Products and Parts	2- 1-65		
23	Airworthiness Standards: Normal, Utility, and Acrobatic Category Airplanes	2- 1-65	1.25	6
25	Airworth ness Standards: Transport Category Airplanes	2- 1-65	2.25	19
27	Airworthiness Standards: Normal Category Rotorcraft	2- 1-65	.70	3
29	Airworthiness Standards: Transport Category Rotorcraft	2- 1-65	2.00	4
31	Airworthiness Standards: Manned Free Balloons	7- 1-64	.20	2
33	Airworthiness Standards: Aircraft Engines	2- 1-65	.40	3
35	Airworthiness Standards: Propellers	2- 1-65	30	2
†37	Technical Standard Order Authorizations	1- 4-65		
†39	Airworthiness Directives	11-20-64		
†43	Maintenance, Preventive Maintenance, Rebuilding, and Alteration	7- 6-64		
†45	Identificatcn and Registration Marking	4-20-64		
†47	Aircraft Registration	5- 1-66		
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**97	Standard Instrument Approach Procedures	9-30-63	.20	1
†99	Security Control of Air Traffic	9-30-63		
†101	Moored Balloons, Kites, Unmanned Rockets and Unmanned Free Balloons	9-30-63		
†103	Transportation of Dangerous Articles and Magnetized Materials	9-30-63		
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†183	Representatives of the Administrator		Reissued March 1968	
†185	Testimony by Employees and Production of Records in Legal Proceedings			
†187	Fees			
†189	Use of Federal Aviation Administration Communications System			

*Changes to individual airspace designations and airways descriptions, individual restricted areas, and individual jet route descriptions are not included in the basic Parts 71, 73, and 75 respectively because of their length and complexity. Such changes are published in the FEDERAL REGISTER and are included on appropriate aeronautical charts.

**Due to the complexity, length, and frequency of issuance, en route IFR altitudes and instrument approach procedures are published in the FEDERAL REGISTER, the Airman's Information Manual, and are depicted on the aeronautical charts. Therefore, they are not included in the basic Parts 95 and 97.

CHARLES H. MCKEON,
Manager, Headquarters Operations.

MARY E. HEALY,
Acting Manager, Headquarters Operations.

[F.R. Doc. 69-8161; Filed, July 10, 1969; 8:45 a.m.]

FEDERAL REGISTER

VOLUME 34 • NUMBER 133

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Pages 11533–11574

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Agencies in this issue—

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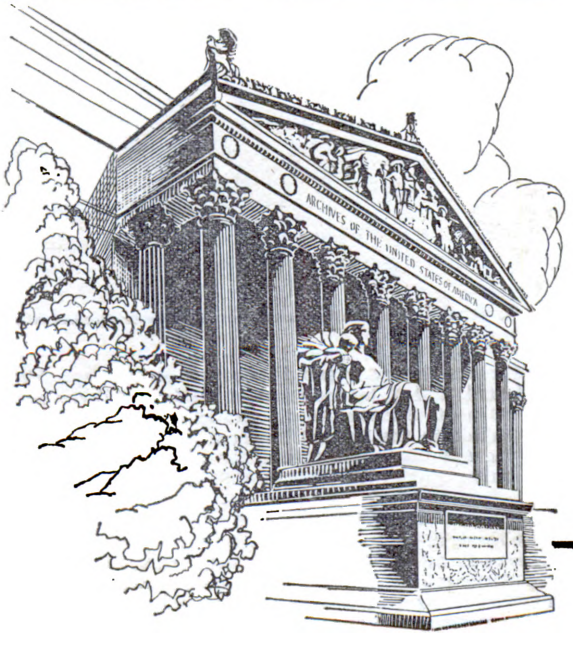

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one position of Special Assistant to the Commissioner of Customs (Organized Crime and Smuggling), Bureau of Customs, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) is added to paragraph (c) of § 213.3305 as set out below.

§ 213.3305 Treasury Department.

* * * * *

(c) *Bureau of Customs.* * * *

(3) One Special Assistant to the Commissioner of Customs (Organized Crime and Smuggling).

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8241; Filed, July 11, 1969; 8:47 a.m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Sections 352.508(g), 353.707, 511.612, 532.703(g), 713.235, and 772.308 are revised to clarify the criteria considered by the Commission when examining requests to reopen and reconsider previous decisions.

PART 352—REEMPLOYMENT RIGHTS

§ 352.508 Appeals to the Commission.

* * * * *

(g) *Review by the Commissioners.* The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(1) New and material evidence is available that was not readily available when the previous decision was issued;

(2) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(3) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(Sec. 625, 75 Stat. 449; 22 U.S.C. 2385, E.O. 10973; 3 CFR 1959–63 Comp., p. 493)

PART 353—RESTORATION AFTER MILITARY DUTY

§ 353.707 Review by the Commissioners.

The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(a) New and material evidence is available that was not readily available when the previous decision was issued;

(b) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(c) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(Sec. 9, 62 Stat. 614, as amended; 50 U.S.C. App. 459)

PART 511—POSITION CLASSIFICATION UNDER THE CLASSIFICATION SYSTEM

§ 511.612 Review by the Commissioners.

The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(a) New and material evidence is available that was not readily available when the previous decision was issued;

(b) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(c) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(5 U.S.C. 5115, 5338)

PART 532—PAY UNDER PREVAILING RATE SYSTEMS

§ 532.703 Appeal to the Commission.

* * * * *

(g) The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(1) New and material evidence is available that was not readily available when the previous decision was issued;

(2) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(3) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(5 U.S.C. 5345)

PART 713—EQUAL OPPORTUNITY

§ 713.235 Review by the Commissioners.

The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(a) New and material evidence is available that was not readily available when the previous decision was issued;

(b) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(c) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(5 U.S.C. 1301, 3301, 3302, 7151–7154, 7301, E.O. 10577; 3 CFR, 1954–58 Comp., p. 218, E.O. 11222, E.O. 11246; 3 CFR 1964–65 Comp., pp. 306, 339, E.O. 11375; 3 CFR, 1967 Comp., p. 320)

PART 772—APPEALS TO THE COMMISSION

§ 772.308 Review by the Commissioners.

The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(a) New and material evidence is available that was not readily available when the previous decision was issued;

(b) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(c) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(5 U.S.C. 1302, 3301, 3302, 5115, 5338, 7512, 7701, 8347, E.O. 10577; 3 CFR, 54–58 Comp., p. 218, E.O. 10988; 3 CFR, 1959–63 Comp., 521)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8240; Filed, July 11, 1969; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1963, as amended, and section 2 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hendry, Hernando, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Putnam, Santa Rosa, Sarasota, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;
Georgia. The entire State;
Hawaii. Honolulu, Kauai, and Maui Counties;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Caldwell, Claiborne, Concordia, East Baton Rouge, East Carroll, East Feliciana, Grant, Iberia, Iberville, Jackson, Jefferson, Lafayette, Lafourche, Lincoln, Livingston, Madison, Natchitoches, Orleans, Ouachita, Red River, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, West Feliciana, and Winn Parishes;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Kimball, Knox, Lancaster, Lincoln, Logan, Madison, McPherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward Counties;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Beadle, Bennett, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Clark, Clay, Codington, Corson, Custer, Day, Deuel, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Andrews, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Baylor, Bee, Bell, Bexar, Blanco, Bordon, Bosque, Brazos, Brewster, Briscoe, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fisher, Floyd, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Gray, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hockley, Hood, Hudspeth, Hutchinson, Irion, Jack Jasper, Jeff Davis, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, Marion, Martin, Mason, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Rockwell, Runnels, Rusk, Sabin, San Augustine, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorten, Tom Green, Travis, Upshur, Upton, Uvalde, Val Verde, Ward, Washington, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): East Carroll and Madison Parishes; Caddo County in Oklahoma; Cooke and Rusk Counties in Texas.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Brooks and Howard Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of July 1969.

G. H. WISE,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-8261; Filed, July 11, 1969; 8:49 a.m.]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

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

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

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

Any person, firm, or corporation having ownership, custody, or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of the Animal Health Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, laboratory testing, certification or quarantine service during such overtime or holiday period and shall pay the Administrator of the Agricultural Research Service at the rate of $8.32 per man hour per employee as follows: A minimum charge of 2 hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Animal Health Division for the ports, stations, and areas in which the employees are located and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed three hours. When inspection, laboratory testing, quarantine, or certification services are performed at locations outside the metropolitan area in which the employee's headquarters are located, one-half of the commuted travel time period applicable to the point at which the services are performed shall be charged when duties involve overtime that either begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty: *Provided, however,* That periods of unscheduled overtime or holiday service performed by laboratory personnel shall be limited to Saturdays, Sundays, and holidays, and shall further be limited to hours which would normally constitute a regular work day. It shall be administratively determined from time to time which days constitute holidays.

The foregoing amendment shall become effective July 13, 1969, when it shall supersede 9 CFR 97.1, effective July 14, 1968.

The purpose of this amendment is to increase the hourly rate for overtime services from $7.92 to $8.32 commensurate with salary increases provided in the Federal Employees Salary Act of 1967 (Public Law 90-206); Executive Order 11474. It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

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

Done at Washington, D.C., this 9th day of July 1969.

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

[F.R. Doc. 69-8289; Filed, July 11, 1969; 8:49 a.m.]

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

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-8637]

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

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Margin Requirements for OTC Securities

The Securities and Exchange Commission today announced the adoption of Rule 17a-12 (17 CFR 240.17a-12) under the Securities Exchange Act of 1934 ("the Act") and Forms X-17A-12(1) (17 CFR 249.619) and X-17A-12(2) (17 CFR 249.620) thereunder as the means for implementing rules of the Board of Governors of the Federal Reserve System ("the Board") providing for exemptions from specified margin requirements of loans by banks to broker-dealers who are market makers in securities placed by the Board pursuant to Regulation U as amended (12 CFR 221.1 et seq.) on its list of OTC Margin Stocks as provided for by the July 29, 1968 amendment to section 7 of the Act (15 U.S.C. 78g; Public Law 90-437; 82 Stat. 452).

The Commission published its proposal to adopt Rule 17a-12 (17 CFR 240.17a-12) and Forms X-17A-12(1) (17 CFR 249.619) and X-17A-12(2) (17 CFR 249.620) on February 19, 1969, in Securities Exchange Act Release No. 8529 and in the FEDERAL REGISTER of February 26, 1969 (34 F.R. 2613), and it received a number of suggestions and comments with respect to them. It has considered such comments and suggestions and now adopts Rule 17a-12 (17 CFR 240.17a-12) and Forms X-17A-12(1) (17 CFR 249.619) and X-17A-12(2) (17 CFR 249.620) in the forms set forth below.

In its Regulation U, the Board has deemed it desirable in the interest of fair and orderly markets to provide for an OTC Market Maker's exemption under which a bank may make loans to a market maker in a security on the OTC Margin Stock list in amounts determined by the bank in good faith, instead of within the general limitations prescribed for the extension of credit on such a security. In section 3(w) of Regulation U (12 CFR 221.3(w)), the Board has set forth its criteria for an OTC Market Maker entitled to the special credit provisions. To qualify, a broker-dealer must file a notice with the Commission in prescribed form (Form X-17A-12(1)) (17 CFR 249.619); he must be in compliance with the net capital requirements of Rule 15c3-1 (17 CFR 240.15c3-1) under the Act, or of the capital rules of a national securities exchange of which he is a member; and he must have and maintain a minimum net capital in accordance therewith of $25,000 plus $5,000 for each OTC Margin Security in which he makes a market, subject to a maximum net capital requirement of $250,000. Additionally, he must (except when it is unlawful) regularly publish bona fide competitive bid and offer quotations in a recognized "interdealer quotations system" (which has the same meaning as in Rule 15c2-7 (17 CFR 240.15c2-7) under the Act); be ready, willing, and able to effect transactions with other broker-dealers in reasonable amounts at his quoted prices; and have a reasonable average rate of turnover in the security. It is the intent of subparagraphs (1) and (2) of Rule 17a-12 (17 CFR 240.17a-12) to provide for the same criteria for an OTC Market Maker as those in section 3(w) of Regulation U.

The definition of OTC Market Maker in these rules takes into account the possibility that certain antimanipulative provisions of the Federal securities laws,

such as Rule 10b–6 (17 CFR 240.10b–6) under the Act, would prohibit a market maker from meeting all of the conditions of an OTC Market Maker in a given OTC Margin Security, on certain occasions. Paragraph (e) of Rule 17a–12 (17 CFR 240.17a–12) provides that, in such a case, the OTC Market Maker is to give prompt written notice to the Commission stating the basis for failing to meet specified conditions; and, after resuming his full market making activities, to promptly notify the Commission to that effect in writing. Such notices are in lieu of any filings on Form X–17A–12(1) (17 CFR 249.619) in this eventuality.

As specified in paragraph (b) of Rule 17a–12 (17 CFR 240.17a–12), Form X–17A–12(1) (17 CFR 249.619) is the form to be filed within 10 days after the effective date of the rule by each registered broker-dealer who is an OTC Market Maker in any OTC Margin Security with respect to each such security. In addition, if he becomes such a market maker after the effective date of the rule, or if he is a market maker in a security placed after the effective date of the rule by the Board on its OTC Margin Stock list, he must within 5 days thereafter file Form X–17A–12(1) (17 CFR 249.619) as to such security. This form must be filed even though the market maker does not intend to avail himself of the OTC Market Maker exemption for any OTC Margin Security Form X–17A–12(1) (17 CFR 249.619) is also to be filed in respect of each security in which an OTC Market Maker ceases to make a market in an OTC Margin Stock, except that no such filing need be made with respect to a security removed by the Board from the OTC Margin Security list.

Form X–17A–12(2) (17 CFR 249.620) is a quarterly filing form which must be filed by a broker-dealer who has been an OTC Market Maker during the quarter. Three executed copies must be filed within 10 days after the end of the quarter. If the market maker has not received credit under the OTC Market Maker exemption at any time during the quarter, he will be required to answer only the first three questions which are essentially merely means of identification. If, however, he has received such credit during the quarter, he must provide information called for by the form with respect to a given day during the quarter specified by the Commission at the end of the quarter. Form X–17A–12(2) (17 CFR 249.620) is considerably simplified over the one originally proposed. The items on the form are designed to ascertain whether the person making the filing meets the criteria for an OTC Market Maker and to shed some light on the broker-dealer's volume of activity and extent of borrowings on OTC Margin Security in which he is an OTC Market Maker.

Under paragraph (f) of Rule 17a–12 (17 CFR 240.17a–12), reports filed on Form X–17A–12(2) (17 CFR 249.620) would be maintained in a nonpublic file but would be available for official use to any official or employee of the United States, any State, or the Board, or to any national securities exchange and any national securities association of which the broker-dealer is a member, as well as to any other person to whom the Commission authorizes disclosure in the public interest.

Commission action. Acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 17(a) and 23(a) thereof, and deeming it necessary and appropriate in the public interest and for the protection of investors, and also deeming such action necessary for the execution of the functions vested in the Commission by the Act, the Securities and Exchange Commission hereby adopts new §§ 240.17a–12, 249.619, and 249.620 in Chapter II of Title 17 of the Code of Federal Regulation as set forth below. Since that rule and those forms are adopted to implement the amendments adopted on June 6, 1969, by the Board of Governors of the Federal Reserve System to Regulations G, T, and U under the Act which become effective on July 8, 1969, the Commission finds that for good cause it is necessary in the public interest and for the protection of investors that Rule 17a–12 (17 CFR 240.17a–12) and Forms X–17A–12(1) (17 CFR 249.619) and X–17A–12(2) (17 CFR 249.620) become effective on July 8, 1969.

§ 240.17a–12 Reports to be filed by market makers in O-T-C Margin Securities.

(a) Every broker or dealer registered on the effective date of this rule pursuant to section 15 of the Act who is an OTC Market Maker in any OTC Margin Security shall, within 10 days after the effective date of this rule, file a notice on Form X–17A–12(1) (§ 249.619 of this chapter) with the Commission for each such security as to which he was an OTC Market Maker on the effective date of this rule.

(1) For the purpose of this section, the term, "OTC Margin Security", shall mean a security which is not registered on a national securities exchange and which is on a list published by the Board of Governors of the Federal Reserve System ("the Board") pursuant to section 3(d)(2) of Regulation U under the Securities Exchange Act of 1934 (12 CFR 221.3(d)(2)).

(2) For the purpose of this section, a dealer shall be deemed an "OTC Market Maker" in an OTC Margin Security if he is subject to and is in compliance with Rule 15c3–1 (§ 240.15c3–1) (or is subject to and in compliance with the capital rules of an exchange of which he is a member if the members thereof are exempted from Rule 15c3–1 (§ 240.15c3–1(b)(2)) and he has and maintains minimum net capital, as defined in Rule 15c3–1 (§ 240.15c3–1) (or in such capital rules of such exchange), of $25,000 plus $5,000 for each such security in excess of five in respect of which he has filed and not withdrawn the notice on Form X–17A–12(1) (§ 249.619 of this chapter) (except that he shall not be required to have such net capital of more than $250,000 to be an OTC Market Maker under the provisions of this section) and if, except when such activity is unlawful, he meets all of the following conditions with respect to such security: (i) He regularly publishes bona fide, competitive bid and offer quotations in a recognized interdealer quotation system, (ii) he furnishes bona fide, competitive bid and offer quotations to other brokers and dealers on request, (iii) he is ready, willing, and able to effect transactions in reasonable amounts, and at his quoted prices, with other brokers and dealers, and (iv) he has a reasonable average rate of inventory turnover.

(b) Every registered broker-dealer who, after the effective date of this section, becomes an OTC Market Maker in any OTC Margin Security or is an OTC Market Maker in a particular security which is placed by the Board on the OTC Margin Security list after he becomes a market maker in such security, shall, within 5 days after he becomes such a market maker or after it is placed on such list, as the case may be, file with the Commission a notice on Form X–17A–12(1) (§ 249.619 of this chapter) identifying each such security.

(c) Every registered broker-dealer who has filed a notice under paragraph (a) or (b) of this section who ceases to be an OTC Market Maker in any security listed in any notice filed under such paragraphs shall, within 5 days thereafter, notify the Commission on Form X–17A–12(1) (§ 249.619 of this chapter) that he has ceased to be a market maker with respect to such security: *Provided, however,* That if a security has been removed by the Board from the OTC Margin Security list, no such notice respecting cessation of market making activities need be filed as to that security.

(d) Every registered broker-dealer who, during any calendar quarter, is or has been an OTC Market Maker in any OTC Margin Security shall, within 10 days after the end of each such calendar quarter, file with the Commission three fully executed copies of a report on Form X–17A–12(2) (§ 249.620 of this chapter).

(e) If at any time an OTC Market Maker is unable to meet one or more of the conditions specified in subdivision (i), (ii), (iii), or (iv) of paragraph (a)(2) of this section because such activity would be unlawful, he shall promptly notify the Commission in writing of such fact and state the basis for failing to meet such conditions; and if and when he has resumed the activity necessary to meet such conditions, he shall promptly notify the Commission in writing of such resumption.

(f) Reports on Form X–17A–12(2) (§ 249.620 of this chapter) will be maintained in a nonpublic file: *Provided, however,* That any such report shall be available for official use, to any official or employee of the United States, any State, or the Board; to any national securities exchange and any national registered securities association of which the broker-dealer filing such report is a member; and to any other person to whom the Commission authorizes disclosure in the public interest.

§ 249.619 Form X–17A–12(1)—Notification required to be filed by certain broker-dealer market makers pursuant to section 17 of the Act and § 240.17a–12 of this chapter.

This form must be executed and filed with the Commission pursuant to paragraph (a) of § 240.17a–12 of this chapter within 10 days by every registered broker-dealer who, on the effective date of said section is an OTC Market Maker as defined in paragraph (e) of said section; and pursuant to paragraphs (b) and (c) respectively of § 240.17a–12 of this chapter by each broker-dealer within 5 days after becoming or ceasing to be such OTC Market Maker.

§ 249.620 Form X–17A–12(2)—Quarterly report required to be filed by certain broker-dealer market makers pursuant to section 17 of the Act and § 240.17a–12(d) of this chapter.

This form must be executed and filed with the Commission as a quarterly report, pursuant to paragraph (d) of § 240.17a–12 of this chapter, within 10 days after the close of each calendar quarter, by each broker-dealer who is or who has been an OTC Market Maker, as defined in paragraph (e) of § 240.17a–12 of this chapter during such quarter.

NOTE: Copies of these forms have been filed with the Office of the Federal Register and may be obtained from the Securities and Exchange Commission at its Washington Headquarters Offices or any of its regional or branch offices.

(Secs. 7, 15(b), 17(a), 23(a), 48 Stat. 895, 897, 901, as amended, 49 Stat. 1379, 82 Stat. 452, 15 U.S.C. 78g, 78o, 78q, 78w)

By the Commission.

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

JULY 3, 1969.

Incorporation by reference approved by the Director of the Federal Register on July 11, 1969.

[F.R. Doc. 69–8206; Filed, July 11, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Exemption of Cheese and Cheese Products From Certain Labeling Requirements

In the matter of exempting cheese and cheese products from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

Nineteen comments were received in response to the notice of proposed rule making in the above-identified matter that was published in the FEDERAL REGISTER of November 22, 1968 (33 F.R. 17314), and based on a petition filed by Kraft Foods Division of National Dairy Products Corp., 500 Peshtigo Court, Chicago, Ill. 60611.

1. Nine State agencies support the proposal except for that portion that would permit declaration of price "per specified number of pounds." These comments urge that the price be stated in terms of the price per pound.

2. One State agency supports the entire proposal.

3. Two State agencies oppose the proposal stating that adoption of the exemption would make value comparisons difficult.

4. One State and one city agency oppose the proposal because they believe the grounds given by the petitioner in support thereof are insufficient to warrant adoption.

5. One State agency opposes the proposal on the grounds that it is "another attempt to subvert the law and to continue to 'hide' the cost of the product from the consumer."

6. One State agency opposes the proposal because, among other reasons, it would permit the cheese packer to fill in only the space provided for the quantity of contents declaration thereby placing the responsibility of filling in the price per pound and the total price on the distributor or retailer. This State agency reports that in its experience, the difficulty in making this computation has caused some distributors or retailers to use conventional computing scales to weigh and price the items on a gross-weight rather than a net-weight basis.

7. A trade association opposes the proposal stating that it sees "no reason why the price per pound should be left off of cheese produced by Kraft."

8. A cheese producer fully supports the proposal.

9. One firm supports the proposal and urges that the exemption be expanded to cover all food packages declaring net weight, price per pound or specified number of pounds, and total price.

Inasmuch as the several-hundred label exhibits submitted with the petition are all labeled to show the price per pound, the Commissioner of Food and Drugs concludes that there is no reason to provide for a declaration in terms of a "specified number of pounds" on the subject nonrandom weight cheese packages. The amendment herein is changed accordingly.

The Commissioner further concludes that the basic random weight package exemption should remain unchanged to provide for continuation of multiple unit pricing on such packages—a trade practice established for years. To insist on single unit pricing would result in the consumer paying more for a product. For example, a product previously sold for 2 pounds for 39 cents would be, on a single unit basis, 20 cents per pound and thus disadvantageous to the consumer.

The Commissioner concludes that the comments discussed in paragraphs 3, 4, 5, and 7 above are the result of a misunderstanding of the type of package that would be covered by the proposed exemption. The subject cheese packages are those wrapped in cellophane and labeled to show net weight, price per pound, and total price. Such labeling provides more information than labeling which is in compliance with the current regulations of the Fair Packaging and Labeling Act, for the price per pound would be calculated for the purchaser.

Regarding the comment in paragraph 6 above, the Commissioner concludes that the type of false labeling discussed could be employed by the distributor or retailer whether or not the proposed exemption is adopted. If it is employed, the product would be in violation of the Federal Food, Drug, and Cosmetic Act as well as many State and local statutes.

The comment requesting expansion of the exemption, paragraph 9 above, is more in the nature of a separate proposal and will be considered as such on its own merits.

Based on consideration of the information submitted by the petitioner, the comments received, and other relevant material, the Commissioner concludes that the proposed amendment should be adopted as set forth below with the provision for multiple unit pricing on nonrandom weight cheese packages deleted.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered,* That § 1.1c (a)(2) be revised to read as follows:

§ 1.1c Exemptions from required label statements.

* * * * *

(a) *Foods.* * * *

(2) Random food packages, as defined in § 1.8b(j), bearing labels declaring net weight, price per pound or per specified number of pounds, and total price shall be exempt from the type size, dual declaration, and placement requirements of § 1.8b if the accurate statement of net weight is presented conspicuously on the principal display panel of the package. In the case of food packed in random packages at one place for subsequent shipment and sale at another, the price sections of the label may be left blank provided they are filled in by the seller prior to retail sale. This exemption shall also apply to uniform weight packages of cheese and cheese products labeled in the same manner and by the same type of equipment as random food packages exempted by this subparagraph except that the labels shall bear a declaration of price per pound and not price per specified number of pounds.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of

Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is required, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

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

(Secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: July 3, 1969.

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

[F.R. Doc. 69-8218; Filed, July 11, 1969; 8:45 a.m.]

PART 8—COLOR ADDITIVES

Subpart C—Listing of Color Additives for Food Use Subject to Certification

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

FD&C BLUE NO. 1; CONFIRMATION OF EFFECTIVE DATE OF ORDER LISTING FOR FOOD AND DRUG USE

In the matter of listing FD&C Blue No. 1 for food use (§ 8.206) and drug use (§ 8.4021) subject to certification:

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 8, 1969 (34 F.R. 7445). Accordingly, the regulations promulgated thereby (§§ 8.206 and 8.4021) will become effective July 7, 1969.

2. Effective July 7, 1969, § 8.501 *Provisional lists of color additives* is amended in the table in paragraph (a) by changing for the item "FD&C Blue No. 1" the portion reading "(§ 9.80 of this chapter)" to read "(§ 8.206 of this chapter)" and by changing for this item in the column "Food use" the closing date "June 30, 1969" to read "June 30, 1969 [3]" and adding to the bottom of the table a footnote reading "[3] Lakes only."

Dated: July 3, 1969.

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

[F.R. Doc. 69-8219; Filed, July 11, 1969; 8:45 a.m.]

PART 8—COLOR ADDITIVES

Subpart C—Listing of Color Additives for Food Use Subject to Certification

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

FD&C RED NO. 3; CONFIRMATION OF EFFECTIVE DATE OF ORDER LISTING FOR FOOD AND DRUG USE

In the matter of listing FD&C Red No. 3 for food use (§ 8.242) and for drug use (§ 8.4102) subject to certification:

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 8, 1969 (34 F.R. 7446). Accordingly, the regulations promulgated thereby (§§ 8.242 and 8.4102) will become effective July 7, 1969.

2. Effective July 7, 1969, § 8.501 *Provisional lists of color additives* is amended in the table in paragraph (a) by changing for the item "FD&C Red No. 3" the portion reading "(§ 9.62 of this chapter)" to read "(§ 8.242 of this chapter)" and by changing for this item in the column "Food use" the closing date "June 30, 1969" to read "June 30, 1969 [2]" and adding to the bottom of the table a footnote reading "[2] Lakes only."

Dated: July 3, 1969.

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

[F.R. Doc. 69-8220; Filed, July 11, 1969; 8:45 a.m.]

PART 8—COLOR ADDITIVES

Subpart C—Listing of Color Additives for Food Use Subject to Certification

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

FD&C YELLOW NO. 5; CONFIRMATION OF EFFECTIVE DATE OF ORDER LISTING FOR FOOD AND DRUG USE

In the matter of listing FD&C Yellow No. 5 for food use (§ 8.275) and drug use (§ 8.4175):

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 8, 1969 (34 F.R. 7447). Accordingly, the regulations (§§ 8.275 and 8.4175) promulgated thereby will become effective July 7, 1969.

2. Effective July 7, 1969, § 8.501 *Provisional lists of color additives* is amended in the table in paragraph (a) by changing for the item "FD&C Yellow No. 5" the portion in the first column reading "(§ 9.40 of this chapter)" to read "(§ 8.275 of this chapter)" and by changing the date in the column "Food use" for this item from "June 30, 1969" to "June 30, 1969 [1]" and adding to the bottom of the table a footnote reading "[1] Lakes only."

Dated: July 3, 1969.

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

[F.R. Doc. 69-8221; Filed, July 11, 1969; 8:46 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

MELENGESTROL ACETATE

Based on a petition filed by The Upjohn Co., Kalamazoo, Mich. 49001, an order was published in the FEDERAL REGISTER of February 6, 1968 (33 F.R. 2602), providing for the safe use of melengestrol acetate in animal feed (§ 121.308) and establishing a zero tolerance for residues of the additive in edible tissues and by-products of treated cattle (§ 121.1214). The regulation providing the tolerance included the method of analysis by which it is determined that no residues are present.

Following publication of the order comments were received from the petitioner suggesting that certain editorial revisions and corrections be made therein, and the Commissioner of Food and Drugs concludes that the published method of analysis should be revised as suggested.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785–88, as amended; 21 U.S.C. 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1214 *Melengestrol acetate* is amended by changing the method of analysis in paragraph (b), as follows:

1. In III *Special apparatus:*

a. Item G is amended by changing "202° C." to read "220° C.".

b. Item T4b is amended by changing "V–G14" to read "V–G9".

c. Item T5b is amended by changing "V–G11" to read "V–G9".

2. In V *Procedure:*

a. Item C9 is revised to read as follows:

9. Repeat step 7, but this time homogenize the dry cake without its filter paper for 2 minutes and filter.

b. Item D12 is revised to read as follows:

12. To the combined filtrates in the 2-liter separatory funnel, add 500 milliliters of water and 2 milliliters of saturated sodium sulfate solution to give 55 to 60 percent aqueous methanol.

c. Item F is revised to read as follows:

F. Solvent partition: 1. Transfer the residue to a 125-milliliter separatory funnel using two 20-milliliter portions of hexane saturated with 7: 3 methanol-water.

2. Extract the hexane phase with 40 milliliters of 7:3 methanol-water, first rinsing the round-bottomed flask with the aqueous methanol.

a. Shake the funnel vigorously for 1 minute; let the phases separate at least 1 hour.

b. Drain the lower phases into a 500-milliliter separatory funnel containing 50 milliliters of methylene chloride, 80 milliliters of water, and 0.5 milliliter of saturated sodium sulfate solution.

3. Repeat step 2 four more times combining all extracts in the 500-milliliter separatory funnel.

4. Stopper the 500-milliliter separatory funnel, invert carefully, and vent immediately. Shake the funnel cautiously, venting frequently. When all pressure subsides, shake the funnel vigorously for 1 minute, wait 20–30 minutes, and drain the lower phase into a 500-milliliter round-bottomed flask. This precaution does not apply to the subsequent shakings.

5. Extract with three more 50-milliliter portions of methylene chloride, each time draining the lower phase into the flask.

6. Roto-evaporate the combined extracts until all the solvent has been removed. *Stopping place.* Stopper and store in refrigerator or deep freeze.

Since this order merely makes technical changes and corrections in a previously promulgated method of analysis and is noncontroversial in nature, notice and public procedure are not prerequisites to this promulgation.

Effective date. This order shall become effective 30 days after its publication in the FEDERAL REGISTER.

(Secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785–88, as amended; 21 U.S.C. 348, 371(a))

Dated: June 30, 1969.

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

[F.R. Doc. 69-8222; Filed, July 11, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SANITIZING SOLUTIONS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9H2341) filed by Harchem Division, Wallace & Tiernan, Inc., 110 East Hanover Avenue, Cedar Knolls, N.J. 07927, and other relevant material, concludes that the food additive regulations should be amended to provide for safe use of an additional sanitizing solution, as set forth below, on food-processing equipment and utensils and other food-contact articles, except milk containers or equipment. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2547 is amended by adding a new subparagraph each to paragraphs (b) and (c), as follows:

§ 121.2547 Sanitizing solutions.

* * * * *

(b) * * *

(10) An aqueous solution containing trichloromelamine and either sodium lauryl sulfate or dodecylbenzenesulfonic acid, together with components generally recognized as safe. In addition to use on food-processing equipment and utensils and other food-contact articles, this solution may be used on beverage containers except milk containers or equipment.

(c) * * *

(7) Solutions identified in paragraph (b)(10) of this section shall provide not more than sufficient trichloromelamine to produce 200 parts per million of available chlorine and either sodium lauryl sulfate at a level not in excess of the minimum required to produce its intended functional effect or not more than 400 parts per million of dodecylbenzenesulfonic acid.

* * * * *

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

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 30, 1969.

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

[F.R. Doc. 69-8223; Filed, July 11, 1969; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 15—PUBLIC INFORMATION

Miscellaneous Amendments

Part 15 of Title 24 of the Code of Federal Regulations is amended in the following respects:

1. Section 15.31 (a) and (b)(1) is revised, to reflect change in address under paragraph (a) and under paragraph (b)(1) as to Regions I and II, and under paragraph (b)(1) as to Region VI to change "Northwest Operations Office" to "Northwest Area Office" and to change address, to read as follows:

§ 15.31 Information centers.

(a) The Department maintains a Central Information Center in Washington, D.C., at the following location:

Department of Housing and Urban Development, 451 Seventh Street SW., Room 1202, Washington, D.C. 20410.

(b) The Department also maintains an information center—

(1) In each of its Regional Offices as follows:

Region I—26 Federal Plaza, New York, N.Y. 10007.
Region II—Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106.
Region III—Peachtree-Seventh Building, Atlanta, Ga. 30323.
Region IV–360 North Michigan Avenue, Chicago, Ill. 60601.
Region V—Federal Office Building, 819 Taylor Street, Fort Worth, Tex. 76102.
Region VI—450 Golden Gate Avenue, Post Office Box 36003, San Francisco, Calif. 94102; Northwest Area Office, Arcade Plaza Building, Seattle, Wash. 98104.
Region VII—Ponce De Leon and Boliva, Post Office Box 3869, GPO, San Juan, P.R. 00936.

* * * * *

2. Section 15.32 is revised, to change "Director, Division of Public Affairs" to "Director of Public Affairs", to read:

§ 15.32 Information officers.

There shall be an information officer in each of the information centers described in § 15.31 who shall be responsible for making information and records available to the public in accordance with this part. The information officer in the Department Central Information Center shall be designated by the Director of Public Affairs. The information officer in each Regional Office and field office shall be designated by the Regional Administrator or the Director of the office, as the case may be, with the concurrence of the Director of Public Affairs.

3. Section 15.61(a) is revised, to reflect change in address, to read:

§ 15.61 Administrative review.

(a) Review shall be available only from a written denial of a request for a record issued under § 15.52, and only if a written request for review is filed within 30 days after issuance of the written denial. The filing of a request for review may be accomplished by mailing to the Secretary of Housing and Urban Development, 451 Seventh Street SW., Room 10000, Washington, D.C. 20410, a copy of the request if in writing, a copy of the written denial issued under § 15.52, and a statement of the circumstances, reasons, or arguments advanced in support of disclosure of the original request for the record. Review will be made promptly by the Secretary or his designee on the basis of the written record described in this § 15.61.

* * * * *

(5 U.S.C. 552; sec. 7(d) of HUD Act, 42 U.S.C. 3535(d))

Dated: July 3, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-8246; Filed, July 11, 1969; 8:48 a.m.]

Title 25—INDIANS

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

SUBCHAPTER N—GRAZING

PART 151—GENERAL GRAZING REGULATIONS

Allocation of Grazing Privileges

JULY 7, 1969.

On pages 9383-9386 of the FEDERAL REGISTER of June 14, 1969, there was published the revised Part 151, Subchapter N, Chapter I, Title 25, of the Code of Federal Regulations pertaining to the General Grazing Regulations applicable to Indian lands. These rules were issued under the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM2 and pursuant to the authority vested in the Secretary of the Interior by 5 U.S.C. 301 and under various statutes relating to the surface use of Indian lands which were cited on page 9384 of Volume 34 of the FEDERAL REGISTER published on June 14, 1969.

Part 151, Subchapter N, Chapter I, Title 25, of the Code of Federal Regulations as published in the FEDERAL REGISTER on June 14, 1969 (34 F.R. 9385), is amended by revising § 151.10, entitled "Allocation of Grazing Privileges," as follows: Add one new sentence reading "The Superintendent may implement the governing body's allocation program by authorizing the allocation of grazing privileges on individually owned land." This new sentence is added immediately following the first sentence which ends with the words "* * * by that governing body."

J. L. NORWOOD,
Acting Deputy Commissioner.

[F.R. Doc. 69-8228; Filed, July 11, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER D—SECURITY

PART 156—DEPARTMENT OF DEFENSE CIVILIAN APPLICANT AND EMPLOYEE SECURITY PROGRAM

Policy

The following miscellaneous amendment to Part 156 has been approved:

Section 156.6(c) is revised to read as follows:

§ 156.6 Policy.

* * * * *

(c) No U.S. citizen permanent or indefinite employee of the Department of Defense who has been appointed to a sensitive position shall be suspended, reassigned, or detailed to a nonsensitive position in the interests of national security without being granted the procedural benefits set forth in § 156.10.

* * * * *

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-8217; Filed, July 11, 1969; 8:45 a.m.]

Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army

PART 1801—CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

Principles for Determining Costs

Part 1801 of Chapter XVIII of Title 32 of the Code of Federal Regulations is revised as follows:

1. Section 1801.2 is revised by adding a new paragraph, (i), reading as follows:

§ 1801.2 Definitions.

* * * * *

(i) *Allowable costs.* Except where restricted or prohibited by law the cost principles set forth in Circular A-87, issued by the Bureau of the Budget on May 9, 1968, will be applied beginning July 1, 1969, in determining costs incurred by State governments and at the earliest practicable date but no later than January 1, 1970 in determining costs incurred by political subdivisions of a State.

§ 1801.9 [Amended]

2. In § 1801.9, paragraph (c) is revoked.

(64 Stat. 1250, 1255, 50 U.S.C. App. 2281; 2253; Reorg. Plan No. 1 of 1958 as amended, 72 Stat. 1799-1801, 23 F.R. 4991; E.O. 10952, as amended, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions and Establishment of the Office of Civil Defense, Apr. 10, 1964, 29 F.R. 5017)

Dated: June 30, 1969.

JOHN E. DAVIS,
Director of Civil Defense.

[F.R. Doc. 69-8215; Filed, July 11, 1969; 8:45 a.m.]

PART 1807—CONTRIBUTIONS FOR CIVIL DEFENSE PERSONNEL AND ADMINISTRATIVE EXPENSES

Principles for Determining Costs

Section 1807.7 of Title 32 of the Code of Federal Regulations is revised to read as follows:

§ 1807.7 Federal share and allowable costs.

(a) *Federal share.* The Federal financial contribution shall not exceed one-half the total allowable cost of necessary and essential State and local personnel and administrative expenses.

(b) *Allowable costs.* Except where restricted or prohibited by law the cost principles set forth in Circular A-87, issued by the Bureau of the Budget on May 9, 1968, will be applied beginning July 1, 1969, in determining costs incurred by State governments and at the earliest practicable date but no later than January 1, 1970, in determining costs incurred by political subdivisions of a State.

(Secs. 205, 401(g), 72 Stat. 533, 534, 64 Stat. 1255, 50 U.S.C. App. 2286, 50 U.S.C. App 2253; 72 Stat 1799-1801, 23 F.R. 4991; E.O. 10952, as amended, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions and Establishment of the Office of Civil Defense, Apr. 10, 1964, 29 F.R. 5017)

Dated: June 30, 1969.

JOHN E. DAVIS,
Director of Civil Defense.

[F.R. Doc. 69-8216; Filed, July 11, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Wrangell Narrows, Alaska, and Brunswick River, N.C.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.800 governing the use, administration, and navigation of Wrangell Narrows, Alaska, is hereby amended revoking paragraph (b), revising paragraphs (c), (d), (e), and (g) in their

entirety effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.800 Wrangell Narrows, Alaska; use, administration and navigation.

* * * * *

(b) [Revoked]

(c) *Speed restrictions.* No vessel shall exceed a speed of seven (7) knots in the vicinity of Petersburg, between Wrangell Narrows Channel Light 58 and Wrangell Narrows Lighted Buoy 60.

(d) *Tow channel.* The following route shall be taken by all tows passing through Wrangell Narrows when the towboat has a draft of 9 feet or less (northbound, read down; southbound, read up):

East of Battery Islets:
East of Tow Channel Buoy 1 TC.
East of Tow Channel Buoy 3 TC.
West of Tow Channel Buoy 4 TC.
East of Colorado Reef:
East of Wrangell Narrows Channel Light 21.
West of Wrangell Narrows Channel Lighted Buoy 25.
East of Tow Channel Buoy 5 TC.
East of Tow Channel Buoy 7 TC.
West of Petersburg:
East of Wrangell Narrows Channel Light 54 FR.
East of Wrangell Narrows Channel Light 56 Qk FR.
East of Wrangell Narrows Channel Light 58 FR., thence proceeding to west side of channel and leaving Wrangell Narrows by making passage between Wrangell Narrows Channel Daybeacon 61 and Wrangell Narrows North Entrance Lighted Bell Buoy 63 F.

(e) *Size of tows.* The maximum tows permitted shall be one pile driver, or three units of other towable equipment or seven raft sections.

* * * * *

(g) *Anchorage.* Vessels may anchor in the anchorage basin in the vicinity of Anchor Point. No craft or tow shall be anchored in Wrangell Narrows in either the main ship channel or the towing channel, nor shall any craft or tow be anchored so that it can swing into either of these channels.

* * * * *

[Regs., June 26, 1966, 1507-32 (Wrangell Narrows, Alaska)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 207.900 governing the use and navigation of restricted areas in the vicinity of Maritime Administration Reserve Fleets is hereby amended by revoking paragraph (a)(3) effective upon publication in the FEDERAL REGISTER, since the area is no longer needed, as follows:

§ 207.900 Restricted areas in vicinity of Maritime Administration Reserve Fleets.

(a) * * *

(3) [Revoked]

* * * * *

[Regs., June 25, 1969, 1507-32 (Brunswick River, N.C.)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69-8214; Filed, July 11, 1969; 8:45 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 419-69]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart K—Criminal Division

AUTHORIZATION TO REDELEGATE AUTHORITY

By virtue of the authority vested in me by sections 509 and 510 of title 28 and section 301 of title 5 of the United States Code, § 0.59 of Subpart K of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by designating the present text as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 0.59 Delegation respecting the approval of certain applications by U.S. Attorneys to Federal Courts for orders compelling testimony or the production of evidence by witnesses.

* * * * *

(b) The Assistant Attorney General in charge of the Criminal Division is authorized to redelegate the authority delegated to him by paragraph (a) of this section to his Deputy Assistant Attorney General to be exercised solely during the absence of the Assistant Attorney General from the City of Washington.

The amendment made by this order shall be effective upon publication in the FEDERAL REGISTER.

Dated: July 7, 1969.

JOHN N. MITCHELL,
Attorney General.

[F.R. Doc. 69-8262; Filed, July 11, 1969; 8:49 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

North Cascades National Park, Wash.; Removal of Restriction Prohibiting Use of Nonpreserved Fish Eggs for Fishing

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and the Act of October 2, 1968 (82 Stat. 926, 16 U.S.C. 90 et seq.), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Western Regional Order No. 4 (31 F.R. 5577), as amended, Special Regulation, § 7.66, as hereby promulgated relaxes the General Regulation, § 2.13 *Fishing*, paragraph (j)(1) as it applies to the use of nonpreserved fish eggs.

The purpose of this special regulation is to bring about acceptable fishery practices and conformance with the State of Washington in regard to the use of nonpreserved fish eggs as fishing bait.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. However, since this special regulation will not impose any additional restrictions on the public, comment thereon is deemed to be unnecessary and not in the public interest. This special regulation will thus take effect upon its publication in the FEDERAL REGISTER.

(5 U.S.C. 553)

Section 7.66 reads as follows:

§ 7.66 North Cascades National Park.

(a) *Bait for fishing.* The use of nonpreserved fish eggs is permitted.

ROGER J. CONTOR,
Superintendent, North Cascades National Park.

[F.R. Doc. 69-8231; Filed, July 11, 1969; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

Redemption Values and Investment Yields for Extended Maturity Period

Table 55, showing the investment yields to maturity for Series E savings bonds with issue dates December 1, 1961, through May 1, 1962, which is a part of Department Circular No. 653, Seventh Revision, dated March 18, 1966, as amended (31 CFR Part 316), is hereby supplemented by addition of the redemption values and investment yields for the extended maturity period, as set forth below.

Dated: July 7, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

TABLE 55

(For Extended Maturity Period)

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1961, THROUGH MAY 1, 1962

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after maturity date (beginning 7 years, 9 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) EXTENDED MATURITY PERIOD							(2) On the redemption value at start of each extended maturity period to beginning of each half-year period thereafter	(3) On current redemption value from begining of each half-year period to extended maturity
								Percent	*Percent*
First ½ year[1] (9/1/69)	$25.41	$50.82	$101.64	$203.28	$508.20	$1,016.40	$10,164	0.00	4.25
½ to 1 year (3/1/70)	25.94	51.88	103.76	207.52	518.80	1,037.60	10,376	4.17	4.25
1 to 1½ years (9/1/70)	26.48	52.96	105.92	211.84	529.60	1,059.20	10,592	4.17	4.26
1½ to 2 years (3/1/71)	27.03	54.06	108.12	216.24	540.60	1,081.20	10,812	4.16	4.26
2 to 2½ years (9/1/71)	27.58	55.16	110.32	220.64	551.60	1,103.20	11,032	4.14	4.28
2½ to 3 years (3/1/72)	28.16	56.32	112.64	225.28	563.20	1,126.40	11,264	4.15	4.28
3 to 3½ years (9/1/72)	28.74	57.48	114.96	229.92	574.80	1,149.60	11,496	4.15	4.29
3½ to 4 years (3/1/73)	29.34	58.68	117.36	234.72	586.80	1,173.60	11,736	4.15	4.30
4 to 4½ years (9/1/73)	29.95	59.90	119.80	239.60	599.00	1,198.00	11,980	4.15	4.31
4½ to 5 years (3/1/74)	30.57	61.14	122.28	244.56	611.40	1,222.80	12,228	4.15	4.33
5 to 5½ years (9/1/74)	31.20	62.40	124.80	249.60	624.00	1,248.00	12,480	4.15	4.35
5½ to 6 years (3/1/75)	31.85	63.70	127.40	254.80	637.00	1,274.00	12,740	4.15	4.37
6 to 6½ years (9/1/75)	32.51	65.02	130.04	260.08	650.20	1,300.40	13,004	4.15	4.40
6½ to 7 years (3/1/76)	33.19	66.38	132.76	265.52	663.80	1,327.60	13,276	4.15	4.43
7 to 7½ years (9/1/76)	33.87	67.74	135.48	270.96	677.40	1,354.80	13,548	4.15	4.48
7½ to 8 years (3/1/77)	34.58	69.16	138.32	276.64	691.60	1,383.20	13,832	4.15	4.54
8 to 8½ years (9/1/77)	35.29	70.58	141.16	282.32	705.80	1,411.60	14,116	4.15	4.65
8½ to 9 years (3/1/78)	36.03	72.06	144.12	288.24	720.60	1,441.20	14,412	4.15	4.81
9 to 9½ years (9/1/78)	36.77	73.54	147.08	294.16	735.40	1,470.80	14,708	4.15	5.16
9½ to 10 years (3/1/79)	37.54	75.08	150.16	300.32	750.80	1,501.60	15,016	4.15	6.13
EXTENDED MATURITY VALUE (10 years from original maturity date)[2] (9/1/79)	**38.69**	**77.38**	**154.76**	**309.52**	**773.80**	**1,547.60**	**15,476**	**[3] 4.25**	----------

[1] Month, day, and year on which issues of December 1, 1961, enter each period. For subsequent issue months add the appropriate number of months.
[2] 17 years and 9 months from issue date. Extended maturity value improved by the revision of June 1, 1968.
[3] Yield on purchase price from issue date to extended maturity date is 4.12 percent.

[F.R. Doc. 69-8194; Filed, July 11, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1069—COMMUNITY ACTION PROGRAM GRANTEE PERSONNEL MANAGEMENT

Subpart—Travel Regulations for CAP Grantees and Delegate Agencies

Chapter X, Part 1069 of Title 45 of the Code of Federal Regulations is amended by adding a new subpart, reading as follows:

Sec.
1069.3-1 Applicability of this subpart.
1069.3-2 Policy.
1069.3-3 Accounting for travel funds.
1069.3-4 General travel regulations.
1069.3-5 Restrictions on charging out-of-the-community travel costs to grant funds.
1069.3-6 Approval of travel outside the continental United States.

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

§ 1069.3-1 Applicability of this subpart.

This subpart applies to all grant programs financially assisted under Titles I, II, and III-B of the Economic Opportunity Act, as amended, if the assistance is administered by OEO.

§ 1069.3-2 Policy.

(a) All grantees and delegate agencies are required to follow the travel policies set forth in the Standardized Government Travel Regulations (SGTR). However, when a grantee or delegate agency has existing travel policies that are more restrictive than those in the SGTR, or when the grant contains more restrictive limitations, the more restrictive policies shall be followed.

(b) The governing or administering board of each grantee or delegate agency shall approve its written travel regulations and designate responsible officials to assure that the regulations comply with the requirements of this subpart and are adhered to by employees when using grant funds (including the required non-Federal share) to pay for their travel.

(c) In common with other expenditures, payments for travel are subject to audit by independent licensed public accountants and Federal auditors. Expenditures for travel which fail to meet the requirements of this subpart may be questioned as proper charges against grant funds. Grantees are responsible for providing the documentation needed to prove that questioned travel expenditures were reasonable and necessary.

(d) In addition, grant funds may not be used to reimburse costs incurred for travel which violates any OEO Instruction, Community Action Memo or grant condition. Particular attention is directed to the limitations on travel for the purpose of lobbying set forth in Community Action Memo No. 66,[1] and to the authorized uses for project vehicles discussed in Community Action Memo No. 72.[1]

§ 1069.3-3 Accounting for travel funds.

All grantee or delegate agency payments for travel by employees, consultants, and members of governing or administering boards must be authorized in

[1] Not filed with the Office of the Federal Register.

advance and must be supported by properly approved invoices covering both travel and, if, applicable, per diem. Suggested forms for this purpose are available at OEO Headquarters and Regional Offices.

§ 1069.3–4 General travel regulations.

(a) General travel regulations issued by grantees and delegate agencies should contain the restrictions set forth as follows:

(1) Where a grantee or delegate agency has a previously established travel policy which contains requirements that are more restrictive than those of the SGTR, the more restrictive requirements shall be followed.

(2) Mileage costs for use of privately owned automobiles shall be paid in accordance with prevailing rates in a community. In no event, however, may the rates paid exceed 10 cents a mile.

(3) Less than first-class travel accommodations shall be used in all instances except the following: The reason(s) for travelling first-class must be shown on travel vouchers submitted for reimbursement.

(i) These accommodations do not exist are not available within a reasonable time;

(ii) Less than first-class would result in higher overall cost because of required routing, time urgency, baggage differential or other factors;

(iii) Physical condition of the traveler or other extenuating circumstances require the use of first-class.

(b) Grantee and delegate agency travelers shall have their travel authorized in advance in accordance with their organization's rules on the subject. The authorization shall include a brief explanation of the purpose of the trip, destination, and period during which the travelers will be on travel status. Reimbursements for travel expenses should be supported by vouchers that show the name of the individuals who traveled and refer to the authorization that approved the travel.

(c) Local travel expenses for persons whose position require daily or intermittent travel should be covered by a general travel authorization and should only be reimbursed after presentation of a local travel expense statement submitted at regular intervals.

(d) When program personnel are in a travel status through the ending date of a program year and into a new program year, the cost of their transportation shall be charged to the period in which the tickets for their travel were purchased. However, mileage, per diem, and other expenses reimbursed to a traveler shall be charged to the proper program-year grant in accordance with the days in which the expenses were incurred and the per diem was due.

§ 1069.3–5 Restrictions on charging out-of-the-community travel costs to grant funds.

(a) Grantees may use OEO grant funds to reimburse out-of-the-community travel costs incurred by grantee and delegate agency employees, consultants, and members of governing or administering boards without obtaining prior OEO approval, if the travel was for purposes outlined below and meets the geographical limitations of § 1069.3–6.

(1) The travel is in response to a specific invitation from the OEO Headquarters or an OEO Regional Office to attend a conference or meeting for the purpose of furthering CAP activities.

(2) Travel to attend conferences and meetings of professional organizations whose efforts are closely related to the poverty programs. This would include, but not be limited to, State Economic Opportunity Offices operating under an OEO grant, the National Association for Community Development, and Community Action Directors' Associations. No specific limit is imposed on the number of trips which may be charged to the grant within the approved budget. However, grantees and delegate agencies should be prepared to show to OEO auditors, inspectors, and evaluation teams that each such trip was reasonable and contributed to the development or management of the grantee's approved program.

(3) Travel to interview prospective employees or to procure services, supplies or equipment when it can be shown that the travel was necessary and advantageous in the instances involved.

(b) All other travel must be specifically approved, in writing, in advance by the Director, Community Action Program, OEO (Headquarters funded programs) and the Regional Director (Regionally funded programs), or their designees, before reimbursement from grant funds is authorized.

§ 1069.3–6 Approval of travel outside the continental United States.

(a) All travel outside of the limits of the 48 continental United States must be approved in writing, in advance, by the Regional Director for Regionally administered grants or the Director, CAP, for Headquarters administered grants. Similar approval is required for travel within the continental United States by CAP grantees in Alaska, Hawaii, and the United States Territories.

(b) CAP grantees in Alaska, Hawaii, and the Territories may permit travel to meetings within their state or territory without specific OEO approval, if the travel meets the other requirements of this instruction. Travel is also permitted between Puerto Rico and the Virgin Islands for area meetings and conferences and similarly between Micronesia (the Trust Territories) and Guam. All other travel outside of these States or areas must have prior approval.

Effective date. This subpart shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

THEODORE M. BERRY,
Director,
Community Action Program.

[F.R. Doc. 69–8232; Filed, July 11, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 14, 1968 (7 CFR 354.1), administrative instructions (7 CFR 354.2), effective August 19, 1967, as amended February 9, 1968, April 19, 1968, July 25, 1968, December 14, 1968, February 19, 1969, and June 6, 1969 (32 F.R. 11981, 33 F.R. 2757, 5987, 10561, 18580, 34 F.R. 2351, 9025), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to the "lists" therein as follows:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

WITHIN METROPOLITAN AREA

ONE HOUR

Add: Bangor, Maine (served by inspectors temporarily detailed to Bangor, Maine, or vicinity, in excess of 12 hours).

* * * * *

OUTSIDE METROPOLITAN AREA

* * * * *

THREE HOURS

Add: Any undesignated Maine port served from Boston, Mass.

* * * * *

SIX HOURS

Add: Bangor, Maine (served from Boston, Mass.).

* * * * *

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

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

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 8th day of July 1969.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 69-8237; Filed, July 11, 1969; 8:47 a.m.]

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 354.1 of Part 354, Title 7, Code of Federal Regulations, is amended to read as follows:

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

(a) Any person, firm, or corporation having ownership, custody, or control of plants, plant products, or other commodities or articles subject to inspection, certification, or quarantine under this chapter, who requires the services of an employee of the Plant Quarantine Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, quarantine, or certification service during such overtime or holiday period, and shall pay the Government therefor at the rate of $8.32 per man-hour per employee. A minimum charge of 2 hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Plant Quarantine Division for the areas in which the holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters is located, one-half of the commuted travel period applicable to the point at which the services are performed shall be charged when duties involve overtime that begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty. It will be administratively determined from time to time which days constitute holidays.

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

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

The foregoing amendment shall become effective July 13, 1969, when it shall supersede 7 CFR 354.1, effective July 14, 1968.

The purpose of this amendment is to increase the hourly rate for overtime or holiday services from $7.92 to $8.32 commensurate with salary increases provided in the Federal Salary Act of 1967 (Public Law 90-206). Determination of the hourly rate for overtime services and of the commuted travel time allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of July 1969.

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

[F.R. Doc. 69-8288; Filed, July 11, 1969; 8:49 a.m.]

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

[Lemon Reg. 282]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.582 Lemon Regulation 282.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 8, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 13, 1969, through July 19, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 311,550 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: July 10, 1969.

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

[F.R. Doc. 69-8287; Filed, July 11, 1969; 8:49 a.m.]

[Lime Reg. 27, Amdt. 3]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Lime Administrative Committee reflects its appraisal of current crop and market conditions. More restrictive regulation requirements should be made effective no later than July 14, 1969, because market prices for fresh limes declined severely. Hence, a higher minimum grade regulation for limes for fresh shipment is needed to increase returns to producers through a reduction in the marketable supply while providing consumers with more desirable limes of better quality.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 14, 1969. Shipments of Florida limes are currently regulated pursuant to Lime Regulation 27 (34 F.R. 6438, 7867, 9849) and unless sooner terminated, will continue to be so regulated through April 30, 1970; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to July 14, 1969, and in the manner herein provided, were promptly submitted to the Department after a meeting of the Florida Lime Administrative Committee on July 9, 1969, held to consider recommendations for regulations; the provisions of this amendment are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 911.329 (Lime Reg. 27; 34 F.R. 6438, 7867, 9849) the introductory text of paragraph (a)(2) and subdivision (ii) thereof is amended to read as follows:

§ 911.329 Lime Regulation 27.

(a) * * *

(2) During the period July 14, 1969, through April 30, 1970, no handler shall handle:

* * * * *

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. No. 1: *Provided,* That limes which meet all the requirements of the U.S. No. 1 grade, except as to color, may be shipped if such limes meet the color requirements of the U.S. No. 2 grade; or

* * * * *

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

Dated, July 11, 1969, to become effective July 14, 1969.

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

[F.R. Doc. 69–8347; Filed, July 11, 1969; 11:28 a.m.]

[Peach Reg. 7]

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Regulation by Grades and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Administrative Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of peaches from the production area are expected to begin on or about July 14, 1969. The grade and size requirements provided herein are necessary to prevent the handling, on and after July 14, 1969, of any peaches of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act. The grade and size requirements reflect the necessity for eliminating the least desirable grades and sizes; the committee's estimate of the percentage of the fruit that will be eliminated by such requirements; and the quantity of the more desirable grades and sizes which will be available for shipment after such elimination.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 14, 1969. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 8, 1969; recommendations as to the need for, and the extent of, regulation of shipments of such peaches were made by said committee on July 8, 1969, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information were submitted to the Department on July 9, and made available to growers and handlers; shipments of the current crop of peaches are expected to begin on or about the effective date hereof; and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 919.308 Peach Regulation 7.

(a) *Order.* (1) During the period July 14, 1969, through September 14, 1969, no handler shall ship:

(i) Any peaches of any variety which do not grade at least U.S. No. 1 grade except as follows: Not to exceed 20 percent, by count, of such peaches in such lot may consist of peaches which do not meet the requirements of such grade, but not more than 10 percent, by count, of the peaches in any such lot may consist of peaches with defects causing serious damage of which not more than 5 percent shall consist of such defects caused by twig borer, or oriental fruit moth, and not more than 1 percent, by count, of the peaches in any such lot may consist of peaches which are not free from decay;

(ii) Any peaches of any variety which are of a size smaller than 2⅛ inches in diameter: *Provided*, That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (*a*) if not more than 10 percent, by count, of such peaches in such lot are smaller than 2⅛ inches in diameter; and (*b*) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(2) Definitions: As used herein, "peaches," "handler," "ship," and "varieties" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1," "diameter," "count," and "serious damage" shall have the same meaning as when used in the U.S. Standards for Peaches (§§ 51.1210–51.1223 of this title).

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

Dated: July 11, 1969.

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

[F.R. Doc. 69-8348; Filed, July 11, 1969; 11:28 a.m.]

[946.324]

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Limitation of Shipments and Import Requirements for Red Skinned Round Type Potatoes

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946), regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER June 27, 1969 (34 F.R. 9934). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested persons were afforded an opportunity to file written data, views, or arguments pertaining thereto not later than 5 days after publication. None was filed.

Statement of consideration. The notice was based on the recommendations and information submitted by the State of Washington Potato Committee, established pursuant to the said marketing agreement and order and other available information. The recommendations of the committee reflect its appraisal of the composition of the 1969 crop of Washington potatoes and of the marketing prospects for this season.

The grade, size, cleanliness, and maturity requirements provided herein are necessary to prevent immature potatoes, or those that are of poor quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The regulations with respect to special purpose shipments for other than fresh market use are designed to meet the different requirements for such outlets.

Findings. After consideration of all relevant matter presented in the aforesaid notice, based upon the recommendations of the State of Washington Potato Committee 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.

It is hereby further found that good cause exists for making this regulation effective at the time herein provided and for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1969 crop potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) identical regulations were in effect during the previous marketing season for potatoes produced in the State of Washington, so producers and handlers are aware of the provisions of this regulation, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

§ 946.324 Limitation of shipments.

During the period July 16, 1969, through July 15, 1970, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c) through (f) of this section.

(a) *Minimum quality requirements*—(1) *Grade.* All varieties—U.S. No. 2, or better grade.

(2) *Size*—(i) *Round varieties.* 1⅞ inches minimum diameter.

(ii) *Long varieties.* 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* All varieties—at least "fairly clean."

(b) *Minimum maturity requirements*—(1) *Round and long white (White Rose) varieties.* "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(2) *Other long varieties (including but not limited to Russet Burbank and Norgold).* "Slightly skinned" which means that not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or "feathered."

(c) *Special purpose shipments.* The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of seed potatoes or to shipments of potatoes for any of the following purposes:

(1) Livestock feed;
(2) Charity;
(3) Starch;
(4) Canning or freezing;
(5) Dehydration;
(6) Export;
(7) Potato chipping;
(8) Prepeeling; or
(9) Potato sticks (French fried shoestring potatoes).

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, dehydration, export, potato chipping, prepeeling, or potato sticks pursuant to paragraph (c) of this section, unless such potatoes are handled in accordance with paragraph (e) of this section, shall:

(1) Notify the committee of intent so to ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment;

(2) Obtain a Washington State Shipping Permit as issued by the Washington State Department of Agriculture in lieu of a Federal-State Inspection Certificate, except shipments for export; and

(3) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee office. Failure of handlers or receivers to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(4) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler, such handler shall submit to the committee a revised special purpose shipment report.

(e) *Special purpose shipments exempt from safeguards.* In the case of shipments of potatoes: (1) To freezers or dehydrators in the counties of Grant, Adams, Franklin, Benton, and Yakima in the State of Washington and (2) for canning, freezing, dehydration, potato chipping, or prepeeling within the district where grown, the handler of such potatoes shall be exempt from safeguard requirements of paragraph (d) of this section whenever the processor of such potatoes has signed an agreement with the committee to meet the reporting and other requirements of this part specified by the committee.

(f) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment over 5 hundredweight of potatoes.

(g) *Definitions.* The terms "U.S. No. 2," "fairly clean," "slightly skinned," and "moderately skinned" 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. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and this part (Order No. 946).

(h) *Applicability to imports.* Pursuant to section 608e–1 of the Act and § 980.1 "Import regulations" (§ 980.1 of this chapter), Irish potatoes of the red skinned round type imported during the months of July and August shall meet the grade, size, quality, and maturity requirements specified for round varieties in paragraphs (a) and (b) of this section.

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

Dated July 8, 1969, to become effective July 16, 1969.

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

[F.R. Doc. 69–8238; Filed, July 11, 1969; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

RATES; EDUCATIONAL ASSISTANCE ALLOWANCE

In § 21.4136, paragraph (a) is amended to read as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. chapter 34.

(a) *Rates.* Educational assistance allowance is payable for periods commencing on or after October 1, 1967, at the following monthly rates.

Type of courses	Monthly rate			
	No dependent	One dependent	Two dependents	Additional for each additional dependent
Institutional:				
Full time	$130	$155	$175	$10
¾ time	95	115	135	7
½ time	60	75	85	5
Less than ½, but more than ¼ time	[1] 60			
¼ time or less	[1] 30			
Cooperative, other than farm cooperative (full time only)	105	125	145	7
Apprentice or on-job (full-time only):				
Payment designated training assistance allowance:				
1st 6 months	80	90	100	None
2d 6 months	60	70	80	None
3d 6 months	40	50	60	None
4th 6 months and succeeding periods	20	30	40	None
Correspondence	Established charge for number of lessons completed by veteran and serviced by school [2]—Allowance paid quarterly.			
Flight training	90 per centum of the established charges for tuition and fees which similarly circumstanced nonveterans enrolled in the same flight course are required to pay—Allowance paid monthly based on actual flight training received.			
Farm cooperative:				
Full time	105	125	145	7
¾ time	75	90	105	5
½ time	50	60	70	

(38 U.S.C. 1677, 1682, 1683)

[1] See paragraph (b) of this section.
[2] Established charge means the cost of the lowest time payment plan or the actual cost to the veteran, whichever is lesser.

* * * * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective June 1, 1969.

By direction of the Administrator.

Approved: June 30, 1969.

[SEAL]

FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69–8211; Filed, July 11, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 922]

APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Approval of Expenses and Fixing of Rate of Assessment for 1969–70 Fiscal Period

Consideration is being given to the following proposals submitted by the Washington Apricot Marketing Committee, established under the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee during the period April 1, 1969, through March 31, 1970, will amount to $3,364.

(2) That there be fixed, at $1.50 per ton of apricots, the rate of assessment payable by each handler in accordance with § 922.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 8, 1969.

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

[F.R. Doc. 69-8239; Filed, July 11, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 15]

FLOUR STANDARDS

Notice of Withdrawal of Proposal To Delete Oxides of Nitrogen and Nitrosyl Chloride From Lists of Optional Ingredients

In the matter of amending the definitions and standards of identity for flour, § 15.1 (with application by cross-reference to §§ 15.10, 15.20, 15.30, 15.50, 15.60, 15.70, and 15.75), and for whole wheat flour, § 15.80 (with application by cross-reference to §§ 15.90 and 15.100) by deleting oxides of nitrogen and nitrosyl chloride from the lists of optional ingredients:

Two comments were received in response to the proposal in the above-identified matter published on the initiative of the Commissioner of Food and Drugs in the FEDERAL REGISTER of August 27, 1966 (31 F.R. 11398). The proposal was based on an investigation showing that the two flour bleaching agents, oxides of nitrogen and nitrosyl chloride, were no longer used. To eliminate these items from periodic reviews, it proposed that they be deleted from the list of permitted optional bleaching ingredients.

One comment was favorable. One firm opposed the change on the ground that it uses the ingredients to bleach flour. Inasmuch as the ingredients are still being used, the Commissioner concludes that the provision for their optional use should not be deleted.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120), the subject proposal of August 27, 1966 (31 F.R. 11398), is hereby withdrawn.

Dated: July 3, 1969.

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

[F.R. Doc. 69-8224; Filed, July 11, 1969; 8:46 a.m.]

Public Health Service

[42 CFR Part 81]

METROPOLITAN PROVIDENCE INTERSTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and of Consultation With Appropriate State and Local Authoriites

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Providence Interstate Air Quality Control Region (Rhode Island-Massachusetts) as set forth in the following new § 81.31 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

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

Interested authorities of the States of Rhode Island and Massachusetts and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the House Legislative Chamber, Second Floor, Rhode Island State Capitol, Smith Street, Providence, Rhode Island, beginning at 10 a.m., July 29, 1969.

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

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room

905, 801 North Randolph Street, Arlington, Va. 22203 of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.31 is proposed to be added to read as follows:

§ 81.31 Metropolitan Providence Interstate Air Quality Control Region.

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

The entire State of Rhode Island.
In the State of Massachusetts:

CITIES

Attleboro.
Fall River.
New Bedford.
Taunton.

TOWNS

Acushnet.
Bellingham.
Berkley.
Blackstone.
Bourne.
Carver.
Dartmouth.
Dighton.
Fairhaven.
Franklin.
Freetown.
Halifax.
Kingston.
Lakeville.
Mansfield.
Marion.
Mattapoisett.
Middleborough.
Millville.
North Attleborough.
Norton.
Plainville.
Plymouth.
Plympton.
Raynham.
Rehoboth.
Rochester.
Sandwich.
Seekonk.
Somerset.
Swansea.
Wareham.
Westport.
Wrentham.

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

Dated: July 2, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69–8032; Filed, July 11, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

JOHN MAX LINDLEY

Notice of Granting of Relief

Notice is hereby given that John Max Lindley, 10610 Southeast Boise Street, Portland, Oreg. 97266, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 14, 1934, by the Superior Court, Long Beach, Los Angeles County, Calif., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John Max Lindley, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Lindley to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John Max Lindley's application and have found:

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

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

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

Signed at Washington, D.C., this 7th day of July 1969.

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

[F.R. Doc. 69-8260; Filed, July 11, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SUPERVISORY PROCUREMENT AGENT, DENVER SERVICE CENTER

Delegation of Authority Regarding Contracts and Leases

Director, Denver Service Center, Supplement to Bureau of Land Management Manual 1510.

A. Pursuant to delegation of authority contained in Bureau Manual 1510-03B2c, the Supervisory Procurement Agent is authorized to:

1. Enter into contracts and leases as described in Bureau Manual 1510.03B2c in amounts not to exceed $10,000, except that procurements from established sources may be made in any amount.

B. The authorities contained herein may not be redelegated.

C. This Delegation of Authority is effective July 15, 1969.

GARTH H. RUDD,
Director.

[F.R. Doc. 69-8229; Filed, July 11, 1969; 8:46 a.m.]

[New Mexico 4827]

NEW MEXICO

Notice of Classification; Correction

JULY 3, 1969.

In F.R. Doc. 69-200 appearing on page 266 of the FEDERAL REGISTER issue of Wednesday, January 8, 1969 (34 F.R. 266), the following correction should be made: In line 7 first paragraph change "Hidalgo County, N. Mex." to "Valencia County, N. Mex."

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-8230; Filed, July 11, 1969; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. G-442]

ROBERT L. KALB

Notice of Loan Application

Robert L. Kalb, Star Route, Box 6, Brownsville, Tex. 78520, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 65.9-foot, registered length wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69-8263; Filed, July 11, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

PROPOSED PATENT COOPERATION TREATY

Request for Comments

The Patent Office has received a copy of the final draft of a proposed Patent Cooperation Treaty, prepared by the United International Bureaux for the Protection of Intellectual Property (BIRPI) for submission to a Diplomatic Conference of the member states of the Paris Union during the spring of 1970.

Copies of the Treaty and implementing regulations will be published in the July 15, 1969, issue of the Official Gazette of the Patent Office and individual copies will be mailed to persons and firms appearing in the Directory of Registered Attorneys and Agents. Background material, also prepared by BIRPI, is planned for publication in the Official Gazette later in July.

Copies of these materials will be available after publication to interested persons upon request to the Commissioner of Patents.

All persons who desire to present their views, objections, recommendations, or suggestions in connection with the materials are invited to do so by forwarding the same to the Commissioner of Patents, Washington, D.C. 20231, on or before January 31, 1970. No hearing will be scheduled.

WILLIAM E. SCHUYLER, JR.,
Commissioner of Patents.

Approved: July 10, 1969.

MYRON TRIBUS,
Assistant Secretary for Science and Technology.

[F.R. Doc. 69-8290; Filed, July 11, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding FD&C Blue No. 2

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 52) has been filed by the American Cyanamid Co., Pearl River, N.Y. 10965, proposing the issuance of a color additive regulation (21 CFR Part 8) to provide for the safe use and certification of FD&C Blue No. 2 (5,5'-disulfo-3,3'-dioxo-$\Delta^{2,2'}$-biindoline, disodium salt) as a color for nylon sutures in amounts not to exceed 1 percent by weight.

Dated: July 3, 1969.

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

[F.R. Doc. 69-8225; Filed, July 11, 1969; 8:46 a.m.]

NATIONAL STARCH & CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2425) has been filed by National Starch & Chemical Corp., 1700 West Front Street, Plainfield, N.J. 07063, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of the nitrate salt of a copolymer of 2-aminoethyl acrylate and hydroxypropyl acrylate as a retention aid and drainage aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard intended for food-contact use.

Dated: July 3, 1969.

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

[F.R. Doc. 69-8226; Filed, July 11, 1969; 8:46 a.m.]

THOMPSON-HAYWARD CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0841) has been filed by Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, Kans. 66110, proposing the establishment of a tolerance (21 CFR Part 120) for negligible residues of the fungicide triphenyltin hydroxide in or on the raw agricultural commodity sugar beets at 0.1 part per million.

The analytical method proposed in the petition is a colorimetric procedure in which residues are extracted with methylene chloride. After wet ashing, inorganic tin in the ashed residue is determined colorimetrically with phenyl fluorone.

Dated: July 3, 1969.

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

[F.R. Doc. 69-8227; Filed, July 11, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

ASSISTANT GENERAL MANAGER FOR MILITARY APPLICATION ET AL.

Notice of Basic Compensation

Pursuant to the provisions of 5 U.S.C. 5364, the salaries of the following positions, established by the Atomic Energy Act of 1954, as amended, were adjusted from $30,239 to $33,495 per annum, effective July 13, 1969:

Title of position	*Authorizing Section of Atomic Energy Act of 1954, as amended*
Assistant General Manager for Military Application, and Program Division Directors.	Section 25a.
Director, Division of Inspection.	Section 25c.
Executive Management Positions.	Section 25d.

Dated: July 7, 1969.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 69-8212; Filed, July 11, 1969; 8:45 a.m.]

POLONIUM-210

Price Increase

As a consequence of a recent major reduction in requirements for polonium-210, current AEC prices for this radioisotope are no longer consistent with recovery of AEC full costs for its production and distribution. To obviate this discrepancy, the Commission proposes to increase its price for polonium-210 to $80 per curie. Present polonium-210 prices vary with the quantity ordered. For the most commonly ordered amounts, the present price is $15 per curie.

All interested persons who desire to submit written comments for consideration in connection with this proposed price increase should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 45 days after publication of this notice in the FEDERAL REGISTER. Unless suspended or rescinded within 30 days after the period provided for public comment as a consequence of any substantive comment received, the new price will become effective 90 days after publication of this notice in the FEDERAL REGISTER.

Public comments received after the aforementioned 45-day period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

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

Dated at Washington, D.C., this 3d day of July 1969.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 69-8213; Filed, July 11, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21138]

CHINA AIRLINES

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on July 23, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Thomas P. Sheehan.

Dated at Washington, D.C., July 8, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-8249; Filed, July 11, 1969; 8:48 a.m.]

[Docket No. 18650; Order 69-7-41]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority July 8, 1969.

By Order 69-6-104, dated June 19, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-6-104 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R-80 and R-81, be, and it hereby is, approved; *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8247; Filed, July 11, 1969; 8:48 a.m.]

[Docket No. 20701; Order 69-7-45]

LAZARD FRERES & CO. ET AL.

Order of Tentative Approval of Control and Interlocking Relationships

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of July 1969.

By application filed February 6, 1969, Lazard Freres & Co. (Lazard) requests approval without hearing, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended, (the Act) of the common control by Lazard of Republic Carloading and Distributing Co., Inc. (RCD), Sullivan Lines, Inc. (Sullivan), and Republic Airmodal, Inc. (Airmodal). Approval under section 409 of the Act or disclaimer of jurisdiction is also requested with respect to certain interlocking relationships.

RCD is a surface freight forwarder authorized by the Interstate Commerce Commission to operate between all points in the United States with two exceptions.[1] RCD's principal operations consist of the assembly and consolidation of shipments for carriage by rail in carload or "piggy-back" lots and the break-bulk and distribution of these shipments. RCD has terminal facilities in 58 cities and its gross operating revenues for 1968 were approximately $39 million. It has seven subsidiaries, four of which are corporate shells which RCD does not intend to activate. The other three are Rep Trans, Inc., Bay Area Transport, Inc., and Biscayne Cartage Co. each of which performs cartage and/or pickup and delivery services at certain major cities in the United States.

Sullivan is an ICC motor carrier restricted to the carriage of freight tendered on the waybills of surface freight forwarders. It is not authorized to solicit, sell, or transport shipments for the general public or to interline with other motor carriers. It operates in the northeast United States in an area bounded roughly by Cincinnati, Detroit, Washington, and Boston. Sullivan owns no terminal facilities, trucks, or tractors. Its 61 trailers are moved exclusively by owner-drivers. Gross business in 1968 was $811,000.

Airmodal, a wholly owned subsidiary of RCD, is an applicant for domestic and international air freight forwarder authority. It will use the pickup and delivery services of RCD and its subsidiaries and its own sales force will be supplemented by the widespread RCD organization.

Lazard is a partnership engaged in the investment banking business and is a member of the New York Stock Exchange. It has 26 partners, 25 individuals and Lazard Freres et Cie, a Paris investment banking firm. In 1965, 13 of the present Lazard partners and others acquired a $500,000 participation in a First National City Bank-Marine Midland loan to Yale Transport Systems, Inc. (Yale), which then owned 96.8 percent of RCD. Shortly thereafter, Yale, followed by RCD, filed petitions for reorganization under Chapter X of the Bankruptcy Act. As a result of the court approved reorganization, RCD was completely divorced from Yale. Various financial arrangements to establish RCD as an operating entity resulted in Lazard loaning RCD $1 million and acquiring a 10-year option on 52 percent of RCD's common and 53.5 percent of its preferred stock. The stock is in a voting trust controlled by Lazard.[2] RCD owns all of the stock of Airmodal. Sullivan is owned by the Legum Corp., the stock of which is in a voting trust controlled by Lazard.

The interlocking relationships for which approval or disclaimer of jurisdiction is sought fall into two categories. One involves those persons who hold positions as officers and/or directors of RCD, Airmodal, Sullivan and the three cartage companies; i.e., companies within the same system of subsidiary or affiliated companies under the common control of Lazard. These individuals are Leslie Legum, Robert L. Lalich, Frank Woods, and Richard J. Mackey. The other category involves a partner of Lazard who is a director of RCD, and other Lazard partners who are directors of firms, the activities of which come within the scope of section 409 of the Act. Thus, representative relationships arise within the meaning of the doctrine of the Lehman Brothers Interlocking Relationships case, 15 CAB 656 (1952). Donald A. Petrie is chairman of the board of directors of RCD. D. D. Deane is a director of McLean Industries which derives 90 percent of its revenues from the operation of a subsidiary, Sea-Land Services, Inc., a common carrier by vessel. S. DeJ. Osborne is a director of United Fruit Co. which operates cargo vessels with limited passenger capacity principally between North America and Central and South America. George Murane, Jr., is a director of Wyandotte Chemicals, Inc., a subsidiary of which operates a terminal switching railway at the company's plant in Michigan.

No comments or requests for a hearing have been received.

Upon consideration of the application, it is concluded that Airmodal is an air carrier and that RCD and Sullivan are common carriers within the meaning of section 408 of the Act and that the acquisition of control of Airmodal by RCD and the common control of RCD and Sullivan by Lazard are subject to that section.

However, the Board has concluded tentatively that such acquisition does not involve the control of an air carrier directly engaged in the operation of aircraft in air transportation and does not result in creating a monopoly or tend to restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is concluded tentatively that a hearing is not required in the public interest.

Upon consideration of the foregoing, and other information set forth in the record herein, it does not appear that the common control by Lazard of RCD/Airmodal and Sullivan will pose any substantial conflict of interest problems. At the outset, we note that the Board as a matter of policy has permitted surface freight forwarders to participate in air freight forwarding.[3] Thus, the RCD-Airmodal relationship presents no new issues. As to the common control of RCD-Airmodal and Sullivan, we believe that because of the special characteristics of Sullivan's operations there is little potential for conflict of interest between Airmodal and Sullivan. In this connection, we note that Sullivan is restricted to transporting shipments on the waybills of surface freight forwarders and cannot solicit, sell or transport shipments of the general public or interline with other motor carriers; that it is a comparatively small scale operator with an investment in tangible property of less than $150,000 including 61 truck trailers (it owns no motorized equipment); that its gross operating revenue in 1968 was $811,000 of which RCD contributed less than 10 percent for transportation services furnished by Sullivan; and that only one of the markets which Sullivan is authorized to serve (New York-Detroit) is in the top 30 air freight markets.[4] Under these circumstances there appears to be little likelihood that the control relationships will present any significant conflicts of interest.[5] Nevertheless, should Sullivan's operations be expanded geographically in the future, new issues not now present may arise. In its final order, the Board will condition its approval so as to make that approval effective only so long as Sullivan's surface rights are not expanded beyond their present scope.[6] The Board will also retain jurisdiction generally over the control relationships subject to its approval.

The Board concludes that the interlocking relationships of Messrs. Legum, Lalich, Woods, and Mackey as officers

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[1] These are (1) between points in California and points in Oregon, Washington, and Idaho, and (2) from points in Kansas and points in the United States east of and including Minnesota, Iowa, Missouri, Arkansas, and Louisiana, to points in Alaska and Hawaii.

[2] Lazard, by means of an identical voting trust, has assigned its interests in the option and the loan to RCD Holdings, Ltd., a wholly owned subsidiary.

[3] 9 CAB 473.

[4] CAB Economic Study of Air Freight Forwarding, May 1968, p. 188–189.

[5] While Sullivan might appear to come within the literal language of the proposed regulations issued concurrently with the Board's decision in the Motor Carrier-Air Freight Forwarder Investigation (Order 69–4–100, Apr. 21, 1969), in the light of the unique character of Sullivan's operations and other considerations discussed above and in the absence of any significant conflict of interest no purpose would be served in deferring the processing of the application until we act on the proposed regulation.

[6] We reach a like conclusion with respect to RCD's subsidiaries, Rep Trans, Inc., Bay Area Transport, Inc., and Biscayne Cartage Co.

and/or directors of the affiliated and subsidiary companies (RCD, Airmodal, Sullivan, and the three cartage companies) fall within the exemption from section 409 provided by Part 287 of the Board's economic regulations. Thus, to the extent the application requests approval of those relationships, it will be dismissed.

We will disclaim jurisdiction over the relationship between RCD/Airmodal and Wyandotte Chemicals Corp. arising as a result of Mr. Petrie's position with RCD and that of his partner, Mr. Murnane, with Wyandotte. The Board has previously disclaimed jurisdiction over terminal railway/supplemental air carrier relationships on the grounds that the geographical scope of the former's operations eliminates the potential for competition.[7] We conclude that the operations of indirect air carriers are similarly noncompetitive with terminal railway operations.

We have decided tentatively to approve the relationships between RCD/Airmodal and United Fruit Co. (Mr. Osborne) and McLean Industries (Mr. Deane) resulting from Mr. Petrie having a representative on the board of directors of the two companies. The Board has previously approved interlocking relationships between direct air carriers and United Fruit Co.[8] Both of these ocean carriers are primarily engaged, according to the applicants, in the transportation of low priority bulk cargoes and there is no reasonable expectancy of effective competition between these carriers and RCD/Airmodal in the immediate future. However, with the forthcoming availability of large capacity airfreighters resulting in increased competition between direct air carriers/air freight forwarders and ocean carriers, competitive problems not foreseeable at this time might develop. We shall therefore retain jurisdiction over the relationships for the purpose of reviewing our approval of the section 409 relationships at such time as may be necessary.

In view of the foregoing, the Board tentatively concludes that it should approve without hearing under the third proviso of section 408(b) of the Act the control relationships described herein. We will also tentatively approve under section 409, the interlocking relationships involving RCD/Airmodal, Lazard, United Fruit, Sea-Land, and Messrs. Petrie, Deane, and Osborne since a due showing has been made in the form and manner prescribed by Part 251 of the Board's economic regulations that such interlocking relationships will not adversely affect the public interest. In accordance with section 408 of the Act this order, constituting notice of the Boards' tentative findings, will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to file comments or request a hearing thereon.

Accordingly, it is ordered:

1. That interested persons are afforded 10 days from the date of service hereof within which to file comments or request a hearing with respect to the Board's proposed action on the application in Docket 20701;[9] and

2. That the Attorney General be furnished a copy of this order within 1 day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8248; Filed, July 11, 1969; 8:48 a.m.]

[7] Order 68-7-98, July 19, 1968; Universal Airlines, Inc., et al., Order 69-2-110, Feb. 20, 1969, Modern Air Transport, Inc., et al.

[8] Northeast Airlines-United Fruit Co., Order E-23059, Dec. 30, 1965, Docket 16711; and Pan American World Airways, Inc.-United Fruit Co., Order E-8532, July 29, 1954, Docket 3605.

[9] Comments shall conform to the requirements of the Board's rules of practice for filing documents. Further, since opportunity to file comments is provided, petitions for reconsideration of this order will not be entertained.

CIVIL SERVICE COMMISSION

HYDROLOGY SERIES

Minimum Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that minimum educational requirements should be established for positions in the Hydrology Series, GS-1315. The requirements, the duties of the positions, and the reasons for the Commission's decision that the requirements are necessary are set forth below.

HYDROLOGY SERIES, GS-1315 (ALL GRADES)

Minimum educational requirements. Candidates must have successfully completed one of the following requirements:

A. A full 4-year course of study at an accredited college or university leading to a bachelor's or higher degree with major study in physical or natural science (including geophysical sciences), or engineering. The study must have included at least 30 semester hours in any combination of courses in hydrology, physical science, engineering science, soils, mathematics, aquatic biology, or the management or conservation of water resources. The course work must have included differential and integral calculus, and physics.

B. Four years of education and/or experience, including a total of 30 semester hours in any combination of courses in hydrology, physical science (including geophysical sciences), engineering science, soils, mathematics, aquatic biology, or the management or conservation of water resources. The course work must have included differential and integral calculus, and physics. The combination of education and experience must demonstrate that the candidate possesses professional knowledge and skills comparable to those that would normally be acquired through the education described in A.

Duties. Hydrologists perform professional work such as the following:

Study and predict the interactions within the hydrologic cycle with relation to precipitation, evapotranspiration, streamflow, and subsurface water as influenced by the surface and subsurface characteristics of the watershed and the works of man.

Investigate the transport of sediment and dissolved materials in natural waters and the physical and biological changes resulting from this transport.

Evaluate the quantities, rates of movement and quality of water in the various phases of the hydrologic cycle.

Reasons for establishing requirements. The duties of these positions cannot be performed without a sound basic knowledge of the scientific principles, theories, and concepts that have application to the professional scientific field of hydrology, and the mathematical tools that are used in the analysis and treatment of hydrologic data. The duties of the positions require the application of highly technical scientific information and skills which can only be acquired through the successful completion of a course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8242; Filed, July 11, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18528; FCC 69R-292]

DeWITT RADIO

Memorandum Opinion and Order Enlarging Issues

In re application of Don Renault and Edwin Zaiontz, doing business as DeWitt Radio, Yorktown, Tex., Docket No. 18528, File No. BP-17138; for construction permit.

1. This proceeding involves the application of Don Renault and Edwin Zaiontz, doing business as DeWitt Radio (DeWitt) for an authorization to construct a new standard broadcast station at Yorktown, Tex. It was designated for hearing by order, FCC 69-423, 17 FCC 2d 385, 34 F.R. 7189, published May 1, 1969. Presently before the Review Board is a petition to enlarge issues, filed May 22, 1969, by Cuero Broadcasters, Inc.

(Cuero),[1] licensee of station KCFH, Cuero, Tex., and a party to the proceeding. Petitioner requests the addition of the following issues:

(1) To determine whether DeWitt Radio kept the Commission advised of "substantial and significant changes" as required by § 1.65 of the Commission's rules.

(2) To determine whether Don Renault deliberately made misrepresentations to the Commission in BP-17138 and/or BP-17254 with regard to his participation in the operation of the proposed stations.

(3) To determine, in light of the evidence adduced on the above issues, whether Don Renault possesses the requisite character qualifications to be a Commission licensee.

2. Cuero concedes that its petition was required to be filed on May 16, 1969, and is late under § 1.229(b) of the Commission's rules. However, petitioner contends that it was not possible to meet the deadline because of the late retention of legal counsel and the necessity of examining other applications submitted by principals of DeWitt, and requests that Rule 1.229 be waived to accept its late filing. Moreover, petitioner argues that because of the public interest questions raised, consideration of the petition on the merits is appropriate under the doctrine in Edgefield-Saluda Radio Company, 5 FCC 2d 148, 8 RR 2d 611 (1966). The Broadcast Bureau, in its comments, supports consideration of the petition on its merits.

3. Cuero has not shown good cause for its untimely filing. Its petition is grounded on an application filed in May 1966, and on an amendment filed in May 1967. Therefore, petitioner's lateness cannot be excused on the ground of the recent availability of these documents. As for the late retention of counsel, Cuero has not indicated when counsel was retained and we are therefore unable to determine whether such late retention might constitute good cause. Nevertheless, petitioner does raise substantial public interest questions and a grant of the requested issues would not unduly disrupt the proceeding. Therefore, consistent with our practice, we will consider the request on its merits. See WSTB-TV, Inc., 16 FCC 2d 625, 15 RR 2d 697 (1969); Edgefield-Saluda, supra.

Section 1.65 issue. 4. Petitioner notes that DeWitt filed the instant application in March 1966; that in May 1966, Don Renault, a partner in DeWitt, filed an application (BP-17254) for authorization to construct a new standard broadcast station in Del Rio, Tex.; and that application was subsequently granted and the station is now in operation under the call letters KWDR. Cuero contends that an examination of DeWitt's application reveals no amendment indicating that the Del Rio application had been filed or granted. Moreover, in its supplementary petition to enlarge issues, Cuero asserts that Don Renault is also a 51 percent owner of Inter-American Television Corp., Inc., which filed an application seeking a construction permit for a new television broadcast station to operate on Channel 10 in Del Rio, Tex., on April 1, 1969. Again, petitioner contends that the applicant has violated § 1.65 of the rules by failing to amend the instant application to reveal the filing of the channel 10 application.

5. The Review Board agrees with the Broadcast Bureau that the requested § 1.65 disqualifying issue should be added. Petitioner raises serious questions concerning whether DeWitt has kept the Commission informed of changes material to its application,[2] and the applicant has made no attempt to provide an explanation. An issue inquiring into this matter will therefore be specified.

Misrepresentation issue. 6. In support of its request for a misrepresentation issue, petitioner notes that DeWitt states in its application that Don Renault will be a full-time employee of the proposed station, and that Renault, in his 1966 Del Rio application, made the same statement in regard to that proposal. Cuero further points out that in May 1967, an amendment was filed to the Del Rio AM application in which Mr. Renault stated that he could fulfill both commitments by the utilization of his private plane, and that, while he would have a station manager in Yorktown, he would be general manager of that facility and responsible for a portion of its sales and all of its engineering. Petitioner contends that it is not possible for Mr. Renault to do both jobs, and that, since the Yorktown proposal involves a directional operation, it will require the presence of an engineer at all times when on the air, leading to a violation of the Commission's rules if Mr. Renault carries out his plan to spend part of his time in Del Rio. Petitioner argues that it is inconceivable that Mr. Renault, a station owner for over 10 years, would not realize that his plan to serve both stations, as explained in the amendment, would be violative of the Commission's rules. Therefore, Cuero argues that a question of misrepresentation is raised by what it characterizes as untrue and misleading statements in the instant and Del Rio AM applications and in the May 1967, amendment to the Del Rio application.

7. The Review Board agrees with the Broadcast Bureau that a misrepresentation issue is not warranted here. As the Bureau points out in its comments, the Commission dealt with a parallel question in the designation order, i.e., whether Renault could carry out his representation concerning the extent of his participation in news programing in light of his commitment to the Del Rio station, and the Commission added an adequacy of staff issue against DeWitt to resolve the question. In our view, no question of concealment or misrepresentation by the applicant in this matter has been raised, and the problem is basically no different than the one dealt with by the Commission. The feasibility of Mr. Renault's proposed participation in the instant proposal can be explored under the existing staffing issue. The request for a misrepresentation issue will be denied.

8. *Accordingly, it is ordered,* That the petition to enlarge issues, filed May 22, 1969, by Cuero Broadcasters, Inc., and the supplement to petition to enlarge issues, filed May 23, 1969, by Cuero Broadcasters, Inc., are granted to the extent indicated below and are denied in all other respects; and

9. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue: To determine whether Don Renault and Edwin Zaiontz, doing business as DeWitt Radio, kept the Commission advised of "substantial and significant changes" as required by § 1.65 of the Commission's rules; and, if not, whether the applicant possesses the requisite qualifications to be a Commission licensee; and

10. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added above will be on Cuero Broadcasters, Inc., and the burden of proof under such issue will be on Don Renault and Edwin Zaiontz, doing business as DeWitt Radio.

Adopted: July 7, 1969.

Released: July 8, 1969.

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

[F.R. Doc. 69-8245; Filed, July 11, 1969; 8:48 a.m.]

[Docket Nos. 18241, etc.; FCC 69-727]

KFPW BROADCASTING CO. ET AL.

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

In regard applications of George T. Hernreich, trading as KFPW Broadcasting Co., Fort Smith, Ark., requests: 100.9 mcs, No. 265; 3 kw; 275 feet, Docket No. 18241, File No. BPH-6180; Christian Broadcasting Co., Hot Springs, Ark., requests: 106.3 mcs, No. 292; 0.457 kw(H); 0.457 kw(V); 670 feet, Docket No. 18388, File No. BPH-6249; Tim Timothy, Inc. (KBHS), Hot Springs, Ark., has: 590 kc, 5 kw, day, requests: 590 kc, 1 kw, 5 kw-LS, DA-N, U, Docket No. 18591, File No. BP-17526; for construction permits.

1. The Commission has before it the above-captioned and described applications and a petition to designate the application of Tim Timothy, Inc. (KBHS), for hearing in the consolidated proceeding now in progress on the applications of KFPW Broadcasting Co.

[1] Also before the Reveiw Board are: (a) Supplement to petition to enlarge issues, filed May 23, 1969, by Cuero; and (b) comments, filed June 5, 1969, by the Broadcast Bureau.

[2] The Commission, in its designation order, took cognizance of Mr. Renault's interest in the Del Rio AM station. However, this fact does not excuse the applicant's failure to amend its application at any time to inform the Commission of such interest. Moreover, there is no reference in the designation order to Mr. Renault's interest in Channel 10 in Del Rio.

(KFPW), and the Christian Broadcasting Co. The petition was filed on March 25, 1969, by the Christian Broadcasting Co. which is the licensee of standard broadcast station KXOW, Hot Springs, Ark. KBHS filed an opposition to the petition, Hernreich filed comments[1] supporting the petition, and the Christian Broadcasting Co. filed a reply.

2. The KFPW application was designated for hearing with another mutually exclusive application (since dismissed) by order of the Commission on July 3, 1968 (FCC 68-705 released July 11, 1968). The Christian Broadcasting Co. application was designated for hearing with the mutually exclusive application of George T. Hernreich trading as KZNG Broadcasting Co., on November 26, 1968 (FCC 68-1145 released Dec. 5, 1968) 14 RR. 2d 960. Mr. Hernreich has since dismissed the KZNG application. In the Christian Broadcasting Co.-KZNG Broadcasting Co., proceeding, among the issues to be resolved is the question of whether the applicants had conducted special contests or promotions in order to improve artificially their ratings of standard broadcast stations in Hot Springs, KXOW and KZNG, respectively, of which the applicants are licensees. Thereafter, the Commission consolidated Hernreich's Fort Smith application in the Hot Springs proceeding for the purpose of determining whether the evidence adduced at the hearing reflects adversely on Hernreich's qualifications to obtain the Fort Smith authorization he seeks, FCC 69-178, 16 FCC 2d 681 released February 27, 1969.

3. In the Christian Broadcasting Co. petition, KBHS is charged with improving its rating by practices similar to those in which KXOW and KZNG have allegedly engaged. KBHS opposes the petition on the procedural grounds that the petition was not filed within the time prescribed by § 1.580(i) of the Commission's rules[2] and that the Commission's failure to consolidate the KBHS application with the Hot Springs FM applications after the Christian Broadcasting Co. had filed an earlier complaint alleging that KBHS had engaged in artificially improving its ratings ("hypo-ing") is an explicit indication that such a consolidation will not "best conduce to the proper dispatch of business and to the ends of justice." Substantively, KBHS seeks to defend two instances cited in the Christian Broadcasting Co. petition. First, KBHS claims that an "Uncle Jack Kash" promotion was started on April 10, 1967, 6 weeks before a Hooper survey which commenced on May 22, 1967. KBHS then quotes what appears to be a policy statement of the Broadcast Rating Council reported in Broadcasting of March 24, 1969 (page 128):

> Such activity shall be deemed hypoing if it occurs only during the survey period or less than 1 week prior to the beginning of the survey period.

KBHS argues that, according to industry definition, the "Uncle Jack Kash" promotion was not "hypo-ing" and that the promotion has continued and still continues without interruption. With respect to a "sweepstakes" promotion mentioned in the Christian Broadcasting Co. petition, KBHS states that the promotion was not designed by the station and that the station had no part in the promotion other than running paid announcements. KBHS also contends that the Christian Broadcasting Company petition "is laden with accusations of false advertising, and underhanded business practices, all of which are unsupported."

4. While it is true that Christian Broadcasting Co.'s petition was untimely, the Commission did not intend that its prior failure to consolidate the KBHS application in the proceeding on the Hot Springs FM application was to be an indication that the consolidation would not be conducive to the proper dispatch of its business. The KBHS application was not consolidated in the FM proceeding because the processing of the FM applications was completed before the completion of the processing of the KBHS application. As is the general practice in the absence of some indication of the existence of questions involving the same issues, the FM applications were processed without regard to the pendency of the AM proposal of another applicant. When the processing of the KBHS application was completed it was noted that not only had the "hypo-ing" charges been leveled at KXOW and KZNG but also that similar accusations have been made against KBHS. Since, in any event, the question raised would require resolution before favorable action on the KBHS proposal, the Commission must decide which procedure, under the circumstances, would achieve the more satisfactory resolution.

5. With regard to the KBHS allegation that one of its promotions, "Uncle Jack Kash," is not, by industry definition, "hypo-ing," the Commission accords due weight to the views of the industry council and they may be helpful in weighing the public interest factors which may develop. The ultimate public interest determination, however, is the responsibility of the Commission.

6. The accusations against KBHS appear to be but one facet of a dispute among the standard broadcast licensees in Hot Springs which seems to have generated some heat. The Commission finds, under the present circumstances, that, rather than attempt to resolve the question as it relates to KBHS on the basis of pleadings and other written statements on file, the better procedure is to consolidate the KBHS proposal into the proceeding already in progress and resolve the dispute on the basis of a hearing record. Accordingly, the petition of the Christian Broadcasting Co., though untimely, will be treated as an informal objection and the request to consolidate the KBHS proposal in the hearing will be granted. As to all matters within the peculiar knowledge of the respective applicants, the burden of proceeding with the introduction of evidence and the burden of proof shall be upon such applicants.

7. The proposed nighttime operation of KBHS will be limited to essentially the 18.7 mv/m contour and, as a result will encompass 97.1 percent of the population of Hot Springs. Thus, the proposal falls short of full compliance with § 73.188 of the Commission's rules. KBHS requests a waiver of that section and shows that, based on a house count, the 1968 population is 37,286 and that the population within the corporate city limits which is outside the proposed nighttime interference-free contour is 1,078. The proposed 25 mv/m contour will completely encompass the central business district of Hot Springs. In addition, the proposed operation would provide service to an area within Hot Springs which is not presently served by the one unlimited time standard broadcast station KZNG, assigned to the city, and 77 percent of the area within the proposed nighttime interference-free contour will receive a first primary nighttime service from the KBHS proposal. Under these circumstances, the Commission finds that a waiver of § 73.188 of the rules is justified, and KBHS' waiver request will be granted.

8. The Commission has previously found George T. Hernreich, trading as KFPW Broadcasting Co. and the Christian Broadcasting Co. qualified to construct and operate as proposed except as indicated by issues heretofore specified and now finds Tim Timothy, Inc., qualified to construct and operate KBHS as proposed except as indicated by the issues specified below. However, for the reasons stated above, the Commission is unable to make the statutory finding that the proposal would serve the public interest, convenience and necessity and is of the opinion that the application of Tim Timothy, Inc., must be consolidated in the proceeding now in progress..

9. *Accordingly, it is ordered,* That the request of the Christian Broadcasting Co., to consolidate the captioned applications for hearing is granted; and that, pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.227(a) of the Commission's rules, the application of Tim Timothy, Inc., is consolidated for hearing in the proceeding on the applications of George T. Hernreich, trading as KFPW Broadcasting Co., and the Christian Broadcasting Co., at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether and, if so, the extent to which KZNG Broadcasting Co., conducted special contests or promotions in order to improve artificially its rating, and in light of the evidence thus adduced, whether George T.

[1] KBHS responded to Hernreich's comments by affidavit of B. P. Timothy, president and majority stockholder of KBHS.

[2] Pursuant to §§ 1.571(c) and 1.580(i) of the rules, the Commission, by public notice of Apr. 5, 1967, fixed May 11, 1967, as the date on which pleadings against the KBHS application must be filed.

Hernreich, trading as KFPW Broadcasting Co., possesses the requisite qualifications to obtain the requested authorization.

(2) To determine whether and, if so, the extent to which Christian Broadcasting Co., conducted special contests or promotions in order to improve artificially its ratings, and in the light of the evidence thus adduced, whether Christian Broadcasting Co., possesses the requisite qualifications to obtain the requested authorization.

(3) To determine whether and, if so, the extent to which Tim Timothy, Inc., conducted special contests or promotions in order to improve artificially its ratings, and in the light of the evidence thus adduced, whether Tim Timothy, Inc., possesses the requisite qualifications to obtain the requested authorization.

(4) To determine the efforts made by KFPW Broadcasting Co., to ascertain community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs.

(5) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether grants of the applications would serve the public interest, convenience and necessity.

10. *It is further ordered,* That the request of Tim Timothy, Inc., for waiver of § 73.188 of the Commission's rules is hereby granted.

11. *It is further ordered,* That the burden of proceeding with the introduction of the evidence and the burden of proof on the issues herein shall be upon the applicants.

12. *It is further ordered,* That the specification of issues and conditions herein shall supersede the specification of issues and conditions in all previous orders in this proceeding.

13. *It is further ordered,* That, if the application of the Christian Broadcasting Co., is granted, the permit shall contain the following condition: Section 73.210(a)(2) of the Commission's rules is waived to permit the establishment of the main studio outside the city limits of Hot Springs, Ark., near the intersection of Kingsway Drive and Buena Vista Road.

14. *It is further ordered,* That, to avail itself of the opportunity to be heard, Tim Timothy, Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

15. *It is further ordered,* That Tim Timothy, Inc., shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 2, 1969.

Released: July 9, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]

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

[F.R. Doc. 69-8243; Filed, July 11, 1969; 8:48 a.m.]

[Docket Nos. 18292, 18592; FCC 69-738]

K & M BROADCASTERS, INC., AND MOLLY PITCHER BROADCASTING CO., INC.

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

In re applications of K & M Broadcasters, Inc., Stirling, N.J., Requests: 1070 kc, 250 w, Day, Docket No. 18292, File No. BP-17004; Molly Pitcher Broadcasting Co., Inc., Freehold, N.J., Requests: 1070 kc, 1 kw, DA, Day, Docket No. 18593, File No. BP-17496; for construction permits.

1. The Commission has before it the above-captioned and described application of K & M Broadcasters, Inc., which, pursuant to an initial decision released May 9, 1969, by Chief Hearing Examiner, Arthur A. Gladstone, will be granted unless the Commission takes further action pursuant to § 1.276 of the Commission's rules. Also before the Commission is the above-captioned application of the Molly Pitcher Broadcasting Co., Inc., which was dismissed on August 14, 1968, for failure to respond to official correspondence, a "Petition for Partial Reconsideration and for Consolidation" filed by the Molly Pitcher Broadcasting Co., Inc. (Molly Pitcher); oppositions to the "Petition for Reconsideration of Order of Dismissal" filed by Harold M. Gade, licensee of Station WHTG, Eatontown, N.J., and the Kel Broadcasting Co., Inc., a former applicant for a construction permit for a new standard broadcast station in Watchung, N.J., and Molly Pitcher's reply to the oppositions.

2. Pleadings and related documents on file prior to the dismissal of the Molly Pitcher applications are the following: A petition to reject the application filed on October 7, 1966, by the Kel Broadcasting Co., Inc., Molly Pitcher's opposition and the petitioner's reply; a letter of October 28, 1966, of Herbert P. Michels, former applicant for the proposed Stirling station, requesting the rejection of the Molly Pitcher application; a petition for reconsideration of the acceptance of the Molly Pitcher application filed March 13, 1967, by Kel Broadcasting Co., Inc., and Molly Pitcher's opposition; a petition requesting that the Molly Pitcher application be returned filed by Michels on April 12, 1967, Molly Pitcher's opposition and Michels' reply; and a petition to deny the Molly Pitcher application filed May 11, 1967, by Harold M. Gade (WHTG). Molly Pitcher did not respond to the WHTG petition until, in its post dismissal pleadings, it stated that it is prepared to meet the issues requested by WHTG.

3. Prior to the dismissal of the Molly Pitcher application, there were pending four applications involving interrelated conflicts. Those applications were the application of the Sunbury Broadcasting Corp. (WKOK) (File No. BP-16936) for a modification of the authorization of WKOK, Sunbury, Pa.; and the applications of Herbert P. Michels (File No. BP-17004), the Kel Broadcasting Co., Inc. (File No. BP-17405), and Molly Pitcher (File No. BP-17496) for construction permits for new standard broadcast stations at Stirling, Watchung, and Freehold, N.J., respectively. Each application specified a frequency of 1070 kilocycles. The Kel application was mutually exclusive with each of the other three. Michels' application was mutually exclusive with Kel and Molly Pitcher but not with the WKOK proposal. Molly Pitcher was in conflict with both Michels and Kel, but, notwithstanding the overlap of the 0.025 mv/m contour of WKOK with the 0.5 mv/m contour of Molly Pitcher, was not in conflict with the WKOK proposal inasmuch as no overlap of the WKOK 0.05 mv/m contour with the Molly Pitcher 1 mv/m contour would occur and Molly Pitcher proposes the first standard broadcast facility in Freehold. See § 73.37 of the Commission's rules.

4. During the pendency of those applications, Michels, in objecting to the application of Molly Pitcher, noted that the Molly Pitcher notice of the filing of its application published in The Freehold Transcript stated that a copy of the application was on file for public inspection at the offices of the corporation in Red Bank, N.J. § 1.580(f)(10) provides that a copy of an application must be on file at a stated address in the community in which the main studio is proposed to be located—in this case, Freehold. Thus, Molly Pitcher's first notice was technically not in compliance with § 1.580(f)(1) of the rules.

5. In response to Michels' objection, Molly Pitcher contended that the notice was in substantial compliance with the Commission's requirement but that, to remove any question, a second notice would be published which would comply with the letter of the Commission's rules. This statement appeared in a pleading filed on April 25, 1967. Nothing further was received on this matter by January 1968, and on January 29, 1968, the Commission addressed a letter to Molly Pitcher requesting that the Commission be advised if a second notice had been published. The Commission requested a response within thirty (30) days and advised Molly Pitcher that, in the absence

[3] Commissioners Bartley, Wadsworth, and Johnson absent.

of a response within 30 days, its application would be dismissed pursuant to § 1.568(b) of the rules, a section that provides that failure to respond to official correspondence is cause for dismissal of an application. Molly Pitcher did not respond to this letter by August 14, 1968, and on that date the Commission dismissed the application.[1]

6. Simultaneously with the dismissal of the Molly Pitcher application, the Commission ordered a hearing on the other three proposals, WKOK, Michels and Kel. Thereafter, negotiations between Michels and Kel resulted in a merger between those two applicants, the Kel application was dismissed and Michels and Kel have continued to prosecute the Stirling proposal under the corporate name, K & M Broadcasters, Inc. The dismissal of the Kel application removed the conflict with the WKOK proposal which was severed from the K & M proposal and granted.

7. Meantime, Molly Pitcher filed its petition for reconsideration of the order of dismissal and a petition for partial reconsideration of the order designating the other applications for hearing to the extent of consolidating the Molly Pitcher application in the hearing proceeding. The petition for reconsideration of the order of dismissal recites the history of the Molly Pitcher application and refers to the filing of the petition to deny the application by WHTG in which WHTG raised a question regarding the availability of Molly Pitcher's proposed transmitter site. Molly Pitcher explains the failure to respond to the Commission's letter of January 29, 1968, by stating that its original expectation of acquiring the transmitter site did not materialize. Tentative arrangements had been made with a Mr. Samuel Brenner to purchase a parcel of land and lease part of the property to be used as the transmitter site. Mr. Brenner's plan to purchase the land was subject to the condition that he find a use for that portion of the property which Molly Pitcher did not intend to lease. At the time the WHTG petition was filed, it was questionable whether Mr. Brenner would go forward with the original plan. Molly Pitcher states that several months were spent in unsuccessful efforts to purchase the site proposed or adjacent land and takes the position that it could not properly publish a new notice because it had no site to specify other than the one with respect to which the unresolved question had been raised.

8. Shortly before the dismissal of its application, according to Molly Pitcher, a commitment was secured from the landowner to sell the property at a specified price. The landowner also agreed to act as Molly Pitcher's agent for the purpose of keeping on file in this office in Freehold a copy of the application for public inspection. Molly Pitcher then republished its notice on August 22 and 29, and September 5, 1968, in The Freehold Transcript, a weekly newspaper. The notice states that a copy of the application may be inspected in Freehold.

9. Having related its experience with respect to the proposed transmitter site, Molly Pitcher now requests that the Commission reconsider its order of dismissal and designate the application for hearing in Docket No. 18292.

10. Molly Pitcher argues further that "the public interest would be served far more by the allocation of the instant frequency in Freehold than would be the case if it were allowed to go, by default, to * * * Stirling." Molly Pitcher also asserts that the only question presented is whether the public interest, in this situation, may yield to the private interests of the other applicants (now applicant) in the hearing proceeding.

11. WHTG urges, on the other hand: "The instant petition presents the basic question as to whether the Commission's processing rules are to be observed or whether applicants shall be free to disregard them with impunity."

12. The Commission finds that it will be in the public interest to reinstate the Molly Pitcher application and consolidate its proposal with the K & M proposal. This will provide the Commission an opportunity to consider the question of which proposal may provide the more fair, efficient and equitable distribution of radio service within the meaning of section 307(b) of the Communications Act of 1934, as amended. This is assuming that Molly Pitcher will be able to resolve favorably several issues which must be specified against it. In taking this action the Commission does not condone Molly Pitcher's serious procedural lapse in failing to file a timely response to official correspondence, or in failing to comply with § 1.65 of the Commission's rules in that it apparently did not advise the Commission of a material change in circumstances with respect to the proposed transmitter site.

13. With reference to those documents listed in paragraph 2, above, all but WHTG's petition to deny the Molly Pitcher application deal with the procedural question of the acceptability of the application. Michels and the Kel Broadcasting Co. urged the rejection of the Molly Pitcher application alleging that the proposal did not meet the minimum separation requirements of § 73.37 in that, it is claimed, overlap of contours prohibited by § 73.37(a) would occur involving the Molly Pitcher proposal and stations WTIC, Hartford, Conn. (1080 kc, 50 kw, DA–N, U), WHN, New York, N.Y. (1050 kc, 50 kw, DA–1, U) and KYW, Philadelphia, Pa. (1060 kc, 50 kw, DA–1, U). At the time of the filing of the Molly Pitcher application, the Commission's study of the proposal indicated that it was in compliance with § 73.37. A subsequent amendment which included field intensity measurement data removes any possible doubt on the question of the application's acceptability. Accordingly, the application is not subject to dismissal on 73.37 grounds. See Natick Broadcast Associates, Inc., v. Federal Communications Commission, —— U.S. App. D.C. ——, 385 F. 2d 985, 11 RR 2d 2065 (1967); James River Broadcasting Corporation v. Federal Communications Commission, —— U.S. App. D.C. ——, 399 F. 2d 581, 13 RR 2d 2088 (1968).

14. Michels is also critical of Molly Pitcher's measurements and suggests that they may be unreliable because of the alleged inaccuracy of the measuring instrument. Michels also cites various omissions in the application. With reference to the measurement data, a careful examination of the information submitted indicates that it is adequate to establish that the Molly Pitcher proposal is in compliance with the Commission's allocation standards and that, apart from Michels' speculative observations concerning the measuring instrument, there is no reason to doubt the accuracy of the measurements. With regard to the alleged incompleteness of the application, there are indeed some omissions, none of which, however, constitute grounds for dismissing the application. Accordingly, the requests of Michels and Kel to reject or dismiss the Molly Pitcher application must be denied.

15. WHTG, in requesting the denial of the Molly Pitcher application, raises several questions which have not been resolved. WHTG first states that Molly Pitcher claims to have made a "comprehensive market study" which included a survey to "interview and consult with civic leaders". WHTG conducted an investigation to determine the nature of the contacts made by Molly Pitcher. Of the several community leaders contacted by WHTG, most of them were unaware of a proposal for a station in Freehold and all but three had not been contacted by anyone concerning a proposed new service. WHTG concludes that no significant survey was made. WHTG also alleges that the programs proposed by Molly Pitcher were taken from the schedules of WHTG and of WJLK in Asbury Park, N.J.

16. Molly Pitcher appears to rely on the residence of its president, Norman K. Brenner, in Matawan, N.J., and a survey of a cross-section of the potential audience and unidentified civic leaders as the basis for its ascertainment of community needs. The material submitted concerning its proposed program service consists, for the most part, of general statements reflecting the opinions of Molly Pitcher's principals but not specifically related to any survey which may have been made. With regard to Mr. Brenner's residence in Matawan, the Commission does not regard such residence, without more, sufficient to establish familiarity with the needs and interests of the area. Andy Valley Broadcasting System, Inc., 12 FCC 2d 3, 12 RR 2d 691 (1968). Moreover, the applicant's showing is otherwise inadequate to show an awareness of area needs and the manner in which those needs are to be met. Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961); Public Notice of August 22, 1968, 33 FR 12113, 13 RR 2d 1903. Therefore, an appropriate issue will be specified.

[1] In the petition for partial reconsideration, Molly Pitcher erroneously states that its application had been dismissed for failure to republish a notice of the filing of its application. Actually, at the time the application was dismissed, the Commission had not been advised whether a second notice had been published or not.

17. WHTG next requests that the availability of the proposed site be placed in issue, and Molly Pitcher now concedes that, at the time WHTG's petition was filed there was serious doubt concerning the availability of the site. WHTG claims that the specification of the site at a time when an offer to purchase the land was rejected by the landowner constituted a misrepresentation. Based on Molly Pitcher's account of its experience with the site, it would appear that the original arrangements were tenuous at best. It now appears, however, that the site now specified is available, and the Commission will not place its availability in issue. It does appear that Molly Pitcher did not comply with the requirements of § 1.65 of the rules in that it failed to advise the Commission when it appeared that the site might not be available. Accordingly, this failure will be considered in the hearing.

18. WHTG alleges that the Molly Pitcher proposal will not comply with § 73.188(b)(1) of the Commission's rules inasmuch as the proposed 25 mv/m contour will not encompass all the business and factory area of Freehold. In support of this allegation, WHTG submitted an affidavit of its chief engineer to which was attached an exhibit showing business and factory areas of Freehold. A segment of the proposed 25 mv/m contour is drawn on the exhibit, and portions of the business and factory areas are shown outside the contour. It is not entirely clear how the location of the 25 mv/m contour was determined although there is mention of Figure 9A in the Molly Pitcher proposal. The Commission's examination of the material filed by the applicant indicates that the proposed 25 mv/m contour will substantially cover the business area of Freehold, and, therefore, a § 73.188(b)(1) issue is not necessary.

19. Finally, WHTG contends that the Commission's policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901 (1965), should be applied in the case of the Molly Pitcher application. Under that policy, where an applicant's proposed 5 mv/m contour penetrates the geographic boundaries of a community with a population of over 50,000 persons and having at least twice the population of the applicant's specified community a presumption arises that the applicant realistically proposes to serve the larger community rather than the specified community. In adopting the policy, the Commission stated that in those instances when the presumption would not arise because, for example, the larger community lacks the required population, interested parties may petition to designate the application for hearing. The Commission indicated that such petitions would receive favorable consideration if a petitioner makes a threshold showing that the proposal would realistically serve primarily a community other than the applicant's specified community.

20. In support of its contention that the suburban community policy should apply in this case, WHTG submitted a quantity of statistical information including population figures and lists of civic and social organizations and commercial establishments in Molly Pitcher's proposed service area. WHTG implicitly recognizes that no single community in the proposed service area has a population of as much as 50,000 but seeks to raise the presumption by combining the populations of several communities. WHTG points out that the combined populations of Asbury Park (17,366), Neptune Township (21,487), and Lakewood (13,004) are 51,857 or more than 50,000. The petitioner also lists other communities which lie wholly or partially within the proposed 5 mv/m contour. In addition WHTG lists other communities which lie wholly or partially within the proposed 2 mv/m contour. WHTG notes that Freehold will be located in a minor lobe of the directional antenna pattern and has a population of only 9,140. WHTG cites the greater civic, social and economic development which has occurred in the communities along the eastern New Jersey coast but claims that no comparable development has taken place in Freehold. In addition, WHTG points out that there are numerous services and facilities outside Freehold that cannot be found in Freehold.

21. Upon consideration of the entire showing, however, the Commission is unable to infer that Molly Pitcher intends to serve primarily some more populous, unspecified community. Moreover, the showing fails to establish that there is in the area a single central city of which Freehold may be a suburb. WHTG emphasizes the modest population of Freehold, but apparently, according to the petitioner's figures, the population of its own community, Eatontown (10,334), is not substantially greater than that of Freehold.

22. Freehold is the county seat of Monmouth County, and, according to the matrial submitted by WHTG, Freehold appears to have all the indicia of an integrated community. It may well be, as WHTG suggests, that if the Freehold station is authorized, Molly Pitcher may seek revenues from advertisers in communities other than Freehold, but this does not mean that the Commission must presume that the station will primarily serve some unnamed community other than Freehold. It is true that Freehold will lie in a minor lobe, but the proposed station will cover Freehold with the required signal. The Commission finds that WHTG has failed to make a threshold showing that Molly Pitcher does not intend realistically to serve Freehold. Accordingly, the request for a suburban community issue will be denied.

23. One other matter to be resolved in the hearing includes the financial qualifications of Molly Pitcher. The financial information in addition to being out of date indicates that the principals will provide the necessary funds but no balance sheets or financial statements have been submitted. Therefore, there is no basis for a finding that the Molly Pitcher principals have funds to meet their commitments. Moreover, Molly Pitcher should submit current information for consideration in connection with the financial issue specified.

24. K & M Broadcasters, Inc., have been found qualified to construct and operate its proposed station, and the Commission now finds the Molly Pitcher Broadcasting Co., Inc., qualified, except as indicated by the issues specified below. However, because of the matters indicated above, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the application of the Molly Pitcher Broadcasting Co., Inc., must be consolidated for hearing with the application of K & M Broadcasters, Inc., on the issues set forth below. We recognize that qualification issues specified in our previous orders relating to the K & M application were resolved by the Hearing Examiner's initial decision. However, we specifically direct the Examiner to consider evidence directed to such issues if proffered by Molly Pitcher Broadcasting Co., Inc.

25. *Accordingly, it is ordered,* That the "Petition for Reconsideration of Order of Dismissal" and the "Petition for Partial Reconsideration and for Consolidation" filed by the Molly Pitcher Broadcasting Co., Inc., are granted; that the effective date of the initial decision of the Chief Hearing Examiner (FCC 69D-30) looking toward a grant of the application of K & M Broadcasters, Inc., is stayed; that the application of K & M Broadcasters, Inc., is remanded for a reopening of the record, for further hearing and the issuance of a supplemental initial decision; and that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application of the Molly Pitcher Broadcasting Co., Inc., is consolidated for hearing in the proceeding on the application of K & M Broadcasters, Inc., at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

(2) To determine the efforts made by the Molly Pitcher Broadcasting Co., Inc., to ascertain the community needs and interests of the area to be served and the means by which they propose to meet those needs and interests.

(3) To determine whether the Molly Pitcher Broadcasting Co., Inc., is financially qualified to construct and operate its proposed station.

(4) To determine, with respect to the application of the Molly Pitcher Broadcasting Co., Inc., whether this applicant has continued to keep the Commission advised of "substantial and significant changes" in its application as required by § 1.65 of the Commission's rules.

(5) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the applications would better provide a fair, efficient and equitable distribution of radio service.

(6) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either of the applications should be granted.

26. *It is further ordered,* That Harold M. Gade, licensee of station WHTG, Eatontown, N.J., is made a party to the proceeding.

27. *It is further ordered,* That the petition to deny the application of the Molly Pitcher Broadcasting Co., Inc., filed by Harold M. Gade, is granted to the extent indicated above and is denied in all other respects.

28. *It is further ordered,* That the requests of Herbert P. Michels and the Kel Broadcasting Co., Inc., to reject or dismiss the application of the Molly Pitcher Broadcasting Co., Inc., are denied.

29. *It is further ordered,* That the burden of proceeding with the introduction of the evidence and the burden of proof with respect to issues 2, 3, and 4 shall be upon the Molly Pitcher Broadcasting Co., Inc.

30. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the Molly Pitcher Broadcasting Co., Inc., and Harold M. Gade, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

31. *It is further ordered,* That the Molly Pitcher Broadcasting Co., Inc., shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 2, 1969.

Released: July 9, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]

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

[F.R. Doc. 69-8244; Filed, July 11, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

CENTRAL GULF STEAMSHIP CORP. ET AL.

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, 1405 I Street NW., Room 1202; or may inspect agreements 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. N. W. Johnson, Vice Chairman,
Central Gulf Steamship Corp.,
1 Whitehall Street,
New York, N.Y. 10004.

Agreement No. 9804 establishes a cooperative working arrangement between Central Gulf Steamship Corp., Contramar S.A., and Eurogulf Lines, Inc., in the westbound trade from ports (including ports and places on inland waters) in the United Kingdom, Eire, continental Europe north of Gibraltar, including Scandinavian and Baltic Sea ports, to U.S. South Atlantic and Gulf ports including ports and/or places on inland waterways.

It recites the agreement of the parties to inaugurate a lighter-aboard-ship (LASH) common carrier service in November 1969, or as soon as the first LASH vessel and barges are made available by Central Gulf. The service will be operated by Eurogulf Lines, Inc., under the trade name of "Central Gulf Contramar Line," with monthly sailings scheduled during the first 8 or 9 months and every 15 days thereafter. Neither Central Gulf nor Contramar nor any of their affiliates or agents will operate or act as agents for a common or contract carrier service in these trades, whether with LASH vessels or otherwise, other than that operated by Eurogulf.

Further provision is made (1) for the appointment of Central Gulf as general agents for the line in the United States, and of Continental Lines S.A. as general agents and central booking office in Europe, and copies of these agency agreements have been filed for information purposes; (2) for the employment of subagents and stevedores by the general agents; (3) for the publication by Central Gulf Contramar Line (Eurogulf) of a tariff of rates, terms and conditions for the transportation of cargo in the trades, and (4) that the duration of the agreement is 5 years commencing October 1, 1969, subject to extension, and for its termination by any of the parties at any time upon 6 months' notice to the other parties.

Dated: July 9, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-8250; Filed, July 11, 1969; 8:48 a.m.]

JET AIR FREIGHT AND COPELAND SHIPPING, INC.

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, 1405 I Street NW., Room 1202, or may inspect agreements 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:

Gary L. Zimmerman, Secretary, Jet Air Freight, 900 West Florence Avenue, Inglewood, Calif. 90301.

Agreement No. FF-4 between Jet Air Freight, a California corporation (Independent Ocean Freight Forwarder License No. 1095), and Copeland Shipping, Inc., a New York corporation (Independent Ocean Freight Forwarder License No. 92), provides for the acquisition by Jet of all the issued and outstanding stock of Copeland in exchange for a certain number of shares of the common stock of Jet. Copeland will continue its corporate identity, but as a wholly-owned subsidiary of Jet. Both parties will retain their current FMC Licenses to operate as independent ocean freight forwarders. The acquisition with respect to the air freight forwarding operations of Jet and Copeland has been approved by the Civil Aeronautics Board.

Dated: July 9, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-8251; Filed, July 11, 1969; 8:48 a.m.]

NOVO CORP. AND BARNETT INTERNATIONAL FORWARDERS, INCORPORATED, OF CALIFORNIA

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the

[2] Commissioners Bartley, Wadsworth, and Johnson absent; Commissioner Robert E. Lee concurring in the result.

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements 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 10 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:

Edward Schmeltzer, Morgan, Lewis & Bocklius, 1140 Connecticut Avenue, N.Y., Washington, D.C. 20036.

Agreement No. FF-5 between Novo Corporation and Barnett International Forwarders, Incorporated, of California (Barnett of California, FMC License No. 689), provides for the acquisition of Barnett of California by Novo Corp. Novo currently owns Trans-World Forwarding & Air Expediting Co. (FMC License No. 773), and Barnett International Forwarders, Incorporated, a New York corporation (FMC License No. 865).

The acquisition would be accomplished by having Barnett of California merge with and into a wholly owned subsidiary of Novo, to be incorporated in the State of California for this purpose. The surviving subsidiary corporation would bear the name of Barnett International Forwarders, Incorporated, of California.

As consideration for the acquisition, Novo would issue to the two stockholders of Barnett of California, in equal parts as to each, shares of common stock of Novo having a market value of one hundred sixty-five thousand dollars ($165,000.00).

Dated: July 9, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8252; Filed, July 11, 1969; 8:48 a.m.]

SWISS/NORTH ATLANTIC FREIGHT CONFERENCE

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, 1405 I Street NW., Room 1202; or may inspect agreements 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.

Swiss/North Atlantic Freight Conference (modification of conference agreement).

Notice of agreement filed for approval by:

Mrs. M. Lambert, Secretary, Swiss/North Atlantic Freight Conference, 85, Rue de la Republique D-4, 92—Meudon (Hauts-de-Seine), France.

Agreement No. 7860-11 amends the first sentence of Article 1 of the basic agreement of the Swiss/North Atlantic Freight Conference to read as follows: "This Agreement covers the establishment and maintenance of agreed rates, charges and practices, for or in connection with the transportation of cargo originating in Switzerland and Liechtenstein, destined to the United States via the European Continental Ports of loading in the Hamburg/Bayonne Range, both inclusive; ports of the French Mediterranean Coast; all the ports of the Italian Mediterranean and Adriatic Coast served by members, to North Atlantic Ports of the United States in the Hampton Roads/Portland (Maine) Range, in any vessel owned, controlled, chartered, or operated by the Members in the trade covered by this Agreement."

Dated: July 9, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8253; Filed, July 11, 1969; 8:48 a.m.]

[Commission Order 52 (Revised)]

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Sec.
1 Purpose.
2 Policy.
3 Scope of program.
4 Responsibilities.
5 Director of Equal Employment Opportunity.
6 Counseling procedure.
7 Complaint procedure.
8 Hearings.
9 Decision.
10 Appeal.

SECTION 1. *Purpose.* 1.01 This order expands and revises the provisions of C.O. 52 (Revised) dated October 30, 1968, to comply with the revised U.S. Civil Service regulation, Federal Personnel Manual Part 713, effective July 1, 1969.

1.02 This order establishes procedures for the informal settlement of grievances concerning employment discrimination; for the receipt, investigation, and disposition of complaints of such discrimination; for the adjustment of such complaints; for the formal hearing of such complaints before an appeals examiner; and for the Appeal of the decision of the Director of EEO to the Civil Service Commission.

SEC. 2. *Policy.* 2.01 There shall be, in the Federal Maritime Commission, a positive continuing program of equal employment opportunity for all qualified persons, consistent with law, without discrimination because of race, religion, color, national origin, physical impairment, sex, political affiliations, marital status, or age (hereinafter referred to as discrimination).

2.02 Any person wishing to file a complaint involving issues of discrimination must first discuss his grievance with the Equal Employment Opportunity Counselor (hereinafter referred to as the Counselor) for the purpose of providing the maximum opportunity for informal resolution of the grievance.

2.03 There shall be prompt, fair, and impartial consideration and disposition of all complaints involving issues of discrimination.

2.04 At all stages in the presentation of the complaint, or counseling under section 6, the aggrieved person or complainant shall be free from restraint, interference, coercion, discrimination, or reprisal and shall have the right to be accompanied, represented, and advised by a representative of his own choosing.

2.05 An employee complainant (in an active duty status) shall have a reasonable amount of official time to present his grievance or complaint. If such employee designates another employee as his representative, the representative shall be free from restraint, interference, coercion, discrimination or reprisal, and shall have a reasonable amount of official time, if he is otherwise in an active duty status, to present the complaint.

2.06 The Director, Officer, and Counselor shall be free from restraint, interference, coercion, discrimination or any other reprisal, direct or indirect, in connection with the performance of their duties under this order.

SEC. 3. *Scope of Program.* 3.01 The Federal Maritime Commission shall, through its management and supervisory officials assigned responsibilities under section 4 of this order, establish and maintain a program providing for the:

1. Availability of equal employment opportunity for all qualified employees and applicants for employment in all job categories, without regard for race, religion, color or national origin, physical handicap, sex, political affiliation, marital status, or age.

2. Communication of the Commission's equal opportunity policy program and its employment needs to educational institutions, the Civil Service Commission,

Federal and State employment agencies, and other sources of qualified minority group applicants to obtain their recruitment assistance.

3. Continuous reappraisal of the duties and responsibilities of positions to determine whether duties can be restructured to provide more opportunity for the selection of under-utilized and handicapped employees or applicants and the development of such employees, through training, to the higher level required.

4. Conduct of all training programs by the Federal Maritime Commission on the basic premise that all employees shall be given equal opportunity to participate solely on the basis of job betterment and improvement in employee skills.

5. Participation at the community level with other employers, with schools and universities, and with other public and private groups in cooperative action to improve employment opportunities and community conditions that affect employability.

SEC. 4. *Responsibilities.* 4.01 The Chairman, Federal Maritime Commission, will exercise personal leadership in establishing, maintaining and carrying out a positive continuing program to assure equal opportunity in every aspect of the Commission's policies and practices.

4.02 The Managing Director is responsible for the executive direction of the development and implementation of an affirmative program of equal employment opportunity. The Managing Director will be aided in the effectuation of such program by the principal management officials of the Commission as specified in sections 4.03 through 4.07 below.

4.03 Heads of Offices and Bureaus are responsible for carrying out, within their organizational units, the equal employment opportunity program and policies of the Commission. Further, such officials shall discharge their personnel management responsibilities in a manner to ensure that there is no form of prejudice or discrimination in personnel practices or working conditions.

4.04 The Chief, Division of Personnel is responsible for providing staff assistance to the Director of Equal Employment Opportunity, EEOO, EEOC, bureau directors, and office chiefs in their performance of activities under the equal opportunity program. Moreover, he is responsible for ensuring that personnel policies and practices, as set forth in this order, are fulfilled in the recruitment, selection, utilization and training of personnel.

4.05 The Deputy Managing Director is designated as Director of Equal Employment Opportunity of the Federal Maritime Commission and shall carry out the duties and responsibilities enumerated in section 5 of this order. In this capacity, he shall be under the immediate supervision of the Chairman.

4.06 The Director, Bureau of Hearing Counsel, is designated as the Equal Employment Opportunity Officer of the Federal Maritime Commission and shall carry out the duties and responsibilities enumerated in section 7 of this order.

4.07 The Deputy General Counsel is designated as the Equal Employment Opportunity Counselor of the Federal Maritime Commission and shall carry out the duties and responsibilities enumerated in section 6 of this order. Moreover, he shall advise the Director of Equal Employment Opportunity of the need for additional counselors, from time to time, to carry out the responsibilities of Equal Employment Opportunity counseling.

SEC. 5. *Director of Equal Employment Opportunity.* 5.01 The Director of Equal Employment Opportunity is responsible for:

1. Advising the Chairman with respect to the adequacy and implementation of the Commission's program for equal employment opportunity.

2. Evaluating from time to time, but at least every 6 months, the sufficiency of the total Commission's program for equal employment opportunity and reporting thereon to the Chairman with recommendations as to any improvement or correction needed.

3. Providing for counseling, by an Equal Employment Opportunity Counselor in accordance with section 6 of this order of any aggrieved employee or qualified applicant for employment who believes that he has been discriminated against.

4. Providing for the receipt, investigation, and disposition of any complaints, in accordance with section 7 of this order, of discrimination in personnel matters within the Commission by any complainant employee or qualified applicant for employment who believes he has been discriminated against.

5. Providing for the receipt, investigation, and disposition, of allegations by organizations or other third parties of discrimination in personnel matters within the agency whether or not related to an individual complaint of discrimination, with notification of his decision to the party submitting the allegation.

6. Making the agency decision on complaints of discrimination and ordering appropriate corrective measures.

7. With the advice of the Equal Employment Opportunity Officer(s) and Counselor(s), developing and administering a detailed plan of action to implement the Commission's equal employment opportunity program; maintaining such plan on a current basis, thereby ensuring that the plan will be continuously responsive to the needs of the organization and the requirements of public policy.

5.02 The Director of Equal Employment Opportunity shall file such reports to the Federal Maritime Commission and Civil Service Commission as are required.

SEC. 6. *Counseling procedure.* 6.01 Any aggrieved person who believes that he has been discriminated against must consult with an Equal Employment Opportunity Counselor in attempting to resolve the matter. The Counselor shall make whatever inquiry he believes necessary into the matter; shall seek a solution of the matter on an informal basis; and shall counsel the aggrieved person concerning the merits of the matter.

6.02 The aggrieved person must bring his grievance to the attention of the Counselor within 15 calendar days of the event giving rise to the grievance or, if a personnel action, within 15 calendar days of its effective date; provided however that a grievance concerned with a continuing discriminatory practice having a material bearing on employment may be brought at any time.

6.03 The Counselor shall, insofar as practical, conduct his final interview with the aggrieved person not later than 15 working days after the date on which the matter was called to his attention by the aggrieved person. Moreover, the Counselor shall advise the aggrieved person in a final interview of his right to file a complaint of discrimination with the agency's Equal Employment Opportunity Officer, if the matter has not been resolved to the aggrieved person's satisfaction; he shall also advise him of the requirements governing the acceptance of a complaint in section 7 hereof. Moreover, the Counselor shall assist the aggrieved person, if so requested by that person, in filing his complaint.

6.04 The Counselor shall not reveal the identity of an aggrieved person who has sought counseling except when so authorized by the aggrieved person until the agency has accepted a complaint of discrimination from the aggrieved person on the matter brought to the attention of the Counselor.

6.05 When a complaint of discrimination has been accepted from an aggrieved person, the Counselor shall submit a written report to the EEO Officer, a copy to the aggrieved person, summarizing his action and advice both to the EEOO and the aggrieved person concerning the merits of the matter.

6.06 The Counselor shall maintain records of his counseling activities for the purpose of briefing periodically (at least quarterly) the Director of Equal Employment Opportunity on such activities.

6.07 The Counselor shall be readily available for resolving all grievances concerning discrimination.

SEC. 7. *Complaint procedure*—7.01 *Who may file.* Any aggrieved employee or qualified applicant for employment who believes that he has been discriminated against may file a complaint.

7.02 *Where to file.* Complaints shall be filed with the Equal Employment Opportunity Officer, Federal Maritime Commission.

7.03 *Time limit.* A complaint must be submitted in writing by the complainant or his representative within 15 calendar days of the date of the complainant's final interview with the Equal Employment Opportunity Counselor. The time limits stated herein may be extended by the Equal Employment Opportunity Officer for good cause shown by the complainant.

7.04 *Processing of a complaint.* 1. Complaints of discrimination will be investigated and acted upon promptly in accordance with Part 713 of the Civil Service Commission's regulations revised July 1, 1969. A copy of these regulations is available from the Director of Equal Employment Opportunity, or the EEO Officer(s) or Counselor(s), or the Chief, Division of Personnel.

2. The Equal Employment Opportunity Officer shall advise the Director of Equal Employment Opportunity on receiving a complaint. The EEO Officer shall promptly investigate the complaint unless the complaint arises in a position which is directly or indirectly under his jurisdiction; in such case, the Director shall appoint an alternate for him. The EEO Officer shall be authorized to administer oaths and shall be authorized to require statements of witnesses under oath or affirmation, without pledge of confidence. The investigation of the officer shall include a thorough review of the circumstances under which the alleged discrimination occurred, the treatment of members of the complainant's group identified by his complaint as compared with the treatment of other employees in the organizational segment in which the alleged discrimination occurred, and any policies and practices related to the work situation which may constitute, or appear to constitute, discrimination even though they have not been expressly cited by the complainant. An investigation file shall be compiled containing the various documents and information acquired during the investigation including affidavits of the complainant, of the alleged discriminating official(s), and of the witnesses, and copies of, or extracts from, records, policy statements, or regulations of the Federal Maritime Commission, organized to show the relevance to the complaint, or the general environment out of which the complaint arose. In addition, the investigative file shall record in summary fashion such data as to the membership or lack thereof of a person in the complainant's group needed to resolve a complaint of discrimination: *Provided, however,* That all such information in the investigative file shall be obtained voluntarily and that no such information shall be acquired by coercion of an employee to provide such.

3. The Director of EEO shall arrange to furnish the EEO Officer or other person conducting the investigation the necessary written authority:

(a) To investigate all aspects of complaints of discrimination,

(b) To require all employees of the agency to cooperate in the conduct of such investigation, and

(c) To require employees of the agency having knowledge of the matter complained of to furnish testimony under oath or affirmation without a pledge of confidence.

4. The information file shall be made available to the complainant or his representative for review for the purpose of adjustment of the complaint on an informal basis. If the complaint is adjusted, the terms shall be reduced to writing and incorporated into the file, with a copy to the complainant.

5. If the complaint is not adjusted, the complainant shall be notified in writing of the Equal Employment Opportunity Officer's proposed disposition thereof, and advised of his right to a hearing with subsequent decision by the Director of Equal Employment Opportunity and his right to such decision without a hearing. The complainant shall notify the Director of Equal Employment Opportunity within 7 calendar days of receipt of such notification of his decision whether he wishes to have a hearing. If the complainant fails to notify the Director of Equal Employment Opportunity within 7 days, the proposed disposition of the Equal Employment Opportunity Officer becomes the decision of the Federal Maritime Commission, and the complainant will be so notified by letter together with information on his rights of appeal to the Civil Service Commission and the time limitations applicable to such appeal.

SEC. 8. *Hearings.* 8.01 If after receipt of the proposed decision of the Equal Employment Officer, the complainant requests a hearing, such hearing shall be before an appeals examiner conducted in accord with section 713.218 of the Federal Personnel Manual.

8.02 The appeals examiner shall transmit the complaint file including the record of the hearing, together with his findings, analysis, and recommended decision to the Director of Equal Employment Opportunity, with notification to the complainant of this action.

SEC. 9. *Decision.* The Director of Equal Employment Opportunity shall base his decision on the file presented to him by the appeals examiner. This decision shall be in writing and transmitted to the complainant and his representative and shall conform to the requirements of section 713.221 of the Federal Personnel Manual. Moreover, the Director of Equal Employment Opportunity shall advise the complainant of his rights to appeal to the Civil Service Commission and the time limit within which such appeal must be filed.

SEC. 10. *Appeal from the Decision of the Federal Maritime Commission.* 10.01 Except as provided by section 10.02, a complainant may appeal to the Civil Service Commission on a complaint of discrimination on grounds of race, religion, color, national origin, sex, political affiliation, marital status, or age if the Director of EEO has decided:

(1) To reject the complaint because (a) it was not timely filed, or (b) it was not within the purview of FMC regulations; or

(2) To cancel the complaint (a) because of the complainant's failure to prosecute his complaint, or (b) because of the complainant's separation which is not related to his complaint; or

(3) On the merits of the complaint, but the decision does not resolve the complaint to the complainant's satisfaction.

10.02 A complainant may not appeal to the Civil Service Commission when the issue of discrimination giving rise to the complaint is being considered, or has been considered, in connection with any other appeal by the complainant to the Civil Service Commission.

10.03 The complainant shall file his appeal in writing, either personally or by mail, with the Board of Appeals and Review, U.S. Civil Service Commission, Washington, D.C. 20415.

10.04 Appellate procedures to the Civil Service Commission are governed by sections 713.231–713.236 of the Federal Personnel Manual.

JOHN HARLLEE,
Rear Admiral,
U.S. Navy (Retired), Chairman.

[F.R. Doc. 69-8254; Filed, July 11, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2320]

A.V.C. CORP. ET AL.

Notice of and Order for Hearing on Application for Exemptions

JULY 1, 1969.

In the matter of A.V.C. Corp., 100 West 10th Street, Wilmington, Del. 19801; U.S. Communications Corp., 1500 Walnut Street, Philadelphia, Pa.; Butcher & Sherrerd, 1500 Walnut Street, Philadelphia, Pa.; and Joseph L. Castle, 1500 Walnut Street, Philadelphia, Pa.

Notice is hereby given that A.V.C. Corporation, a Delaware corporation ("AVC") registered under the Investment Company Act of 1940 ("Act") as a closed-end, nondiversified management investment company, U.S. Communications Corp., a Delaware corporation ("USCC") 70 percent owned by AVC, Butcher & Sherrerd, a partnership ("B&S"), registered as a broker-dealer, and Joseph L. Castle ("Castle") a partner of B&S, have filed an application for an order: (1) Pursuant to section 6(c) of the Act exempting from the provisions of section 17(e) (1) and (2) of the Act certain payments to B&S for its services in connection with the establishment of USCC and (2) pursuant to section 17(b) of the Act exempting the issuance of 2,000 shares of common stock of USCC and $8,000 principal amount of its debentures to Castle in connection with the statutory merger of USCC and Philadelphia Television Broadcasting Co., a Pennsylvania corporation ("WPHL"), in which company Castle had owned stock. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

From May 1, 1967, until February 21, 1968, Mr. Howard Butcher III ("Butcher") a general partner in B&S, served as a director of AVC.

In January of 1967, Mr. Daniel H. Overmyer ("Overmyer"), through contacts with Castle, who was then an employee of B&S (and since Jan. 1, 1968, has

been a partner of B&S) sought the aid of B&S in selling a portion of his warehouse interests. B&S advised Overmyer that financing through his warehouse interests would be less advantageous than some form of financing involving certain of Overmyer's television broadcasting interests in construction permits from the Federal Communications Commission ("FCC") for UHF broadcasting stations in five cities. Overmyer agreed, and B&S presented the matter to a few potential purchasers before it offered the combined financing to AVC. AVC indicated interest and asked B&S to develop further information and analyses. B&S did so and also participated in the subsequent extensive negotiations between AVC and Overmyer which resulted in agreements whereby $3 million was to be loaned to Overmyer, and 80 percent of the stock of his companies owning the television interests was to be purchased by AVC for $1 million. AVC also received a 3-year option to purchase Overmyer's remaining 20-percent interest in the television companies at a price to be computed pursuant to a formula up to $3 million. It appears that the ceiling price will prevail.

Previous to their search for financing for Overmyer, B&S had been trying to obtain further financing for WPHL which was an independent UHF television station in Philadelphia that had been broadcasting for about 2 years.

B&S thought that a combination of WPHL with the Overmyer television companies under the control of AVC would be desirable since WPHL's experience and management would be of benefit to the Overmyer companies, and the combination would minimize supervisory and management expenses and achieve economies in purchasing and programing.

B&S and Castle assisted in the negotiations which took place between WPHL and AVC which resulted in the creation of USCC, a new company to which AVC assigned its rights under its agreement with Overmyer and into which WPHL would be merged. The stock of USCC would be owned 70 percent by AVC and 30 percent by the holders of WPHL stock and $240,000 of USCC debentures would be issued to the former holders of WPHL preferred stock.

The merger agreement also obligated AVC to furnish certain additional financing for USCC in order to construct and equip the stations and meet initial operating deficits.

The Overmyer transactions and the WPHL merger could not be completed until the FCC had given its approval. In order to prepare the necessary FCC applications and to lay the groundwork for activities that would follow the closings, it was agreed that Castle would make the bulk of his time available to AVC, and to USCC upon its organization, to assist with these matters. Upon the formation of USCC on June 6, 1967, Castle became the chairman of its board of directors and chief executive officer. He remained as chief executive officer until April 1968 and as chairman of the board until December 1968. It was understood that compensation for Castle's management services would be included in the fee finally paid to B&S for its services in connection with the transactions. For the 6-month period following Castle's termination as chief executive officer, i.e., from May 1, 1968, through October 31, 1968, during which period Castle's duties were restricted to those as chairman of the board and to miscellaneous advisory services, B&S was paid $1,000 per month on account of his services. Applicants claim that Castle's services to AVC and to USCC during the period from April 1967 to April 1968 were worth in excess of $25,000.

The FCC approved the transaction on December 8, 1967. The closing of the Overmyer purchase was held on January 15, 1968, and the closing of the WPHL merger a week later, on January 22, 1968. In addition to the previously mentioned services, B&S also rendered services in connection with the procurement of additional financing for USCC.

Overmyer has paid B&S $40,000 for its services, and AVC proposes to pay B&S $100,000 for its services.

Insofar as they are pertinent here, sections 17(e) (1) and (2) of the Act prohibit B&S, a partnership in which Butcher and Castle are partners, from accepting from any source any compensation (other than a regular salary or wage from AVC) for the purchase or sale of any property to or for AVC or USCC during the period that Butcher and Castle were affiliated with AVC and USCC, except in the course of B&S's business as a broker, in which case its compensation is limited to 1 percent, unless the Commission by order in the public interest and consistent with the protection of investors permits a larger commission.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, or transaction from any provision of the Act 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.

Applicants represent that the fee is fair and reasonable and does not involve overreaching on the part of any person concerned.

At the time WPHL was merged into USCC, Castle owned 1.33 percent of the common stock of WPHL consisting of 400 shares (200 of Class A and 200 of Class B), and also 400 shares of its $20 par preferred stock. By operation of the merger, Castle's common stock of WPHL along with that of other WPHL stockholders was converted (on a 5 for 1 basis) into 2,000 shares of the common stock of USCC. Similarly, Castle's holdings of WPHL preferred stock were converted into $8,000 of debentures of USCC.

Since Castle may be deemed to have been an affiliated person of USCC when the merger agreement between WPHL and USCC was executed, the exchange of Castle's stock in WPHL for securities of USCC, which is an affiliated person of AVC, may be considered a sale of property by an affiliated person of an affiliated person of an investment company to a company controlled by the investment company, which is prohibited by section 17(a) of the Act unless the Commission exempts the transaction pursuant to section 17(b) of the Act on finding that:

(1) The terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) The proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act; and

(3) The proposed transaction is consistent with the general purposes of the Act.

Applicants apply pursuant to section 17(b) for an exemption of the transaction from section 17(a) if it should be deemed applicable.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 25th day of September 1969 at 10 a.m., in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than the Applicants, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 23d day of September 1969, his application pursuant to Rule 9(c) of the Commission's rules of practice. 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 Applicants at the addresses noted above, and proof of service (by affidavit, or, in the case of an attorney at law by certificate) shall be filed contemporaneously with the request.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters are presented for consideration without prejudice to its specifying additional matters upon further examination:

(1) Whether B&S, in connection with the Overmyer transaction and the

WPHL–USCC merger, acted as a broker and if so whether its proposed compensation from any source for such services exceeds 1 percent of the purchase or sale price of the securities involved, and if it does whether it is in the public interests and consistent with the protection of investors to permit a larger commission.

(2) Whether in connection with the aforesaid transactions B&S acted as an agent but otherwise than in the course of its business as an underwriter or broker and if so whether it 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 to exempt the acceptance of compensation for such services by B&S from the provisions of section 17(e); and

(3) Whether the exchange of securities of USCC for the securities of WPHL held by Castle is a transaction subject to section 17(a) and, if it is, whether (1) the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (2) the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act; and (3) the proposed transaction is consistent with the general purposes of the Act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to the Applicants, and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER, and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

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

[F.R. Doc. 69-8233; Filed, July 11, 1969; 8:47 a.m.]

BARTEP INDUSTRIES, INC.

Order Suspending Trading

JULY 8, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

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

By the Commission.

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

[F.R. Doc. 69-8234; Filed, July 11, 1969; 8:47 a.m.]

FEDERAL OIL CO.

Order Suspending Trading

JULY 8, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Federal Oil Co. (a Nevada corporation) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

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

By the Commission.

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

[F.R. Doc. 69-8235; Filed, July 11, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 865]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 8, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 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 protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 17609 (Sub-No. 1 TA), filed June 30, 1969. Applicant: ABCORE WORLD VAN SERVICE, INC., 9565 Southwest 168th Street, Miami, Fla. 33157. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used household goods,* between points in Dade, Collier, and Broward Counties, Fla.; restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Cartwright International Van Lines, 4250 24th Avenue West, Seattle, Wash. 98199; International Export Packers, Inc., 5360 Wheeler Avenue, Alexandria, Va. 22304. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 59952 (Sub-No. 7 TA), filed July 2, 1969. Applicant: THE J. M. BARBE CO., Buna Vista Street NE., Warren, Ohio. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Containers and container ends,* from the plantsite of U.S. Steel Supply, Petroleum, Ohio, to points in Kentucky, Michigan, New York, Pennsylvania, and West Virginia, for 150 days. Supporting shipper: United States Steel Products, Division of United States Steel Corp., Post Office Box 251, Sharon, Pa. 16146. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 67234 (Sub-No. 13 TA), filed July 2, 1969. Applicant: UNITED VAN LINES, INC., No. 1 United Drive, Fenton, Mo. 63026. Applicant's representative: Gregory M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission in 17 M.C.C. 467, from points in the United States to points in Hawaii, for 180 days. NOTE: Applicant intends to tack with MC 67234, and Sub 1. Supporting shipper: United Van Lines, Inc., past operations. 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 86913 (Sub-No. 29 TA), filed June 27, 1969. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C. 27589. Applicant's

representative: W. S. Bugg (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard*, from Conway, N.C., and points within 10 miles thereof, to points in that part of Maine north of a line beginning at the Maine-New Hampshire State line near Gilead, Maine, and extending along U.S. Highway 2 to Bangor, Maine, thence along Alternate U.S. Highway 1 to Ellsworth, Maine, and thence along Maine Highway 3 to Bar Harbor, Maine, New York, N.Y., and points in Nassau, Queens, Kings, and Suffolk Counties, N.Y., that part of Pennsylvania on, south and east of a line beginning at the New Jersey-Pennsylvania State line near Easton, Pa., and extending along U.S. Highway 22 to Harrisburg, Pa., thence along Interstate Highway 83 (formerly U.S. Highway 111) to the Pennsylvania-Maryland State line near Maryland line, Md., points in Montgomery County, Md., and Baltimore, Md., points in West Virginia south of U.S. Highway 50, and points in Tennessee east of U.S. Highway 25E, points in Virginia and the District of Columbia, for 180 days. Supporting shipper: Georgia-Pacific Corporation, Post Office Box 909, Augusta, Ga. 30903. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 111941 (Sub-No. 16 TA), filed July 1, 1969. Applicant: PIERCETON TRUCKING COMPANY, INC., Post Office Box 233, Laketon, Ind. 46943. Applicant's representative: Alki E. Scopelitis, 816 Merchants Bank Building, 11 South Meridian Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated steel and materials, equipment, and supplies* used in the installation and erection of prefabricated steel when moving at the same time and in the same vehicle with prefabricated steel, from River Rouge, Mich., to the plant and warehouse sites of Fisher Body Division, G.M.C., at or near Norwood, Ohio, for 180 days. Supporting shipper: Whitehead & Kales Co., 58 Haltiner, Detroit, Mich. 48218. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 116538 (Sub-No. 6 TA), filed July 1, 1969. Applicant: DEFOREST L. REED, 102 Champion Street, Carthage, N.Y. 13619. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (a) from Smyrna, Waterloo, Boonville, Hannibal, Wolcott, Deer River, and Heuvelton, N.Y., to Montrose, Simpson, Scranton, Lewisburg, Wilkes-Barre, Union City, Endeavor, Hellam, Herndon, Kreamer, and Lancaster, Pa.; and Hagerstown, Md.; (b) from Smyrna, Waterloo, Booneville, Hannibal, Wolcott, Deer River, and Heuvelton, N.Y., to Branford and Ivoryton, Conn.; (c) from Hannibal, Wolcott, Deer River, Bleecker, East Branch, and Stratford, N.Y., to points of entry on the United States-Canada boundary line in New York State, for 180 days. Supporting shipper: Baillie Lumber Co., Inc., 12 Main Street, Post Office Box 6, Hamburg, N.Y. 14075. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 119573 (Sub-No. 11 TA), filed July 2, 1969. Applicant: WATKINS TRUCKING, INC., 207 Trenton Avenue, Uhrichsville, Ohio 44683. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus, Ohio. 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from New Straitsville, Ohio, to points in Maryland, Virginia, and the District of Columbia, for 180 days. Supporting shipper: The Columbus Clay Manufacturing Co., New Straitsville, Ohio 43766. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 129459 (Sub-No. 4 TA), filed July 2, 1969. Applicant: KEARNEY'S TRUCK SERVICE, INC., U.S. Route Alternate 611, Portland, Pa. 18351. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, in bulk, from Portland, Pa., Matawan, N.J., for 150 days. Supporting shipper: Duncan Thecker Associates, Post Office Box 177, Oakhurst, N.J. 07755. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 129774 (Sub-No. 1 TA), filed June 30, 1969. Applicant: BRADY TRANSFER & STORAGE CO., INC., New Burton Road and Webbs Lane Rural Delivery No. 1, Dover, Del. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in New Castle, Kent, and Sussex Counties, Del.; and Cecil, Kent, Queen Anne, Talbot, Caroline, Dorchester, and Wicomico Counties, Md.; Restriction: Restricted to the transportation of traffic having prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Vanpac Carriers, Inc., 2114 Macdonald Avenue, Richmond, Calif. 94801; Wallace Gracie, Assistant Operation Manager; Karevan, Inc., Post Office Box 9240, Queen Anne Station, Seattle, Wash. 98109; Forrest D. Forgey, Direction Sales and Agency Relations. Send protests to: District Supervisor Paul J. Lowry, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 133750 (Sub-No. 1 TA), filed July 2, 1969. Applicant: HARVEY WULFF, doing business as HARVEY WULFF TRUCKING, Salem, S. Dak. 57058. Applicant's representative: Earl H. Scudder, Jr., Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated concrete products*, from Salem, S. Dak., to points in Iowa, Minnesota, Nebraska, and North Dakota, for 180 days. Supporting shipper: F & W Concrete Products Co., Inc., Salem, S. Dak. 57058. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 133769 (Sub-No. 1 TA), filed July 2, 1969. Applicant: JACK STEVENS, doing business as STEVENS TRUCKING, 501 North 13th Street, Frederick, Okla. 73542. Applicant's representative: Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ash, fly*, in bulk, from points in Oklahoma, Arkansas, and Missouri to points in Kern County, Calif., for 150 days. Supporting shipper: Cascade Charcoal, Inc., Post Office Box 2453, Bakersfield, Calif. 93302. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 133846 TA, filed June 30, 1969. Applicant: FLITE LINE SERVICE, INC., 1610 Jackson Street, Philadelphia, Pa. 19145. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, between Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, points in Atlantic, Cumberland, Cape May, Salem, Gloucester, Camden, Burlington, and Mercer Counties, N.J., for 180 days. Supporting shippers: Imperial Air Freight Service, Inc., 151 Oliver Street, Newark, N.J. 07105; Medallion Air Freight Corporation, 344 West 37th Street, New York, N.Y. 10018; Entico Air Freight Service, 555 West 34th Street, New York, N.Y. 10001; Bor-Air Freight Co., Inc., 351 West 38th Street, New York, N.Y. 10018. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133853 TA, filed July 1, 1969. Applicant: COLUMBIA LEASE & RENTAL, INC., West 1527 2nd Avenue, Spokane, Wash. 99204. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, from points in Spokane County, Wash., to points in Kootenai and Shoshone Counties, Idaho, with no transportation on return except for *returned or rejected items*, under a continuing contract with Spokane Dry Goods Co., doing business as The Crescent, a department store, for 180 days. Supporting shipper: Spokane Dry Goods Co., doing business as, The Crescent, Spokane, Wash. 99210. Send protests to: L. C. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 133859 TA, filed July 2, 1969. Applicant: JAMES S. GRIMES, Route No. 3, Frederick, Md. Applicant's representative: Charles E. Creager, Suite 1609, Eldorado Towers, 11215 Oak Leaf Drive, Silver Spring, Md. 20901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, inoperative, stolen, abandoned, repossessed, replacement motor vehicles and trailers* (except house trailers and mobile homes), with or without cargo, *and parts therefor*, in truckaway service using wrecker; equipment only; between points in Carroll, Howard, Frederick, and Washington Counties, Md., and Berkeley and Jefferson Counties, W. Va., on the one hand, and, on the other, points in Alabama, Delaware, District of Columbia, Connecticut, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, North Carolina, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shippers: Some 13 common and private motor carriers. The list may be examined in the named supervisor's office, or at the Commissions office in Washington, D.C. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8255; Filed, July 11, 1969; 8:49 a.m.]

[Notice 866]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 9, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 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 protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 36222 (Sub-No. 13 TA), filed July 3, 1969. Applicant: JOHN L. FANSHAW, JR., doing business as CREWE TRANSFER, Crewe, Va. Applicant's representative: Jno. C. Goddin, 200 West Grace Street, Richmond, Va. 23220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Washington, N.C., and Crewe, Va., for 150 days. NOTE: Applicant intends to interline with L & M Express Co., Docket No. MC 44639 and subs at Crewe, Va. Supporting shippers: Washington Garment Co., Inc., 900 East Fifth Street, Washington, N.C. 27889; Wonderland Fashions, Inc., 350 Warren Street, Jersey City 2, N.J. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 97009 (Sub-No. 19 TA), filed June 25, 1969. Applicant: VINCENT J. HERZOG, 200 Delaware Street, Honesdale, Pa. 18431. 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: (1) *Automobile equipment, accessories, and supplies*, between Milford, Pa., on the one hand, and, on the other, Scranton, Pa., and Binghamton, N.Y.; (2) *furniture, fiber glass articles*, and *commodities* used or useful in the manufacture of furniture and fiber glass articles, between Milford and Twin Lakes, Pa., on the one hand, and, on the other, Scranton, Pa., and Binghamton, N.Y., for 150 days. NOTE: Applicant is authorized to interline traffic at Binghamton, N.Y., and Scranton, Pa. Supporting shipper: Sparkomatic Corp., Milford, Pa. 18337; Harry Heim Associates, Inc., Box 341, Milford, Pa. 18337. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 108119 (Sub-No. 24 TA), filed July 2, 1969. Applicant: E. L. MURPHY TRUCKING CO., Post Office Box 3010, St. Paul, Minn. 55101. Applicant's representative: James L. Nelson, 305 Degree of Honor Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweeping machines, and parts, attachments, and accessories for street sweeping machines*, from points in the Minneapolis-St. Paul, Minn., commercial zone to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: American Hoist & Derrick Co., 63 South Robert Street, St. Paul, Minn. 55107. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, Minneapolis, Minn. 55401.

No. MC 111401 (Sub-No. 282 TA), filed July 3, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *CSS-IH emulsified asphalt for slurry seal*, in bulk, in tank vehicles, from Salina, Kans., to Minneapolis, Minn., for 180 days. Supporting shipper: J. A. Maddox, President, Hy-Way Asphalt Products, Inc., Box 1262, Salina, Kans. 67401. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 124359 (Sub-No. 9 TA), filed June 30, 1969. Applicant: WIL-HELEN, INC., 1409 16th Avenue, Greeley, Colo. 80631. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and materials and supplies* used in the installation thereof, from Greenville, S.C., and Newnan and Calhoun, Ga., to Colorado and Cheyenne, Wyo., restricted to service performed under a continuing contract with Wholesale Flooring, Inc., and Wholesale Carpets, Inc., both of Denver, Colo., for 150 days. NOTE: Applicant does not intend to tack with its present authority. Supporting shipper: Wholesale Flooring, Inc., and Wholesale Carpets, Inc., 2200 Market Street, Denver, Colo. 80205. Send protests to: C. W. Buckner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 133770 (Sub-No. 1 TA), filed July 3, 1969. Applicant: MARYLAND CHICKEN PROCESSORS, INC., Snow Hill, Md. Applicant's representative: Otis G. Esham, Snow Hill, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* in special operations, between points in Accomack County, Va. and Snow Hill, Md., for 180 days. Supporting shipper: Maryland Chicken Processors, Inc., Snow Hill, Md.,

Otis G. Esham, President. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 133751 (Sub-No. 1 TA), filed June 24, 1969. Applicant: RENO-LOYALTON-CALPINE STAGE LINES, INC., Post Office Box 367, Loyalton, Calif. 96118. Applicant's representative: Marchall G. Berol, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, articles of unusual value, commodities in bulk, commodities requiring special handling or special equipment, and used household goods as defined by the Commission), restricted against the transportation of packages or articles weighing in the aggregate more than 5,000 pounds from one consignor to one consignee on any one day, between Reno, Nev., and Downieville, Calif., serving all intermediate points, and serving the off-route point of Calpine, Calif., from Reno over U.S. Highway 395 to Hallelujah Junction, Calif., thence over California Highway 70 to Vinton, thence over California Highway 49 to Downieville, and return over the same route, for 150 days. NOTE: Applicant intends to interline with other carriers at Reno, Nev. Supporting shippers: Lombardi Mercantile, Loyalton, Calif. 96118; Loyalton Pharmacy, Loyalton, Calif. 96118; Loyalton Hotel & Apartments, Loyalton, Calif. 96118; Feather River Lumber Co., Loyalton, Calif. 96118; Downieville Motors, Downieville, Calif. 95935; Sattley Cash Store, Sattley, Calif. 96124; Harold A. Stoy, Hallelujah Junction, Doyle, Calif. 96109; Sierra Hardware Company, Downieville, Calif. 95936. Send protests to: Daniel Augustine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 East Washington Street, Carson City, Nev. 89701.

No. MC 133846 (Sub-No. 1 TA), filed July 2, 1969. Applicant: FLITE LINE SERVICE, INC., 1610 Jackson Street, Philadelphia, Pa. 19145. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), between Logan International Airport, Boston, Mass., La Guardia Airport and John F. Kennedy International Airport, New York, N.Y.; Newark Airport, Newark, N.J.; Philadelphia International Airport, Philadelphia, Pa.; Friendship International Airport, Anne Arundel County, Md.; Dulles International Airport, Chantilly, Va., and Washington; National Airport, Arlington County, Va., on the one hand, and, on the other, Norfolk Municipal Airport, Norfolk, Va.; Charlotte Airport, Charlotte, N.C.; Atlanta Municipal Airport, Atlanta, Ga.; Orlando Airport, Orlando, Fla., and Miami International Airport, Miami, Fla., for 180 days. Supporting shippers: Entico Air Freight Service, 555 West 34th Street, New York, N.Y. 10001; Imperial Air Freight Service, Inc., 151 Oliver Street, Newark, N.J. 07105; Medallion Air Freight Corporation, 344 West 37th Street, New York, N.Y. 10018; Bor-Air Freight Co., Inc., 351 West 38th Street, New York, N.Y. 10018. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133860 TA, filed July 2, 1969. Applicant: HC&D MOVING & STORAGE COMPANY, INC., Post Office Box 4008, 911 Middle Street, Honolulu, Hawaii 96812. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Hawaii, restricted to traffic originating at or destined to points beyond Hawaii, for 180 days. NOTE: Applicant proposes to enter into joint through motor-water-motor rates under section 216(c) of the Act. Supporting shipper: AMFAC, Inc., Post Office Box 3230, Honolulu, Hawaii 96801; Dillingham Corp., Box 3288, Honolulu, Hawaii 96801; Dole Co., 650 Iwilei Road, Honolulu, Hawaii 96817; Kentron Hawaii, Ltd., 207 Keawe Street, Honolulu, Hawaii 96813. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

MOTOR CARRIER OF PASSENGERS

No. MC 133858 TA, filed July 2, 1969. Applicant: THE COTTER GARAGE CORPORATION, 8 Jewell Court, Hartford, Conn. 06105. Applicant's representative: Richard Goodman, 266 Pearl Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, from points in Litchfield, Hartford, and Tolland Counties, Conn., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey; restricted to transportation of not more than six passengers in any one vehicle (not including driver), for 180 days. Supporting shippers: There are 14 supporting shippers to this application. Information regarding supporting shippers' letters may be obtained from the Hartford Field Office at the address listed below, or at the Offices of the Interstate Commerce Commission in Washington, D.C. Send protests to: District Supervisor David J. Kiernan, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8256; Filed, July 11, 1969; 8:49 a.m.]

[Notice 375]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 9, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), 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-71238. By order of June 27, 1969, the Motor Carrier Board approved the transfer to Sawyer Stockliners, Inc., West Highway, Torrington, Wyo. 82240, of certificate No. MC-95742 issued February 25, 1960, to Carl Sawyer, doing business as Sawyer Stockliners, West Highway, Torrington, Wyo. 82240, authorizing the transportation of: Building materials, coal, livestock, and livestock feed, etc., between points in Colorado, Nebraska, South Dakota, and Wyoming.

No. MC-FC-71396. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Kevah Konner, Inc., Pine Brook, N.J., of the operating rights in certificate No. MC-44252 issued July 5, 1968, to Wagner Tours, Inc., North Haledon, N.J., authorizing the transportation of passengers and their baggage, restricted to traffic originating and the points and in the territory indicated, in charter operations, from Paterson, N.J., and points in New Jersey and New York within 15 miles of Paterson, N.J., to points in New York and New Jersey and those in Pennsylvania on and east of U.S. Highway 11, and return. Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102, attorney for transferor; Benjamin L. Bendit, 744 Broad Street, Newark, N.J. 07102, attorney for transferee.

No. MC-FC-71421. By order of July 1, 1969, the Motor Carrier Board approved the transfer to K. V. Young and D. A. Goepel, a partnership, doing business as Iowa Van & Storage Co., 216 Commercial Street, Ottumwa, Iowa 52501, of the operating rights in certificate No. MC-52525 issued February 14, 1963, to Jack Shipman, doing business as Hale Transfer & Storage, 801 High Avenue West, Oskaloosa, Iowa 52577, authorizing the transportation of malt beverages, in containers, from Minneapolis, Minn., to Bloomfield, Iowa, serving the intermediate and off-route points of Oskaloosa, Ottumwa, and Albia, Iowa; household goods as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Illinois, Minnesota, Missouri, and Nebraska; beer, from Minneapolis, Minn., to Centerville, Iowa; butter, from Oskaloosa,

Iowa, to St. Paul, Minn.; groceries, from Albert Lea, Minn., to Des Moines, Iowa; petroleum products, from St. Louis, Mo., to Oskaloosa, Iowa; wallpaper, from Joliet, Ill., to Oskaloosa, Iowa, and superphosphate, from Chicago, Ill., to Oskaloosa, Iowa.

No. MC-FC-71436. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Rayburn Trucking, Inc., Elizabeth, N.J., of permit No. MC-2776, issued October 18, 1950, to Joseph Janolis and Anthony Rambone, doing business as J. Janolis Trucking Co., Edgewater, N.J., authorizing the transportation of: Sugar, from Edgewater, N.J., to points in New York and New Jersey within 40 miles of Edgewater; sugar and sugar products, including liquid sugar, in containers, from New York, N.Y., to points in New Jersey and New York within 40 miles of Columbus Circle, New York, N.Y., except those in Westchester County, N.Y.; and rejected shipments, from the above-specified destination points to New York, N.Y. Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102, counsel for applicants.

No. MC-FC-71470. By order of July 1, 1969, the Motor Carrier Board approved the transfer to Orvan Tjeerdsma, Avon, S. Dak., of certificate No. MC-81354 issued March 29, 1968, to James E. Tolsma, doing business as Tolsma Transfer, Springfield, S. Dak., authorizing the transportation of general commodities, with specified exceptions between specified points in South Dakota and Iowa and household goods between specified points in South Dakota on the one hand, and, on the other, points in Iowa, Minnesota, and Nebraska. Elmer E. Gemar, Post Office Box 245, Springfield, S. Dak., attorney for applicants.

No. MC-FC-71475. By order of July 1, 1969, the Motor Carrier Board approved the transfer to Fred H. Meyer, doing business as Meyer Truck Line, Alma, Kans., of certificate No. MC-7342 (Sub-No. 3), issued October 22, 1958, to Roy A. Kemble, Maple Hill, Kans., authorizing the transportation of: Feed, agricultural implements and parts, building materials, petroleum products in containers, empty petroleum products containers, hardware, aluminum pipe, irrigation equipment, commercial fertilizer, fence posts, twine, wire fencing, and baling wire, between Paxico, Kans., and points within 21 miles thereof, on the one hand, and, on the other, Kansas City, and St. Joseph, Mo. Bill Baldock, Alma, Kans. 66401, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8257; Filed, July 11, 1969; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 9, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41689-*Petroleum and petroleum products to points in official territory.* Filed by Southwestern Freight Bureau, agent (No. B-41), for interested rail carriers. Rates on petroleum and petroleum products and related articles, in tank carloads, as described in the application, from points in southwestern territory, including Kansas and Missouri, to points in official territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 165 to Southwestern Freight Bureau, agent, tariff ICC 4530.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8258; Filed, July 11, 1969; 8:49 a.m.]

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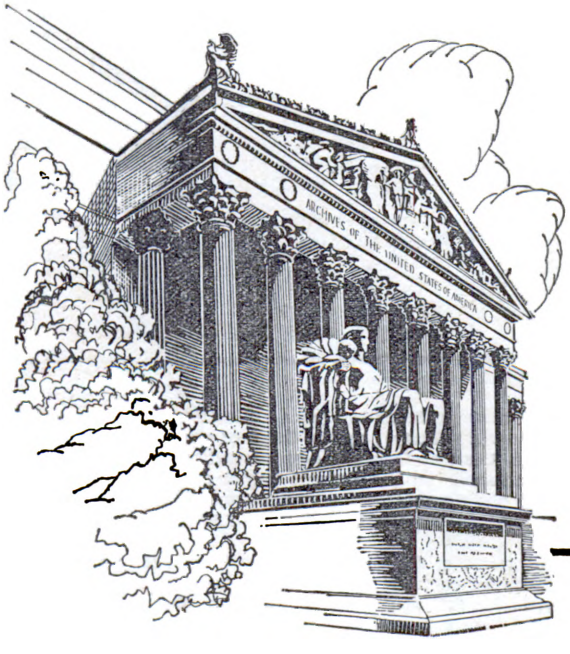

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Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1549]

PART 13—PROHIBITED TRADE PRACTICES

Be-Len Manufacturing Co., Inc., et al.

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.-1852–80 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; 15 U.S.C. 45, 68) [Cease and desist order, Be-Len Manufacturing Co., Inc., et al., New York, N.Y., Docket C-1549, June 23, 1969]

In the Matter of Be-Len Manufacturing Co., Inc., a Corporation, and Samuel Ziegler and Arthur Ziegler, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer of men's and boys' wearing apparel to cease misbranding its wool products.

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

It is ordered, That respondents Be-Len Manufacturing Co., Inc., a corporation, and its officers, and Samuel Ziegler and Arthur Ziegler, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the 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 such products by:

1. 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.

2. Failing to affix labels to samples, swatches or specimens of wool products used to promote or reflect the sale of wool products, showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of 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: June 23, 1969.

By the Commission.

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

[F.R. Doc. 69-8312; Filed, July 14, 1969; 8:49 a.m.]

[Docket No. C-1547]

PART 13—PROHIBITED TRADE PRACTICES

District Credit Clothing & Furniture, Inc., and Sidney Gimble

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.155 *Prices:* 13.155–95 Terms *and conditions.* Subpart—Neglecting, uning oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1760 *Terms and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices:* § 13.1905 *Terms and conditions.* Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(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 Credit Clothing & Furniture, Inc., et al., Washington, D.C., Docket C-1547, June 16, 1969]

In the Matter of District Credit Clothing & Furniture, Inc., a Corporation, and Sidney Gimble, Individually and as an Officer of Said Corporation

Consent order requiring a Washington, D.C., retailer of clothing, furniture and appliances to cease misusing the word "free", inducing customers to sign partially completed contracts, misrepresenting finance charges and conditions, and failing to disclose the legal effect of installment payment default.

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

It is ordered, That respondents District Credit Clothing & Furniture, Inc., a corporation, and its officers, and Sidney Gimble, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of clothing, furniture, appliances, and other items of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any article of merchandise is being given free or as a gift, or without cost or charge, in connection with the purchase of other merchandise, unless the stated price of the merchandise required to be purchased in order to obtain said article is the same or less than the customary and usual price at which such merchandise has been sold separately by respondents for a substantial period of time in the recent and regular course of their business.

2. Inducing or causing purchasers of respondents' merchandise to sign blank or partially completed sale contracts or any other contractual instruments which are not fully completed at the time such instruments are executed.

3. Representing, directly or by implication, the rate of a finance charge, the amount of downpayment, the amount of any installment payment, the dollar amount of any finance charge, or the number of installments or the period of repayment unless respondents clearly and conspicuously disclose, in immediate conjunction with such representation, all of the following items:

(a) The cash price.

(b) The time price, consisting of the sum of the cash price, all finance charges, and any other extra charges before deducting any downpayment or allowance for a trade-in or otherwise.

(c) The downpayment, if any.

(d) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended.

(e) The rate of the finance charge expressed as an annual percentage rate.

4. Representing, directly or by implication, that a specific periodic consumer credit payment or installment payment can be arranged unless the respondents usually and customarily arrange credit payments or installments for that period and in that amount.

5. Failing to disclose orally and in writing to each customer who executes a conditional sale contract, or who otherwise purchases merchandise or services from respondents on credit, before such customer obligates himself to make any such credit purchase, all of the following items:

(a) The cash price of the merchandise or service purchased.

(b) The sum of any amounts credited as downpayment (including any trade-in).

(c) The difference between the amount referred to in paragraph (a) and the amount referred to in paragraph (b).

(d) All other charges, individually itemized, which are included in the amount of the credit extended but which are not part of the finance charge.

(e) The total amount to be financed (the sum of the amount described in paragraph (c) plus the amount described in paragraph (d)).

(f) The amount of the finance charge.

(g) The finance charge expressed as an annual percentage rate.

(h) The total credit price (the sum of the amounts described in paragraph (e) plus the amount described in paragraph (f)) and the number, amount, and due dates or periods of payments scheduled to pay the total credit price.

(i) The default, delinquency, or similar charges payable in the event of late payments as well as all other consequences provided in the sales or credit agreements for late or missed payments.

(j) A description of any security interest held or to be retained or acquired by respondents in connection with the extension of credit, and a clear identification of the property to which the security interest relates.

For purposes of paragraphs 3 and 5 of this order, the definition of the term "finance charge" and computation of the annual percentage rate is to be determined under [sections 106 and 107 of] Public Law 90-321, the "Truth in Lending Act," and the regulations promulgated thereunder.

6. Failing to provide purchasers of respondents' merchandise with a copy of the executed sales contract or any other agreement at the time of execution by the purchaser.

7. Failing to disclose in writing on any conditional sale contract, promissory note or other instrument of indebtedness executed by a purchaser, and with such conspicuousness and clarity as is likely to be observed and read by such purchaser, that:

Any such instrument at respondents' option after a default in installment payments may be enforced in a court of law.

8. 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 respondents' merchandise, 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: June 16, 1969.

By the Commission.

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

[F.R. Doc. 69-8313; Filed, July 14, 1969; 8:49 a.m.]

[Docket No. C-1517]

PART 13—PROHIBITED TRADE PRACTICES

General Nutrition Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-52 Medicinal, therapeutic, healthful, etc.; 13.170-64 Nutritive.

(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, General Nutrition Corp. et al., Pittsburgh, Pa., Docket C-1517, June 20, 1969]

In the Matter of General Nutrition Corp., a Corporation, Also Trading as Natural Sales Co., and David B. Shakarian, Individually and as an Officer of Said Corporation

Order amending a previous consent order, 34 F.R. 7276, dated April 4, 1969, which prohibited a drug company from making certain exaggerated claims for its products by substituting a paragraph which clarified the order's compliance report provision.

The amended cease and desist order is as follows:

It is ordered, That the last paragraph of the Commission's order dated April 4, 1969, be, and it hereby is, amended to read as follows:

It is further ordered, That the respondents herein shall, on the date that this order shall become final in accordance with the terms of paragraph 7 of the Consent Agreement, 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: June 20, 1969.

By the Commission.

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

[F.R.. Doc. 69-8314; Filed, July 14, 1969; 8:49 a.m.]

[Docket No. C-1548]

PART 13—PROHIBITED TRADE PRACTICES

Neemco Imperial, Ltd., et al.

Subpart—Misbranding or Mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1475 *Location.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Neemco Imperial, Ltd., trading as Victoria Gift Shop et al., San Francisco, Calif., Docket C-1548, June 23, 1969]

In the Matter of Neemco Imperial, Ltd., a Corporation, Trading as Victoria Gift Shop and Victoria Imperial Gift Shops Ltd., and Pearl L. Braha Mamiye and Mal Eli Mamiye, Individually and as Officers of Said Corporation

Consent order requiring a San Francisco, Calif., oriental gift shop to cease misbranding the fiber content of its textile fiber products and misrepresenting the location of its business.

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

It is ordered, That respondents Neemco Imperial, Ltd., a corporation, trading as Victoria Gift Shop and Victoria Imperial Gift Shops Ltd., or under any other name or names and its officers, and Pearl L. Braha Mamiye and Mal Eli Mamiye, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

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

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

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

It is further ordered, That respondents Neemco Imperial, Ltd., a corporation,

trading as Victoria Gift Shop and Victoria Imperial Gift Shops Ltd., or under any other name or names and its officers, and Pearl L. Braha Mamiye and Mal Eli Mamiye, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of floor coverings, handkerchiefs or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Directly or indirectly representing in any manner through the use of such words as "main office London, England" or any terms of similar import, either with or without such names as Neemco Imperial, Ltd., Victoria Gift Shop and Victoria Gift Shops Ltd. that corporate respondent is a British firm or has offices in London, England.

2. Representing in any manner that corporate respondent is a foreign firm or that the corporate respondent has offices in England or in any other foreign country or misrepresenting in any manner the location of respondents' place of business.

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: June 23, 1969.

By the Commission.

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

[F.R. Doc. 69-8315; Filed, July 14, 1969; 8:49 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-4982, 34-8638]

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

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

Spin Offs and Shell Corporations

The Securities and Exchange Commission today made publicly known its concern with the methods being employed by a growing number of companies and persons to effect distributions to the public of unregistered securities in possible violation of the registration requirements of the Securities Act of 1933 and of the antifraud and antimanipulative provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934. The methods employed can take and in fact have taken a variety of patterns.

I. Frequently, the pattern involves the issuance by a company, with little, if any, business activity, of its shares to a publicly owned company in exchange for what may or may not be nominal consideration. The publicly owned company subsequently spins off the shares to its shareholders with the result that active trading in the shares begins with no information on the issuer being available to the investing public. Despite this lack of information, moreover, the shares frequently trade in an active market at increasingly higher prices. Under such a pattern, when the shares are issued to the publicly owned or acquiring company, a sale takes place within the meaning of the Securities Act and if the shares are then distributed to the shareholders of the acquiring company, that company may be an underwriter within the meaning of section 2(11) of the Act as a person "who purchased from an issuer with a view to * * * the distribution of any security" or as a person who "has a direct or indirect participation in any such undertaking."

While the distribution of the shares to the acquiring company's shareholders may not, in itself, constitute a distribution for the purposes of the Act, the entire process, including the redistribution in the trading market which can be anticipated and which may indeed be a principal purpose of the spin off, can have that consequence. It is accordingly the Commission's position that the shares which are distributed in certain spin offs involve the participation of a statutory underwriter and are thus, in those transactions, subject to the registration requirements of the Act and subsequent transactions in the shares by dealers, unless otherwise exempt, would be subject to the provisions of section 5 requiring the delivery of a prospectus during the 40- or 90-day period set forth in section 4(3).

The theory has been advanced that since a sale is not involved in the distribution of the shares in a spin off that registration is not required and that even if it is required, no purpose would be served by filing a registration statement and requiring the delivery of a prospectus since the persons receiving the shares are not called upon to make an investment judgment.

This reasoning fails, however, to take into account that there is a sale by the issuer and the distribution thereafter does not cease at the point of receipt by the initial distributees of the shares but continues into the trading market involving sales to the investing public at large. Moreover, it ignores what appears to be primarily the purpose of the spin off in numerous circumstances which is to create quickly, and without the disclosure required by registration, a trading market in the shares of the issuer. Devices of this kind, contravene the purpose, as well as the specific provisions, of the Act which, in the words of the statutory preamble, are "to provide full and fair disclosure of the character of the securities sold in interstate and foreign commerce and through the mails, and to prevent frauds in the sale thereof." In the circumstances of a spin off, when the shares are thereafter traded in the absence of information about the issuer, the potential for fraud and deceit is manifest.

This release does not attempt to deal with any problems attributable to more conventional spin offs, which do not involve a process of purchase of securities by a publicly owned company followed by their spin off and redistribution in the trading markets.

II. Another pattern has come to the Commission's attention in which certain promoters have acquired corporations which have ceased active operations, or which have little or no assets ("shell corporations"), and which have a substantial number of shares outstanding, generally in the hands of the public. Thereafter the promoters have engaged in activities to quickly increase the market value of their shareholdings. For example, in some cases promoters have initiated a program of acquisitions, transferring assets of dubious value to the "shell corporations" in exchange for substantial amounts of newly issued shares. This activity is frequently accompanied by publicity containing exaggerated or misleading statements and designed to stimulate interest of public investors in the company's shares in violation of the antifraud provisions of the Securities Exchange Act of 1934. Thereafter the market prices of these securities have risen sharply under circumstances which bear no relationship to the underlying financial condition and business activities of the company. In some of these cases the promoters or other corporate insiders, take advantage of the market activity and the price rise which they have generated, have sold their shares at the inflated prices to the public in violation of the registration and antifraud provisions of the Federal securities laws. Similar activities have also been noted in a number of cases involving shares which a publicly held company has spun off to its shareholders.

III. The activities discussed above generally can only be successfully accomplished through the efforts of brokers and dealers. Accordingly, brokers and dealers are cautioned to be particularly mindful of their obligations under the registration and antifraud provisions of the Federal securities laws with respect to effecting transactions in such securities. In this connection, where a broker or dealer receives an order to sell securities of a little-known, inactive issuer, or one with respect to which there is no current information available except possibly unfounded rumors, care must

be taken to obtain sufficient information about the issuer and the person desirous of effecting the trade in order to be reasonably assured that the proposed transaction complies with the applicable requirements. Moreover, before a broker or dealer induces or solicits a transaction he should make diligent inquiry concerning the issuer, in order to form a reasonable basis for his recommendation, and fully inform his customers of the information so obtained, or in the absence of any information, of that fact.

In the foregoing connection the Commission also calls attention to its release dated February 2, 1962, on the subject "Distribution by Broker-Dealers of Unregistered Securities" (Securities Act Release No. 4445, Securities Exchange Act Release No. 6721; 27 F.R. 1251, Feb. 10, 1962).

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 2, 1969.

[F.R. Doc. 69-8282; Filed, July 14, 1969; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 69-62]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

BARGE FLEETING AREA, HILLSBOROUGH BAY, TAMPA, FLA.

1. The Commander, 7th Coast Guard District, Miami, Fla., by letter dated May 13, 1969, requested the establishment of a Barge Anchorage Ground in Hillsborough Bay, Tampa, Fla. The reason for the request is that there is a heavy increase in barge traffic, and an anchorage is required to accommodate transient barges. A public notice dated March 6, 1969, was issued by the Commander, 7th Coast Guard District, Miami, Fla., describing the proposed anchorage. All known interested parties were notified and requested to comment on the proposal. Two objections were received. However, these objections were resolved, in that barges will be limited in the use of the anchorage for a period not in excess of 96 hours. Since the foregoing procedure afforded effective notice to all interested parties, publication of the notice of proposed rule making in the FEDERAL REGISTER is unnecessary. Therefore, the request to establish an anchorage ground for barges as described in 33 CFR 110.193(a)(5) below is granted, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. This document effectuates this request by adding a new § 110.193(a)(5) describing the limits of this anchorage ground.

3. In Subpart B of Part 110, § 110.193 is amended by adding a new paragraph (a)(5), following paragraph (a)(4), to read as follows:

§ 110.193 Tampa Bay, Fla.

* * * * *

(a) * * *

(5) *Barge Fleeting Area, Hillsborough Bay.* Located 400 feet west of Cut "D" Channel at a point beginning at latitude 27°54'34", longitude 52°26'35"; thence northerly 1,000 feet to latitude 27°54'43", longitude 82°26'40"; thence westerly 500 feet to latitude 27°54'41", longitude 82°-26'45"; thence southerly 1,000 feet to latitude 27°54'32", longitude 82°26'40"; thence easterly 500 feet to the point of beginning.

NOTE: This area is reserved for transient barges only. Barges shall not occupy this anchorage for a period longer than 96 hours unless permission is obtained from the Captain of the Port for this purpose.

* * * * *

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.4(a)(3)(i))

Effective date. This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: July 2, 1969.

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

[F.R. Doc. 69-8310; Filed, July 14, 1969; 8:48 a.m.]

[CGFR 69-70]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Dunns Creek, Fla.

1. The Florida State Road Department by letter dated May 5, 1969, requested the Commander, 7th Coast Guard District to revise the operation regulations for the drawbridge across Dunns Creek near Palatka. A public notice dated May 13, 1969 setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, 7th Coast Guard District and was made available to all persons known to have an interest in this subject.

2. After consideration of all comments submitted in response to this proposal the revision is accepted. Accordingly, 33 CFR 117.245(h)(25) is revised to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(h) Waterways discharging into Atlantic Ocean south of Charleston. * * *

(25) Dunns Creek, Fla.; State Road Department of Florida bridge across Dunns Creek near Palatka. At least 3 hours' advance notice required.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.4(a)(3)(v))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: July 2, 1969.

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

[F.R. Doc. 69-8265; Filed, July 14, 1969; 8:45 a.m.]

[CGFR 69-61]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Indian River, Fla.

1. The Commander, 7th Coast Guard District by letter dated May 13, 1969, requested that the Commandant revise the operation regulations in § 117.436 to eliminate the Cocoa drawbridge listed thereon. This drawbridge was removed April 23, 1969, and has been replaced by twin fixed bridges.

2. Accordingly, the heading and paragraph (a) of § 117.436 are revised to read as follows:

§ 117.436 Indian River, Fla.; Florida State Road Department bridges at Titusville, Eau Gallie, and Melbourne, and the National Aeronautics and Space Administration bridge at Addison Point.

(a) Except as provided in paragraphs (b) and (c) of this section, the owner of or agency controlling the bridges at Titusville, Addison Point, Eau Gallie, and Melbourne shall not be required to open the drawspans between 6:45 a.m. and 7:45 a.m. and between 4:15 p.m. and 5:45 p.m., Monday through Friday of each week.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.4(a)(3)(v))

Effective date. This revision shall become effective upon the date of publication in the FEDERAL REGISTER.

Dated: July 2, 1969.

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

[F.R. Doc. 69-8266; Filed, July 14, 1969; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 742—CODE OF ETHICAL CONDUCT

Miscellaneous Amendments

Part 742 is being amended in several respects to delegate additional functions to the Ethical Conduct Counselor and in order to make changes for the purpose of clarification. These amendments were approved by the Civil Service Commission on July 3, 1969, and are effective upon publication in the FEDERAL REGISTER.

I. Section 742.735–26(b)(5) is amended to change the designation Postmaster General to Ethical Conduct Counselor.

§ 742.735–26 Conflicts of interest.

* * * * *

(b) *Employment after separation.* * * *

(5) Notwithstanding subparagraphs (1) and (2) of this paragraph, when a particular matter involved is in a scientific or technical field and if the Ethical Conduct Counselor certifies in writing that it is in the national interest and the certification is published in the FEDERAL REGISTER, a former officer or employee, including a former special Government employee, with outstanding scientific or technical qualifications may act as attorney or agent or appear personally.

* * * * *

NOTE: The corresponding Postal Manual section is 742.262e.

II. Section 742.735–27(a)(1) is amended to change the designation Postmaster General to Ethical Conduct Counselor; and paragraph (b)(5) thereof is amended to clarify a cross reference.

§ 742.735–27 Dealings with public.

(a) *Giving endorsements.* (1) An employee shall not, with or without compensation, give an endorsement to any business, enterprise, or product which may give rise to any inference or indication that such business, enterprise, or product is officially endorsed by this Department or the United States, without special permission from the Ethical Conduct Counselor.

* * * * *

(b) *Permitted activities.* * * *

* * * * *

(5) Soliciting for fund raising drives for civic, religious, fraternal auxiliaries, clubs, and kindred organizations so long as they do not solicit while on duty, or solicit while wearing their uniform or any insignia or badge or in any way identify themselves as postal employees, or solicit from patrons with whom they have recurring official contact, or use their postal position to influence collections. See §§ 741.73, 742.256, 742.295, and 742.296 of the Postal Manual.

NOTE: The corresponding Postal Manual sections are 742.271a and 742.272e, respectively.

III. In § 742.735–54 the opening sentence of paragraph (a) is amended to change the designation Postmaster General to Ethical Conduct Counselor.

§ 742.735–54 Exclusions.

(a) Employees in positions listed in § 742.735–52 (c) and (d) of this chapter may be excluded from the reporting requirement when the Ethical Conduct Counselor determines that:

* * * * *

NOTE: The corresponding Postal Manual section is 742.54a.

IV. Section 742.735–61(b) is amended to change the designation Postmaster General to Ethical Conduct Counselor.

§ 742.735–61 Special Government employees required to submit statements.

* * * * *

(b) The financial interests of the special Government employees which the Ethical Conduct Counselor determines are relevant in the light of the duties he is to perform.

NOTE: The corresponding Postal Manual section is 742.61b.

V. Section 742.735–62 is amended to change the designation Postmaster General to Ethical Conduct Counselor.

§ 742.735–62 Exceptions.

The Ethical Conduct Counselor may waive the requirement in § 742.735–61 above for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when he finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this section consultant and expert have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include a physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients.

NOTE: The corresponding Postal Manual section is 742.62.

VI. Section 742.735–71 is amended by adding new paragraph (f) to state that the Ethical Conduct Counselor may, in proper cases, make exceptions to the requirements or prohibitions of Part 742.

§ 742.735–71 Ethical Conduct Counselor and Deputy Ethical Conduct Counselors.

* * * * *

(f) Unless prohibited by law or Executive order, or inconsistent with 5 CFR Part 735, the Ethical Conduct Counselor may make exception to the requirements or prohibitions in this Part, for good cause shown.

NOTE: The corresponding Postal Manual section is 742.716.

(5 U.S.C. 301, 39 U.S.C. 501, Executive Order 11222, dated May 8, 1965)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69–8279; Filed, July 14, 1969; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., Rev. 1, Amdt. 13]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1964 and Subsequent Crops

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 31 F.R. 5941, 32 F.R. 7843, 9301, 10910, and 13376, and 33 F.R. 222, 299, 2564, 5659, 6097, 8220, 12821, and 16142, and 34 F.R. 1228 containing the General Regulations Governing Price Support for the 1964 and Subsequent Crops of Grains and Similarly Handled Commodities are hereby amended as follows:

1. Paragraph (a) of § 1421.53 is amended to provide for using Purchase Agreement (Form CCC–614) by producer when notifying county office of intention to sell a commodity to CCC. The amended paragraph (a) reads as follows:

§ 1421.53 Eligibility requirements.

(a) *Requesting price support.* To obtain price support on an eligible commodity, a producer must request a loan on his eligible commodity, or notify the ASCS county office of his intention to sell his eligible commodity by executing and delivering to the county office a Purchase Agreement (Form CCC–614), no later than the maturity date specified in the applicable commodity supplement.

* * * * *

2. Paragraph (c) of § 1421.55 is amended to define situations where the county committee may authorize a later period of availability or date of disbursement on an individual basis. The amended paragraph (c) reads as follows:

§ 1421.55 Program availability, disbursement and maturity of loans.

* * * * *

(c) *Availability and maturity dates.* Availability and maturity dates applicable to loans and purchases will be specified in the annual commodity supplements to the regulations in this subpart. If the time for repayment of the loan indebtedness of warehouse storage loans for any crop of a commodity is extended, a producer who does not have a loan and wishes to participate in the extended warehouse loan program must request a warehouse storage loan on or before the final loan availability date

specified in the applicable commodity supplement and disbursement of the warehouse storage loan shall be completed not later than the original maturity date. A producer who wishes to convert a farm storage loan or part thereof into a warehouse storage loan in order to participate in the extended warehouse loan program must request approval of the county committee for such conversion, obtain its consent to deliver the commodity subject to the farm stored loan or other eligible commodity to an approved warehouse and deliver acceptable warehouse receipts to the county office on or before the original maturity date specified in the applicable commodity supplement; disbursement of the warehouse storage loan shall be completed not later than the original maturity date (with settlement as provided in paragraph (d) of § 1421.67). Notwithstanding any of the provisions of this § 1421.55, the county committee may authorize on an individual producer basis a later date of disbursement during the 30-day period following the original maturity date in emergency situations, such as illness, road conditions or similar emergency situations. Whenever the final date of availability or the maturity date falls on a nonworkday for ASCS county offices, the applicable final date shall be extended to include the next workday. CCC may, by public announcement prior to the applicable loan maturity date, extend the time for repayment of the loan indebtedness with respect to warehouse storage loans secured by the pledge of one or more of the following commodities of the 1967 or subsequent crops: Barley, corn, grain sorghum, oats, soybeans, and wheat; if any such loan maturity date is extended, CCC will pay the storing warehouse, at the rates specified in the applicable CCC storage agreement, any charges which have accrued and are unpaid through the original loan maturity date with respect to the commodity pledged to secure the extended loan indebtedness and the amount so paid shall be for the account of the producer and shall become a part of the loan indebtedness except that the producer will not be required to pay interest to CCC thereon; storage charges which accrue after the original loan maturity date with respect to the above-named commodities securing repayment of extended warehouse storage loans shall be for the account of CCC. CCC may at any time accelerate the time for repayment of a price support loan indebtedness; in the event of any such acceleration, CCC will give a producer affected thereby notice of such acceleration at least 10 days in advance of the accelerated loan maturity date.

3. Paragraph (d) of § 1421.67 is amended to provide that transfer of a farm stored loan to a warehouse stored loan during the 30 day period immediately following the maturity date shall be permitted only under emergency situations. The amended paragraph (d) reads as follows:

§ 1421.67 Farm storage loans.

* * * * *

(d) *Transfer from farm storage loan to warehouse storage loan.* Upon request by the producer, the county committee may approve the conversion of a farm storage loan or part thereof into a warehouse storage loan at any time during the loan period. The county committee may also approve conversion of a farm storage loan or part thereof to a warehouse storage loan during the 30-day period after the maturity date in emergency situations, such as insect infestation that cannot be controlled, danger of flood, damage to the storage structure, loss of control of the storage structure or failure to transfer before the maturity date due to illness, road conditions or similar emergency situations. In the case of emergency transfers the producer must make the request in writing describing the emergency. Conversion of the farm storage loan or part thereof shall be made through the pledge of warehouse receipts for the commodity placed under warehouse storage loan and the immediate payment by the producer of the amount by which the warehouse storage loan is less than the farm storage loan or part thereof plus interest. Any amounts due the producer shall be disbursed by the county office.

4. Paragraph (d) of § 1421.69 is amended to define situations under which a commodity may be delivered before maturity date. The amended paragraph (d) reads as follows:

§ 1421.69 Liquidation of farm storage loans.

* * * * *

(d) *Delivery before maturity date.* If the producer loses control of the storage structure, there is insect infestation that cannot be controlled, danger of flood, or damage to the storage structure making it unsafe to continue storage of the commodity on the farm the commodity may be delivered before the maturity date of the loan with prior approval by the county committee. Settlement will be made with the producer as provided in § 1421.72.

5. Paragraph (b)(2) of § 1421.71 is amended to provide that in the case of eligible commodities stored in an approved warehouse, the producer must submit to the county office not later than the day after maturity, warehouse receipts for the quantity of the commodity he elects to sell to CCC. The amended paragraph (b)(2) reads as follows:

§ 1421.71 Purchases from producers.

* * * * *

(b) * * *

(2) *Delivery period.* In the case of an eligible farm stored commodity, the producer must make delivery of the commodity within the period of time after the loan maturity date for the kind of commodity as specified in delivery instructions issued by the county office unless the county office determines that more time is needed for delivery. Delivery shall be made to the location specified in such instructions. In the case of eligible commodities, except rice, stored in an approved warehouse, the producer must submit to the county office not earlier than 10 days before the maturity date but not later than the day after the maturity date, warehouse receipts for the quantity of the commodity he elects to sell to CCC. Notwithstanding any of the provisions of this § 1421.71, in the case of an eligible farm stored commodity covered by an approved Purchase Agreement (Form CCC–614), the county committee may, on request of the producer authorize delivery of the commodity before the maturity date for the commodity if the producer loses control of the storage structure, there is insect infestation that cannot be controlled, danger of flood or damage to the storage structure making it unsafe to continue storage of the commodity on the farm.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 401, 403, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1421, 1423, and 1425)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 9, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69–8291; Filed, July 14, 1969; 8:47 a.m.]

PART 1427—COTTON

Subpart—1969 Crop Supplement to Cotton Loan Program Regulations

The Cotton Loan Program Regulations issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to loan operations for cotton are supplemented for 1969 crop cotton as follows:

Sec.
1427.1521 Purpose.
1427.1522 Schedule of base loan rates for eligible 1969 crop, upland cotton by warehouse location.
1427.1523 Schedule of premiums and discounts for grade and staple length of eligible 1969 crop upland cotton.
1427.1524 Schedule of premiums and discounts for micronaire readings on 1969 crop upland cotton.
1427.1525 Schedule of loan rates for eligible qualities of 1969 crop extra long staple cotton by warehouse location.

AUTHORITY: The provisions of this subpart issued under secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421.

§ 1427.1521 Purpose.

This subpart is for the purpose of announcing that loans will be available on upland and extra long staple cotton of the 1969 crop under the terms and conditions stated in the Cotton Loan Program Regulations issued by Commodity Credit Corporation and contained in this Part 1427. This subpart also contains schedules to be used in determining loan rates on 1969 crop cotton.

§ 1427.1522 Schedule of base loan rates for eligible 1969 crop upland cotton by warehouse location.

ALABAMA

City	County	Basis middling white inch loan rate
Akron	Hale	20.45
Albertville	Marshall	20.55
Aliceville	Pickens	20.40
Altoona	Etowah	20.60
Andalusia	Covington	20.45
Anniston	Calhoun	20.60
Arab	Marshall	20.55
Athens	Limestone	20.45
Atmore	Escambia	20.40
Attalla	Etowah	20.60
Belle Mina	Limestone	20.45
Berry	Fayette	20.45
Birmingham	Jefferson	20.45
Blountsville	Blount	20.55
Boaz	Marshall	20.55
Boligee	Greene	20.40
Brantley	Crenshaw	20.45
Brent	Bibb	20.45
Brewton	Escambia	20.40
Brundidge	Pike	20.45
Camden	Wilcox	20.40
Centre	Cherokee	20.60
Centreville	Bibb	20.45
Clayton	Barbour	20.55
Collinsville	De Kalb	20.55
Columbia	Houston	20.45
Cordova	Walker	20.45
Cottonwood	Houston	20.45
Cullman	Cullman	20.45
Decatur	Morgan	20.45
Demopolis	Marengo	20.40
Dothan	Houston	20.45
Dutton	Jackson	20.45
Eclectic	Elmore	20.55
Elba	Coffee	20.45
Elkmont	Limestone	20.45
Enterprise	Coffee	20.45
Ethelsville	Pickens	20.40
Eufaula	Barbour	20.55
Eutaw	Greene	20.40
Evergreen	Conecuh	20.40
Fayette	Fayette	20.45
Florala	Covington	20.45
Fort Deposit	Lowndes	20.45
Fort Payne	De Kalb	20.55
Frisco City	Monroe	20.40
Gadsden	Etowah	20.60
Georgiana	Butler	20.45
Geraldine	De Kalb	20.55
Goodway	Monroe	20.40
Gordo	Pickens	20.40
Goshen	Pike	20.45
Greenbrier	Limestone	20.45
Greensboro	Hale	20.45
Greenville	Butler	20.45
Guntersville	Marshall	20.55
Haleyville	Winston	20.45
Hamilton	Marion	20.40
Hartford	Geneva	20.45
Hartselle	Morgan	20.45
Havana Junction	Hale	20.45
Headland	Henry	20.45
Hollywood	Jackson	20.45
Huntsville	Madison	20.45
Hurtsboro	Russell	20.60
Jasper	Walker	20.45
Kennedy	Lamar	20.40
Lafayette	Chambers	20.60
Larkinsville	Jackson	20.45
Linden	Marengo	20.40
Livingston	Sumter	20.40
Louisville	Barbour	20.55
Luverne	Crenshaw	20.45
McCullough	Escambia	20.40
Madison	Madison	20.45
Malvern	Geneva	20.45
Maplesville	Chilton	20.45
Marion	Perry	20.45
Millport	Lamar	20.40
Mobile	Mobile	20.40
Monroeville	Monroe	20.40
Montgomery	Montgomery	20.45
Moundville	Hale	20.45
Newbern	do	20.45
New Hope	Madison	20.45
Newville	Henry	20.45
Northport	Tuscaloosa	20.45
Notasulga	Macon	20.55
Oneonta	Blount	20.55
Opelika	Lee	20.60
Opp	Covington	20.45
Panola	Sumter	20.40
Phil Campbell	Franklin	20.40
Pinckard	Dale	20.45
Pisgah	Jackson	20.45
Red Bay	Franklin	20.40
Reform	Pickens	20.40
Rogersville	Lauderdale	20.40
Russellville	Franklin	20.40
Samantha	Tuscaloosa	20.45

ALABAMA—Continued

City	County	Basis middling white inch loan rate
Samson	Geneva	20.45
Scottsboro	Jackson	20.45
Section	do	20.45
Selma	Dallas	20.45
Sheffield	Colbert	20.40
Slocomb	Geneva	20.45
Stevenson	Jackson	20.45
Sulligent	Lamar	20.40
Sweet Water	Marengo	20.40
Sylacauga	Talladega	20.60
Talladega	do	20.60
Tallassee	Elmore	20.55
Troy	Pike	20.45
Tuscumbia	Colbert	20.40
Tuskegee	Macon	20.55
Union Springs	Bullock	20.55
Uniontown	Perry	20.45
Vernon	Lamar	20.40
Wetumpka	Elmore	20.55
Winfield	Marion	20.40

ARIZONA

Eloy	Pinal	19.80
Phoenix	Maricopa	19.80
Picacho	Pinal	19.80
Safford	Graham	20.00
Yuma	Yuma	19.80

ARKANSAS

Arkadelphia	Clark	20.35
Ashdown	Little River	20.30
Batesville	Independence	20.35
Blytheville	Mississippi	20.35
Bradley	Lafayette	20.30
Brinkley	Monroe	20.35
Camden	Ouachita	20.30
Clarendon	Monroe	20.35
Cotton Plant	Woodruff	20.35
Dardanelle	Yell	20.35
Dell	Mississippi	20.35
Dumas	Desha	20.35
Earle	Crittenden	20.35
England	Lonoke	20.35
Eudora	Chicot	20.35
Evadale	Mississippi	20.35
Forrest City	St. Francis	20.35
Fort Smith	Sebastian	20.30
Helena	Phillips	20.35
Hope	Hempstead	20.30
Hughes	St. Francis	20.35
Jonesboro	Craighead	20.35
Leachville	Mississippi	20.35
Lepanto	Poinsett	20.35
Lonoke	Lonoke	20.35
McCrory	Woodruff	20.35
McGehee	Desha	20.35
Magnolia	Columbia	20.30
Marianna	Lee	20.35
Marked Tree	Poinsett	20.35
Marvell	Phillips	20.35
Morrilton	Conway	20.35
Newport	Jackson	20.35
North Little Rock	Pulaski	20.35
Osceola	Mississippi	20.35
Pine Bluff	Jefferson	20.35
Portland	Ashley	20.35
Prescott	Nevada	20.30
Searcy	White	20.35
Sparkman	Dallas	20.30
Trumann	Poinsett	20.35
Waldo	Columbia	20.30
Walnut Ridge	Lawrence	20.35
West Memphis	Crittenden	20.35
Wynne	Cross	20.35

CALIFORNIA

Bakersfield	Kern	19.80
Brawley	Imperial	19.80
Calico	Kern	19.80
El Centro	Imperial	19.80
Fresno	Fresno	19.80
Imperial	Imperial	19.80
Kerman	Fresno	19.80
Los Angeles	Los Angeles	19.80
Pinedale	Fresno	19.80
Tulare	Tulare	19.80

FLORIDA

Jay	Santa Rosa	20.40

GEORGIA

City	County	Basis middling white inch loan rate
Adairsville	Bartow	20.65
Adel	Cook	20.45
Alamo	Wheeler	20.55
Albany	Dougherty	20.55
Allentown	Wilkinson	20.65
Ambrose	Coffee	20.55
Americus	Sumter	20.55
Arabi	Crisp	20.55
Arlington	Calhoun	20.45
Ashburn	Turner	20.55
Athens	Clarke	20.70
Atlanta	Fulton	20.65
Augusta	Richmond	20.70
Bartow	Jefferson	20.65
Baxley	Appling	20.55
Blakely	Early	20.45
Bronwood	Terrell	20.55
Brooklet	Bulloch	20.65
Buena Vista	Marion	20.65
Butler	Taylor	20.65
Byromville	Dooly	20.55
Cadwell	Laurens	20.65
Cairo	Grady	20.45
Camilla	Mitchell	20.45
Carrollton	Carroll	20.65
Cedartown	Polk	20.65
Chauncey	Dodge	20.65
Chester	do	20.65
Clarton	Evans	20.55
Cochran	Bleckley	20.65
Coleman	Randolph	20.45
Colquitt	Miller	20.45
Columbus	Muscogee	20.65
Comer	Madison	20.70
Concord	Pike	20.65
Conyers	Rockdale	20.65
Cordele	Crisp	20.55
Coverdale	Turner	20.55
Covington	Newton	20.65
Cuthbert	Randolph	20.45
Davisboro	Washington	20.65
Dawson	Terrell	20.55
De Soto	Sumter	20.55
Dexter	Laurens	20.65
Doerun	Colquitt	20.45
Donalsonville	Seminole	20.45
Douglas	Coffee	20.55
Dublin	Laurens	20.65
Dudley	do	20.65
Eastman	Dodge	20.65
East Point	Fulton	20.65
Edison	Calhoun	20.45
Elberton	Elbert	20.70
Elko	Houston	20.65
Ellaville	Schley	20.65
Findlay	Dooly	20.55
Fitzgerald	Ben Hill	20.55
Fort Gaines	Clay	20.45
Fort Valley	Peach	20.65
Franklinton	Bibb	20.65
Funston	Colquitt	20.45
Gay	Meriwether	20.65
Glennville	Tattnall	20.55
Greenville	Meriwether	20.65
Griffin	Spalding	20.65
Haralson	Coweta	20.65
Hawkinsville	Pulaski	20.65
Hazlehurst	Jeff Davis	20.55
Hogansville	Troup	20.65
Hollonville	Pike	20.65
Ideal	Macon	20.65
Jefferson	Jackson	20.70
Jeffersonville	Twiggs	20.65
Jesup	Wayne	20.55
Kingston	Bartow	20.65
La Grange	Troup	20.65
Lavonia	Franklin	20.70
Lawrenceville	Gwinnett	20.65
Lenox	Cook	20.45
Leslie	Sumter	20.55
Locust Grove	Henry	20.65
Loganville	Walton	20.65
Louisville	Jefferson	20.65
Lumpkin	Stewart	20.55
Luthersville	Meriwether	20.65
Lyerly	Chattooga	20.65
Lyons	Toombs	20.55
McDonough	Henry	20.65
Macon	Bibb	20.65
Madison	Morgan	20.65
Mansfield	Newton	20.65
Marshallville	Macon	20.65
Meigs	Thomas	20.45
Metter	Candler	20.65
Midville	Burke	20.65
Milledgeville	Baldwin	20.65
Millen	Jenkins	20.65
Monroe	Walton	20.65
Montezuma	Macon	20.65
Morven	Brooks	20.45

GEORGIA—Continued

City	County	Basis middling white inch loan rate
Moultrie	Colquitt	20.45
Norman Park	do	20.45
Ocilla	Irwin	20.55
Oglethorpe	Macon	20.65
Omega	Tift	20.55
Parrott	Terrell	20.55
Pelham	Mitchell	20.45
Pinehurst	Dooly	20.55
Pinelog	Bartow	20.65
Pine Mountain	Harris	20.65
Pineview	Wilcox	20.55
Pitts	do	20.55
Plains	Sumter	20.55
Portal	Bulloch	20.65
Poulan	Worth	20.55
Quitman	Brooks	20.45
Rebecca	Turner	20.55
Rentz	Laurens	20.65
Reynolds	Taylor	20.65
Rochelle	Wilcox	20.55
Rockmart	Polk	20.65
Rome	Floyd	20.65
Royston	Franklin	20.70
Rutledge	Morgan	20.65
Sandersville	Washington	20.65
Sasser	Terrell	20.55
Savannah	Chatham	20.65
Senoia	Coweta	20.65
Shady Dale	Jasper	20.65
Shellman	Randolph	20.45
Shingler	Worth	20.55
Social Circle	Walton	20.65
Soperton	Treutlen	20.65
Sparta	Hancock	20.65
Statesboro	Bulloch	20.65
Swainsboro	Emanuel	20.65
Sycamore	Turner	20.55
Sylvania	Screven	20.65
Sylvester	Worth	20.55
Tennille	Washington	20.65
Thomson	McDuffie	20.70
Tifton	Tift	20.55
Twin City	Emanuel	20.65
Unadilla	Dooly	20.55
Uvalda	Montgomery	20.55
Valdosta	Lowndes	20.45
Vidalia	Toombs	20.55
Vienna	Dooly	20.55
Villa Rica	Carroll	20.65
Wadley	Jefferson	20.65
Warrenton	Warren	20.70
Warwick	Worth	20.55
Washington	Wilkes	20.70
Watkinsville	Oconee	20.70
Waynesboro	Burke	20.65
Winder	Barrow	20.70
Woodbury	Meriwether	20.65
Wrens	Jefferson	20.65
Wrightsville	Johnson	20.65
Yatesville	Upson	20.65
Zebulon	Pike	20.65

LOUISIANA

City	Parish	Basis middling white inch loan rate
Alexandria	Rapides	20.30
Bernice	Union	20.30
Cheneyville	Rapides	20.30
Coushatta	Red River	20.30
Delhi	Richland	20.35
Ferriday	Concordia	20.35
Franklinton	Washington	20.35
Haynesville	Claiborne	20.30
Homer	do	20.30
Lake Providence	East Carroll	20.35
Mansfield	De Soto	20.30
Monroe	Quachita	20.35
Natchitoches	Natchitoches	20.30
Newellton	Tensas	20.35
New Orleans	Orleans	20.35
Oak Grove	West Carroll	20.35
Opelousas	St. Landry	20.30
Plain Dealing	Bossier	20.30
Rayville	Richland	20.35
Shreveport	Caddo	20.30
Tallulah	Madison	20.35
Winnsboro	Franklin	20.35

MISSISSIPPI

City	County	Basis middling white inch loan rate
Aberdeen	Monroe	20.40
Amory	do	20.40
Batesville	Panola	20.40
Belzoni	Humphreys	20.35
Booneville	Prentiss	20.40
Brookhaven	Lincoln	20.35
Canton	Madison	20.40
Carthage	Leake	20.40
Clarksdale	Coahoma	20.35
Cleveland	Bolivar	20.35
Columbia	Marion	20.35
Columbus	Lowndes	20.40
Como	Panola	20.40
Corinth	Alcorn	20.40
Drew	Sunflower	20.35
Durant	Holmes	20.40
Flora	Madison	20.35
Forest	Scott	20.35
Greenville	Washington	20.35
Greenwood	Leflore	20.35
Grenada	Grenada	20.40
Gulfport	Harrison	20.35
Hattiesburg	Forrest	20.35
Hollandale	Washington	20.35
Holly Springs	Marshall	20.40
Houston	Chickasaw	20.40
Indianola	Sunflower	20.35
Inverness	do	20.35
Itta Bena	Leflore	20.35
Jackson	Hinds	20.35
Kosciusko	Attala	20.40
Laurel	Jones	20.35
Leland	Washington	20.35
McComb	Pike	20.35
Macon	Noxubee	20.40
Magee	Simpson	20.35
Magnolia	Pike	20.35
Marks	Quitman	20.35
Meridian	Lauderdale	20.40
New Albany	Union	20.40
Newton	Newton	20.35
Okolona	Chickasaw	20.40
Oxford	Lafayette	20.40
Philadelphia	Neshoba	20.40
Pontotoc	Pontotoc	20.40
Prentiss	Jefferson Davis	20.35
Quitman	Clarke	20.35
Ripley	Tippah	20.40
Rolling Fork	Sharkey	20.35
Rosedale	Bolivar	20.35
Ruleville	Sunflower	20.35
Shaw	Bolivar	20.35
Shelby	do	20.35
Shuqualak	Noxubee	20.40
Sledge	Quitman	20.35
Summit	Pike	20.35
Tunica	Tunica	20.35
Tupelo	Lee	20.40
Tutwiler	Tallahatchie	20.35
Tylertown	Walthall	20.35
Union	Newton	20.40
Vicksburg	Warren	20.35
West Point	Clay	20.40
Yazoo City	Yazoo	20.35

MISSOURI

Arbyrd	Dunklin	20.35
Caruthersville	Pemiscot	20.35
Charleston	Mississippi	20.35
Gideon	New Madrid	20.35
Hayti	Pemiscot	20.35
Kennett	Dunklin	20.35
Lilbourn	New Madrid	20.35
Malden	Dunklin	20.35
Portageville	New Madrid	20.35
Sikeston	Scott	20.35

NEW MEXICO

Artesia	Eddy	20.15
Carlsbad	do	20.15
Deming	Luna	20.10
Las Cruces	Dona Ana	20.15
Lovington	Lea	20.20
Roswell	Chaves	20.15

NORTH CAROLINA

Battleboro	Nash	20.75
Bethel	Pitt	20.75
Bladenboro	Bladen	20.75

NORTH CAROLINA—Continued

City	County	Basis middling white inch loan rate
Butner	Granville	20.75
Candor	Montgomery	20.80
Charlotte	Mecklenburg	20.80
Cherryville	Gaston	20.80
Clayton	Johnston	20.75
Clinton	Sampson	20.75
Conway	Northampton	20.75
Dunn	Harnett	20.75
Durham	Durham	20.80
Edenton	Chowan	20.75
Enfield	Halifax	20.75
Farmville	Pitt	20.75
Fayetteville	Cumberland	20.75
Franklinton	Franklin	20.75
Gastonia	Gaston	20.80
Gibson	Scotland	20.75
Goldsboro	Wayne	20.75
Greenville	Pitt	20.75
Henderson	Vance	20.75
Jackson	Northampton	20.75
Kings Mountain	Cleveland	20.80
Laurel Hill	Scotland	20.75
Laurinburg	do	20.75
Lewiston	Bertie	20.75
Lincolnton	Lincoln	20.80
Littleton	Halifax	20.75
Louisburg	Franklin	20.75
Lumberton	Robeson	20.75
Maxton	do	20.75
Monroe	Union	20.80
Mooresville	Iredell	20.80
Morven	Anson	20.80
Mount Olive	Wayne	20.75
Murfreesboro	Hertford	20.75
Nashville	Nash	20.75
Newton	Catawba	20.80
Parkton	Robeson	20.75
Pembroke	do	20.75
Pinetops	Edgecombe	20.75
Raeford	Hoke	20.75
Raleigh	Wake	20.75
Red Springs	Robeson	20.75
Rich Square	Northampton	20.75
Roanoke Rapids	Halifax	20.75
Rockingham	Richmond	20.80
Rowland	Robeson	20.75
St. Pauls	do	20.75
Salisbury	Rowan	20.80
Sanford	Lee	20.80
Scotland Neck	Halifax	20.75
Seaboard	Northampton	20.75
Selma	Johnston	20.75
Severn	Northampton	20.75
Shelby	Cleveland	20.80
Smithfield	Johnston	20.75
Southern Pines	Moore	20.80
Statesville	Iredell	20.80
Tarboro	Edgecombe	20.75
Wagram	Scotland	20.75
Wake Forest	Wake	20.75
Washington	Beaufort	20.75
Weldon	Halifax	20.75
Williamston	Martin	20.75
Wilson	Wilson	20.75
Woodland	Northampton	20.75

OKLAHOMA

Altus	Jackson	20.25
Anadarko	Caddo	20.25
Chickasha	Grady	20.25
Durant	Bryan	20.30
Elk City	Beckham	20.25
Frederick	Tillman	20.25
Hobart	Kiowa	20.25
Idabel	McCurtain	20.30
Mangum	Greer	20.25
Mountain View	Kiowa	20.25
Muskogee	Muskogee	20.30
Oklahoma City	Oklahoma	20.25
Wynne Wood	Garvin	20.25

SOUTH CAROLINA

Abbeville	Abbeville	20.80
Aiken	Aiken	20.80
Allendale	Allendale	20.75
Anderson	Anderson	20.80
Angelus	Chesterfield	20.80
Bamberg	Bamberg	20.75
Barnwell	Barnwell	20.75

SOUTH CAROLINA—Continued

City	County	Basis middling white inch loan rate
Batesburg	Lexington	20.80
Bennettsville	Marlboro	20.75
Bethune	Kershaw	20.80
Bishopville	Lee	20.75
Blackville	Barnwell	20.75
Bowman	Orangeburg	20.75
Branchville	do	20.75
Brunson	Hampton	20.75
Calhoun Falls	Abbeville	20.80
Camden	Kershaw	20.80
Cameron	Calhoun	20.75
Charleston	Charleston	20.75
Cheraw	Chesterfield	20.80
Chester	Chester	20.80
Chesterfield	Chesterfield	20.80
Clinton	Laurens	20.80
Clio	Marlboro	20.75
Clover	York	20.80
Columbia	Richland	20.80
Cowpens	Spartanburg	20.80
Dalzell	Sumter	20.75
Darlington	Darlington	20.75
Denmark	Bamberg	20.75
Dillon	Dillon	20.75
Edgefield	Edgefield	20.80
Elgin	Kershaw	20.80
Ellloree	Orangeburg	20.75
Estill	Hampton	20.75
Florence	Florence	20.75
Fountain Inn	Greenville	20.80
Gaffney	Cherokee	20.80
Garnett	Hampton	20.75
Greeleyville	Williamsburg	20.75
Greenville	Greenville	20.80
Greenwood	Greenwood	20.80
Hartsville	Darlington	20.75
Heath Springs	Lancaster	20.80
Hemingway	Williamsburg	20.75
Holly Hill	Orangeburg	20.75
Inman	Spartanburg	20.80
Jefferson	Chesterfield	20.80
Johnsonville	Florence	20.75
Johnston	Edgefield	20.80
Kershaw	Kershaw	20.80
Kingstree	Williamsburg	20.75
Lake City	Florence	20.75
Lake View	Dillon	20.75
Lamar	Darlington	20.75
Latta	Dillon	20.75
Laurens	Laurens	20.80
Leesville	Lexington	20.80
Lynchburg	Lee	20.75
McColl	Marlboro	20.75
Manning	Clarendon	20.75
Marion	Marion	20.75
Mayesville	Sumter	20.75
Mountville	Laurens	20.80
Mullins	Marion	20.75
Newberry	Newberry	20.80
North	Orangeburg	20.75
Norway	do	20.75
Olanta	Florence	20.75
Olar	Bamberg	20.75
Orangeburg	Orangeburg	20.75
Pamplico	Florence	20.75
Patrick	Chesterfield	20.80
Pendleton	Anderson	20.80
Pinewood	Sumter	20.75
Plum Branch	McCormick	20.80
Prosperity	Newberry	20.80
Ridge Spring	Saluda	20.80
Ridgeway	Fairfield	20.80
Rock Hill	York	20.80
Saluda	Saluda	20.80
Seneca	Oconee	20.80
Spartanburg	Spartanburg	20.80
Springfield	Orangeburg	20.75
St. Matthews	Calhoun	20.75
Summerton	Clarendon	20.75
Sumter	Sumter	20.75

SOUTH CAROLINA—Continued

City	County	Basis middling white inch loan rate
Swansea	Lexington	20.80
Timmonsville	Florence	20.75
Turbeville	Clarendon	20.75
Union	Union	20.80
Wagener	Aiken	20.80
Wellford	Spartanburg	20.80
Williston	Barnwell	20.75
York	York	20.80

TENNESSEE

Brownsville	Haywood	20.40
Chattanooga	Hamilton	20.55
Covington	Tipton	20.40
Decherd	Franklin	20.45
Dyersburg	Dyer	20.40
Five Points	Lawrence	20.40
Henderson	Chester	20.40
Jackson	Madison	20.40
Lawrenceburg	Lawrence	20.40
Memphis	Shelby	20.40
Milan	Gibson	20.40
Ripley	Lauderdale	20.40
Tiptonville	Lake	20.40

TEXAS

Abernathy	Hale	20.20
Abilene	Taylor	20.25
Ballinger	Runnels	20.25
Bay City	Matagorda	20.25
Big Spring	Howard	20.20
Bovina	Parmer	20.20
Brady	McCulloch	20.25
Brenham	Washington	20.25
Brownfield	Terry	20.20
Brownsville	Cameron	20.20
Brownwood	Brown	20.25
Bryan	Brazos	20.25
Burton	Washington	20.25
Cameron	Milam	20.25
Chaison Station	Jefferson	20.30
Childress	Childress	20.25
Clarksville	Red River	20.30
Cleburne	Johnson	20.25
Colorado City	Mitchell	20.25
Commerce	Hunt	20.30
Cooper	Delta	20.30
Corpus Christi	Nueces	20.25
Corsicana	Navarro	20.25
Crockett	Houston	20.25
Crosbyton	Crosby	20.20
Dallas	Dallas	20.25
Dimmitt	Castro	20.20
Edna	Jackson	20.25
Elgin	Bastrop	20.25
Enloe	Delta	20.30
Ennis	Ellis	20.25
Fabens	El Paso	20.15
Fauna	Harris	20.30
Floydada	Floyd	20.25
Forney	Kaufman	20.30
Fort Stockton	Pecos	20.20
Gainesville	Cooke	20.30
Galveston	Galveston	20.30
Garland	Dallas	20.30
Greenville	Hunt	20.30
Hamlin	Jones	20.25
Harlingen	Cameron	20.20
Hart	Castro	20.20
Haskell	Haskell	20.25
Hearne	Robertson	20.25
Hedley	Donley	20.25
Hillsboro	Hill	20.25
Honey Grove	Fannin	20.30
Houston	Harris	20.30
Hubbard	Hill	20.25
Huntsville	Walker	20.25

TEXAS—Continued

City	County	Basis middling white inch loan rate
Kaufman	Kaufman	20.30
Kenedy	Karnes	20.25
Knox City	Knox	20.25
La Grange	Fayette	20.25
Lamesa	Dawson	20.20
Levelland	Hockley	20.20
Littlefield	Lamb	20.20
Lockhart	Caldwell	20.25
Lockney	Floyd	20.20
Loraine	Mitchell	20.25
Lorenzo	Crosby	20.20
Lubbock	Lubbock	20.20
McKinney	Collin	20.30
Marlin	Falls	20.25
Mart	McLennan	20.25
Memphis	Hall	20.25
Mexia	Limestone	20.25
Morton	Cochran	20.20
Muleshoe	Bailey	20.20
Munday	Knox	20.25
Nacogdoches	Nacogdoches	20.30
Navasota	Grimes	20.25
Needville	Fort Bend	20.30
Obrien	Haskell	20.25
Odonnell	Lynn	20.20
Paducah	Cottle	20.25
Paris	Lamar	20.30
Pecos	Reeves	20.20
Plains	Yoakum	20.20
Plainview	Hale	20.20
Pyote	Ward	20.20
Quanah	Hardeman	20.25
Quitaque	Briscoe	20.20
Ralls	Crosby	20.20
Raymondville	Willacy	20.20
Roaring Springs	Motley	20.25
Rochester	Haskell	20.25
Rosebud	Falls	20.25
Rosenberg	Fort Bend	20.30
Rotan	Fisher	20.25
Rule	Haskell	20.25
San Angelo	Tom Green	20.25
Schulenburg	Fayette	20.25
Seagraves	Gaines	20.20
Seymour	Baylor	20.25
Shamrock	Wheeler	20.25
Shiner	Lavaca	20.25
Slaton	Lubbock	20.20
Snyder	Scurry	20.25
Spur	Dickens	20.25
Stamford	Jones	20.25
Stanton	Martin	20.20
Sudan	Lamb	20.20
Sweetwater	Nolan	20.25
Taft	San Patricio	20.25
Tahoka	Lynn	20.20
Tarzan	Martin	20.20
Taylor	Williamson	20.25
Temple	Bell	20.25
Terrell	Kaufman	20.30
Texarkana	Bowie	20.30
Tulia	Swisher	20.20
Turkey	Hall	20.20
Vernon	Wilbarger	20.25
Victoria	Victoria	20.25
Waco	McLennan	20.25
Waxahachie	Ellis	20.25
Wellington	Collingsworth	20.25
Weslaco	Hidalgo	20.20
Whiteface	Cochran	20.20
Wichita Falls	Wichita	20.25
Wills Point	Van Zandt	20.30
Winters	Runnels	20.25

VIRGINIA

Boykins	Southampton	20.75
Brodnax	Brunswick	20.75

§ 1427.1523 Schedule of premiums and discounts for grade and staple length of eligible 1969 crop upland cotton.

(Points per pound—Basis 1-inch middling)

Grade	Codes [1]	Staple length (inches)													
		13/16	7/8	29/32	15/16	31/32	1	1 1/32	1 1/16	1 3/32	1 1/8	1 5/32	1 3/16	1 7/32	1 1/4 and longer
		(26)	(28)	(29)	(30)	(31)	(32)	(33)	(34)	(35)	(36)	(37)	(38)	(39)	(40 and up)
WHITE		*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*
GM and better	(11 and 01)	−345	−310	−265	−195	−95	+50	+215	+415	+490	+560	+620	+710	+890	+1040
SM	(21)	−355	−320	−275	−205	−105	+40	+210	+405	+480	+550	+605	+695	+875	+1025
MID plus	(30)	−375	−340	−295	−225	−125	+20	+180	+380	+455	+520	+570	+650	+830	+985
MID	(31)	−395	−360	−315	−245	−145	Base	+160	+360	+430	+490	+540	+610	+775	+900
SLM plus	(40)	−480	−450	−405	−335	−265	−125	+30	+220	+275	+310	+345	+425	+560	+685
SLM	(41)	−530	−495	−450	−390	−315	−185	−40	+140	+195	+250	+280	+345	+480	+595
LM plus	(50)	−595	−570	−530	−470	−400	−285	−185	−75	−40	−5	+5	+30	+55	+105
LM	(51)	−635	−610	−575	−515	−445	−335	−250	−145	−105	−75	−65	−50	−25	Even
SGO plus	(60)	−735	−715	−680	−630	−570	−460	−410	−380	−365	−355	−355	−355	−355	−355
SGO	(61)	−785	−765	−730	−680	−620	−515	−475	−450	−435	−425	−425	−425	−425	−425
GO plus	(70)	−865	−845	−815	−775	−720	−625	−585	−575	−560	−550	−550	−550	−550	−550
GO	(71)	−910	−890	−860	−820	−770	−680	−640	−630	−620	−610	−610	−610	−610	−610
LIGHT SPOTTED															
GM	(12)	−420	−385	−340	−285	−215	−95	+65	+195	+245	+280	+320	+395	+565	+735
SM	(22)	−430	−395	−350	−295	−225	−110	+55	+180	+230	+270	+305	+375	+545	+705
MID	(32)	−490	−460	−420	−365	−300	−185	−40	+95	+135	+180	+225	+290	+405	+505
SLM	(42)	−610	−580	−540	−485	−425	−325	−225	−140	−115	−85	−70	−55	−40	−15
LM	(52)	−750	−720	−685	−635	−585	−505	−445	−400	−390	−385	−385	−385	−385	−385
SPOTTED															
GM	(13)	−585	−555	−515	−460	−400	−300	−215	−170	−145	−115	−105	−95	−70	−45
SM	(23)	−600	−570	−530	−475	−415	−315	−230	−185	−160	−130	−120	−110	−90	−70
MID	(33)	−655	−625	−585	−530	−475	−390	−320	−285	−275	−265	−260	−255	−255	−250
SLM	(43)	−765	−730	−690	−640	−595	−520	−460	−435	−425	−425	−425	−425	−425	−425
LM	(53)	−880	−845	−810	−770	−725	−645	−600	−585	−580	−575	−575	−575	−575	−575
TINGED															
GM	(14)	−740	−700	−670	−640	−610	−575	−550	−540	−535	−535	−535	−535	−535	−535
SM	(24)	−755	−715	−685	−655	−625	−590	−565	−555	−550	−550	−550	−550	−550	−550
MID	(34)	−820	−780	−750	−720	−685	−655	−630	−620	−615	−615	−615	−615	−615	−615
SLM	(44)	−920	−880	−845	−810	−780	−740	−725	−710	−710	−710	−710	−710	−710	−710
LM	(54)	−1035	−1000	−970	−940	−915	−880	−855	−845	−845	−845	−845	−845	−845	−845
YELLOW STAINED															
GM	(15)	−900	−860	−835	−805	−780	−745	−730	−720	−720	−720	−720	−720	−720	−720
SM	(25)	−915	−875	−850	−820	−795	−760	−745	−735	−735	−735	−735	−735	−735	−735
MID	(35)	−970	−930	−905	−875	−845	−815	−800	−790	−790	−790	−790	−790	−790	−790
LIGHT GRAY															
GM	(16)	−435	−405	−365	−315	−230	−115	+10	+115	+170	+205	+250	+300	+450	+580
SM	(26)	−480	−450	−415	−365	−285	−180	−65	+40	+90	+150	+190	+235	+360	+485
MID	(36)	−585	−560	−525	−480	−410	−315	−235	−155	−130	−110	−95	−70	−45	−20
SLM	(46)	−730	−710	−680	−635	−575	−490	−420	−390	−375	−360	−360	−360	−360	−360
GRAY															
GM	(17)	−535	−510	−475	−430	−360	−265	−160	−100	−60	−10	+30	+75	+120	+165
SM	(27)	−595	−570	−535	−490	−420	−325	−245	−190	−170	−150	−135	−115	−110	−65
MID	(37)	−750	−730	−700	−655	−595	−510	−440	−410	−395	−385	−385	−385	−385	−385
SLM	(47)	−860	−845	−810	−765	−725	−660	−615	−595	−590	−580	−580	−580	−580	−580

Grade Symbols: GM—Good Middling; SM—Strict Middling; MID—Middling; SLM—Strict Low Middling; LM—Low Middling; SGO—Strict Good Ordinary; GO—Good Ordinary.

[1] Grade and staple codes. Staple below 13/16 is coded 24 and is not eligible for loan. Any grade code starting with an 8 is "below grade" and is not eligible for loan.

§ 1427.1524 Schedule of premiums and discounts for micronaire readings on 1969 crop upland cotton.

Micronaire reading	*Points per pound*
5.3 and above	Discount of 135.
5.0 through 5.2	Discount of 35.
3.5 through 4.9	Premium of 45.
3.3 through 3.4	Premium of 45.
3.0 through 3.2	Discount of 140.
2.7 through 2.9	Discount of 255.
2.6 and less	Discount of 390.

§ 1427.1525 Schedule of loan rates for eligible qualities of 1969 crop extra long staple cotton by warehouse location.

(In cents per pound, net weight)

Grade	Staple length (inches)					
	1⅜		1 5/16		1½ and longer	
	Cotton stored in approved warehouses in—		Cotton stored in approved warehouses in—		Cotton stored in approved warehouses in—	
	Arizona and California	New Mexico, Texas and other States	Arizona and California	New Mexico, Texas and other States	Arizona and California	New Mexico, Texas and other States
1	41.00	41.40	41.50	41.90	41.70	42.10
2	40.75	41.15	41.30	41.70	41.50	41.90
3	40.35	40.75	40.90	41.30	41.10	41.50
4	39.60	40.00	40.05	40.45	40.25	40.65
5	37.25	37.65	37.70	38.10	37.85	38.25
6	33.80	34.20	34.10	34.50	34.20	34.60
7	30.70	31.10	30.90	31.30	31.00	31.40
8	28.10	28.50	28.25	28.65	28.35	28.75
9	25.85	26.25	26.00	26.40	26.10	26.50

Effective date. This subpart shall become effective upon filing with the FEDERAL REGISTER for publication.

Signed at Washington, D.C., on July 7, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-8198; Filed, July 14, 1969; 8:45 a.m.]

[CCC Honey Price Support Regs., for 1968 and Subsequent Crops, Rev. 1, Amdt. 1]

PART 1434—HONEY

Subpart—Honey Price Support Regulations

FEES AND CHARGES; CORRECTION

In F.R. Doc. 69-7300 appearing at page 9675 in the issue of Friday, June 20, 1969, the amount of the loan service fee for cooperatives as set forth in § 1434.13(a) is corrected by changing "$2" to read "$4".

This correction is effective as of June 1, 1969, the effective date of the amendment being corrected.

Signed at Washington, D.C., on July 9, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-8292; Filed, July 14, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-WE-5]

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

Designation of Control Zone

On April 15, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6487) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a control zone for San Carlos Airport, Calif.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., September 18, 1969.

Issued in Los Angeles, Calif., on June 26, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the following control zone is added:

SAN CARLOS, CALIF.

Within a 3-mile radius of the San Carlos Airport (latitude 37°30'40" N., longitude 122°14'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 69-8280; Filed, July 14, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

PART 121—FOOD ADDITIVES

Malathion

A. A petition (PP 8F0634) was filed with the Food and Drug Administration by the American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing the establishment of tolerances for residues of the insecticide malathion in or on raw agricultural commodities as follows: 135 parts per million in or on cowpea hay, lespedeza, lupines, peanuts (forage and hay), soybeans (forage and hay), and vetch; 50 parts per million in or on almonds (hulls); 8 parts per million in or on chestnuts, filberts, lentils, okra, papayas, soybeans (dry and succulent), sugar beets, and sweetpotatoes; 1 part per million (negligible residues) in or on almonds (meat) and macadamia nuts; 0.5 part per million (negligible residues) in or on peanuts; 0.2 part per million (negligible residues) in milk; and 0.1 part per million (negligible residues) in eggs and safflower seed.

Subsequently the petitioner amended the petition to request the tolerances as they appear in the amended section below.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that:

1. The subject residues on feed items are in the category specified in § 120.6 (a)(3); whereas, dermal applications to cattle and poultry require establishment of tolerances for residues in milk and eggs.

2. The tolerances established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by revising § 120.111 to read as follows:

§ 120.111 Malathion; tolerances for residues.

Tolerances are established for residues of the insecticide malathion (*O,O*-dimethyl dithiophosphate of diethyl mercaptosuccinate) in or on raw agricultural commodities as follows:

From preharvest application: 135 parts per million in or on alfalfa, clover, cowpea forage and hay, grass, grass hay, lespedeza hay and straw, lupine hay and straw, peanut forage and hay, soybean forage and hay, and vetch hay and straw.

From preharvest application: 50 parts per million in or on almond hulls.

From preharvest application: 8 parts per million in or on apples, apricots, asparagus, avocados, beans, beets (including tops), blackberries, blueberries, boysenberries, broccoli, brussels sprouts, cabbage, carrots, cauliflower, celery, cherries, collards, corn forage, cranberries, cucumbers, currants, dandelions, dates, dewberries, eggplants, endive (escarole), figs, garlic, gooseberries, grapefruit, grapes, guavas, horseradish, kale, kohlrabi, kumquats, leeks, lemons, lentils, lespedeza seed, lettuce, limes, loganberries, lupine seed, mangos, melons, mushrooms, mustard greens, nectarines, okra, onions (including green onions), oranges, parsley, parsnips, passion fruit, peaches, pears, peas, peavines, peavine hay, pecans, peppermint, peppers, pineapples, plums, potatoes, prunes, pumpkins, quinces, radishes, raspberries, rutabagas, salsify (including tops), shallots, sorghum forage, soybeans (dry and succulent), spearmint, spinach, squash (both summer and winter), strawberries, sugar beets (tops), Swiss chard, tangelos, tangerines, tomatoes, turnips (including tops), vetch seed, walnuts, and watercress.

From preharvest and postharvest application: 8 parts per million in or on peanuts and the grains of barley, oats, rice, rye, sorghum, and wheat.

From postharvest application: 8 parts per million in or on corn grain.

From preslaughter application: 4 parts per million in or on meat, fat, and meat byproducts from cattle, goats, hogs, horses, poultry, or sheep; the tolerance level shall not be exceeded in any cut of meat or in any meat byproduct from cattle, goats, hogs, horses, poultry, or sheep.

From preharvest application: 2 parts per million in or on corn (kernels plus cob with husk removed) and cottonseed.

From preharvest application: 1 part per million in or on almonds, chestnuts, filberts, macadamia nuts, papayas, sugar beets (roots), and sweetpotatoes.

From preharvest application: 0.2 part per million in or on safflower seed.

From application to dairy cows: 0.5 part per million in milk fat reflecting negligible residues in milk.

From application to poultry: 0.1 part per million in eggs.

Where tolerances are established in this section for residues of malathion from both preharvest and postharvest application to the same commodity, the accumulative residues on the commodity from both shall not exceed the tolerance for residues from postharvest application.

B. Having evaluated the data in a petition (FAP 9H2348) submitted by the aforementioned petitioner, and other relevant material, the Commissioner concludes that the food additive regulations should be amended to establish a food additive tolerance of 0.6 part per million for residues of the subject insecticide in refined safflower oil resulting from application of the insecticide to the growing safflower plant and that such food additive tolerance is safe.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated as cited above, Part 121 is amended by revising § 121.1172 to read as follows:

§ 121.1172 Malathion.

Malathion may be safely used in accordance with the following conditions:

(a) (1) It is incorporated into paper trays in amounts not exceeding 200 milligrams per square foot.

(2) Treated paper trays are intended for use only in the drying of grapes (raisins).

(3) Total residue of malathion on processed ready-to-eat raisins from drying on treated trays and from application to grapes before harvest shall not exceed 8 parts per million.

(b) Residues of malathion in refined safflower oil from application to the growing safflower plant shall not exceed 0.6 part per million.

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

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 408(d)(2), 409(c)(1), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(2), 348(c)(1))

Dated: July 8, 1969.

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

[F.R. Doc. 69-8274; Filed, July 14, 1969; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Dimethyl 2,2,2-Trichloro-1-Hydroxyethyl Phosphonate

A petition (PP 7F0612) was filed with the Food and Drug Administration by the Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of tolerances for residues of the insecticide *O,O*-dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate in or on certain raw agricultural commodities.

Subsequently, the petitioner amended the petition by withdrawing the proposed tolerances regarding kale, rutabagas, and turnips and proposing the following tolerances: 45 parts per million in or on alfalfa (hay) and clover (hay); 12 parts per million in or on alfalfa (fresh), barley (green fodder and straw), clover (fresh), flax straw, oats (green fodder and straw), sugar beet tops, and wheat (green fodder and straw); 2 parts per million in or on bananas (of which not more than 0.2 part per million will be in the pulp after peel is removed and discarded); 1 part per million in or on beans (vines) and cowpeas (vines); and 0.1 part per million (negligible residues) in or on artichokes, brussels sprouts, barley (grain), beans (dried), cabbage, carrots, cauliflower, collards, corn (forage and fodder), corn (kernels and cobs with husks removed), cottonseed, cowpeas, flaxseed, lettuce, lima beans, oats (grain), peppers, pumpkins, safflower seed, snap beans, sugar beets, table beets, tomatoes, and wheat (grain).

The petitioner also proposes the following tolerances from topical applications of the insecticide to meat and dairy cattle: 0.1 part per million in or on meat, fat, and meat byproducts of cattle; and 0.01 part per million in milk.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since the proposed usages on growing crops are not reasonably expected to result in transfer of residues of the pesticide to meat, milk, eggs, or poultry, tolerances are unnecessary regarding these commodities. These usages are classified in the category specified in § 120.6(a)(3). For topical application of the insecticide, however, there is reasonable expectation of residues in meat and milk and these usages are classified as specified in § 120.6(a)(2).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.198 is revised to read as follows:

§ 120.198 *O,O*-Dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate; tolerances for residues.

Tolerances are established for residues of the insecticide *O,O*-dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate in or on raw agricultural commodities as follows:

45 parts per million in or on alfalfa (hay) and clover (hay).

12 parts per million in or on alfalfa (fresh), barley (green fodder and straw), clover (fresh), flax straw, oats (green fodder and straw), sugar beet tops, and wheat (green fodder and straw).

2 parts per million in or on bananas (of which not more than 0.2 part per million will be present in the pulp after the peel is removed).

1 part per million in or on bean vines and cowpea vines.

0.1 part per million (negligible residues) in or on artichokes, barley (grain), beans (dried), beets (garden), brussels sprouts, cabbage, carrots, cauliflower, collards, corn fodder and forage, corn (kernels plus cob with husk removed), cottonseed, cowpeas, flaxseed, lettuce, lima beans, meat, fat, and meat byproducts of cattle, oats (grain), peppers, pumpkins, safflower seed, snap beans, sugar beets, tomatoes, and wheat (grain).

0.01 part per million (negligible residue) in milk.

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

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 8, 1969.

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

[F.R. Doc. 69-8275; Filed, July 14, 1969; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dimenthyl 2,3,5,6-Tetrachloroterephthalate

A petition (PP 9F0780) was filed with the Food and Drug Administration by Diamond Shamrock Corp., Post Office Box 348, Painesville, Ohio 44077, proposing the establishment of tolerances for negligible residues of the herbicide dimethyl 2,3,5,6-tetrachloroterephthalate and its metabolites (monomethyl 2,3,5,6-tetrachloroterephthalate and 2,3,5,6-tetrachloroterephthalic acid) in or on the raw agricultural commodities corn grain (field) and sweet corn (husk removed) at 0.05 part per million; and corn forage (field and sweet) at 0.4 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs finds that:

1. The proposed usage is not reasonably expected to result in residues of the herbicide and/or its metabolites in meat, milk, poultry, and eggs. The uses are classified in the category specified in § 120.6(a)(3).

2. The tolerances established by this order are safe and will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.185 is revised to read as follows to establish the above-mentioned tolerances:

§ 120.185 Dimethyl 2,3,5,6-tetrachloroterephthalate; tolerances for residues.

Tolerances for total residues of the herbicide dimethyl 2,3,5,6-tetrachloroterephthalate and its metabolites monomethyl 2,3,5,6-tetrachloroterephthalate and 2,3,5,6-tetrachloroterephthalic acid (calculated as dimethyl 2,3,5,6-tetrachloroterephthalate) are established as follows:

5 parts per million in or on mustard greens and turnip greens.

2 parts per million in or on collards, field beans (dry), kale, lettuce, mung beans (dry), peppers, pimentos, potatoes, snap beans (succulent), southern peas (black-eyed peas), soybeans, strawberries, sweetpotatoes, turnips, and yams.

1 part per million in or on broccoli, brussels sprouts, cabbage, cantaloups, cauliflower, cucumbers, eggplants, garlic, honeydew melons, onions, summer squash, tomatoes, watermelons, and winter squash.

0.4 part per million (negligible residue) in or on corn forage or fodder (including sweet corn, field corn, and popcorn).

0.2 part per million (negligible residue) in or on cottonseed.

0.05 part per million (negligible residue) in or on corn grain (including field corn and popcorn) and sweet corn (kernels plus cob with husk removed).

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

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 8, 1969.

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

[F.R. Doc. 69-8273; Filed, July 14, 1969; 8:45 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Amiben

A petition (PP 7F0591) was filed with the Food and Drug Administration by Amchem Products, Inc., Brookside Avenue, Ambler, Pa. 19002, proposing the establishment of tolerances for negligible residues of the herbicide amiben (3-amino-2,5-dichlorobenzoic acid) and its related aminodichlorobenzoic acids in or on the raw agricultural commodities beans (dry), beans (lima), corn, peanuts, peppers, pumpkins, soybeans, squash,

sweetpotatoes, and tomatoes at 0.2 part per million.

Subsequently, the petitioner amended the petition by proposing additional tolerances for residues of amiben in or on corn fodder and forage, bean vines, peanut forage, and soybean forage; by rewording the request regarding squash to read "squash (summer and winter)"; and by reducing the tolerance levels on all the subject crops to 0.1 part per million.

Data in the petition show that tolerances for residues of the related aminodichlorobenzoic acids resulting from the proposed uses are unnecessary.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since the proposed usage is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, or poultry, tolerances are unnecessary regarding these items. The usage is classified in the category specified in § 120.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.266 Amiben; tolerances for residues.

Tolerances for negligible residues of amiben (3-amino-2,5-dichlorobenzoic acid) are established in or on the raw agricultural commodities beans (dried), bean vines, field corn (grain, fodder, and forage), lima beans, peanuts, peanut forage, peppers, pumpkins, soybeans, soybean forage, squash (summer and winter), sweetpotatoes, and tomatoes at 0.1 part per million.

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

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 8, 1969.

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

[F.R. Doc. 69-8272; Filed, July 14, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Packaging

In § 147.2 *Antibiotic sensitivity discs; certification procedure,* paragraph (b) *Packaging,* third sentence, the incorrect cross-reference "§ 146.7" is changed to read "§ 146.10".

(Secs. 507, 701(a), 52 Stat. 1055, 59 Stat. 463, as amended; 21 U.S.C. 357, 371(a))

Dated: July 8, 1969.

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

[F.R. Doc. 69-8271; Filed, July 14, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

WICHITA MOUNTAINS WILDLIFE REFUGE, OKLA.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926; 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.31 by the addition of the Wichita Mountains Wildlife Refuge, Okla., to the list of areas open to the hunting of elk as legislatively permitted.

It has been determined that the regulated hunting of elk may be permitted as designated on the Wichita Mountains Wildlife Refuge without detriment to the objectives for which the area was established.

It has also been determined that the carrying capacity of the refuge can support a healthy herd of 350 elk. The present herd numbers 535. To reduce the herd to its habitat capacity, a surplus of 185 elk will be removed. About 60 of these, the estimated annual herd increment, is expected to be taken by hunters, and the remainder will be trapped and transplanted to other suitable habitat.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 60 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

* * * * *

OKLAHOMA

* * * * *

Wichita Mountains Wildlife Refuge.

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 11, 1969.

[F.R. Doc. 69-8372; Filed, July 14, 1969; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 71]

GENERAL PROVISIONS RELATING TO INTERSTATE MOVEMENT OF ANIMALS, INCLUDING POULTRY

Notice of Proposed Rule Making

Notice is hereby given, in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Department of Agriculture is considering the amendment of the general regulations relating to the interstate movement of certain animals, including poultry (9 CFR Part 71), pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114a, 114a–1, 115–117, 120–126, 134–134h), in the following respects:

1. Section 71.2 would be amended to read as follows:

§ 71.2 Secretary to issue rule governing quarantine and interstate movement of diseased animals, including poultry.

When the Secretary of Agriculture shall determine the fact that poultry or other animals in any State, Territory, or the District of Columbia are affected with any contagious, infectious, or communicable disease of livestock or poultry for which, in his opinion, a quarantine should be established or that other basis for a quarantine exists, notice will be given of that fact, and a rule will be issued accordingly, placing in quarantine such State, Territory, or the District of Columbia, or specified portion thereof. This rule will either absolutely forbid the interstate movement of the quarantined animals from the quarantined area or will indicate the regulations under which interstate movements may be made.

2. Sections 71.4, 71.5, 71.6, 71.7, 71.8, and 71.9 of the regulations would be deleted and new §§ 71.4, 71.5, 71.6 and 71.7 would be issued to read as follows:

§ 71.4 Maintenance of certain facilities and premises in a sanitary condition required; cleaning and disinfection, when required; animals classed as "exposed."

(a) Yards, pens, chutes, alleys, and other facilities and premises which are used in connection with the interstate movement of livestock or poultry shall be maintained by the person in possession of the facilities and premises in a clean and sanitary condition, in accordance with good animal husbandry practices, and shall be subject to inspection by a Division or State Inspector or an accredited veterinarian and when such inspector or veterinarian determines that such facilities or premises are not in such a clean and sanitary condition and gives written notice of his determination to such person, the facilities and premises shall be cleaned and disinfected in accordance with §§ 71.7 and 71.10–71.12 by such person under the supervision of such an inspector or veterinarian before such premises are again used for livestock or poultry.

(b) Yards, pens, chutes, alleys, and other facilities and premises which have contained interstate shipments of cattle, sheep, swine, poultry, or other animals affected with, or carrying the infection of, any contagious, infectious, or communicable disease of livestock or poultry other than slight unopened cases of actinomycosis or actinobacillosis (or both, bovine foot rot, atrophic rhinitis, ram epididymitis, ringworm, infectious keratitis, and arthritis (simple lesions only), shall be cleaned and disinfected under the supervision of a Division or State Inspector or accredited veterinarian in accordance with §§ 71.7 and 71.10–71.12 before such premises are again used for animals, and any poultry or other animals unloaded into such yards or premises before they have been so cleaned and disinfected shall thereafter be classed as "exposed" within the meaning of the regulations in this subchapter and shall not be moved interstate except in compliance with the provisions of such regulations applicable to exposed animals.

§ 71.5 Unsanitary railroad cars, trucks, boats, aircraft or other means of conveyance; interstate movement restricted.

No person who receives notice from a Division Inspector that a railroad car, truck, boat, aircraft or other means of conveyance owned or operated by such person is not in a clean and sanitary condition in accordance with good animal husbandry practices, shall thereafter use such means of conveyance in connection with the interstate movement of livestock or poultry, or move said means of conveyance interstate, until it has been cleaned and disinfected under the supervision of a Division or State Inspector or accredited veterinarian in accordance with §§ 71.7 and 71.10–71.12.

§ 71.6 Carrier responsible for cleaning and disinfecting of railroad cars, trucks, boats, aircraft or other means of conveyance.

(a) Railroad cars, trucks, boats, aircraft and other means of conveyance which have been used in the interstate transportation of cattle, sheep, swine, poultry, or other animals affected with,

or carrying the infection of, any contagious, infectious, or communicable disease of livestock or poultry other than slight unopened cases of actinomycosis or actinobacillosis (or both) atrophic rhinitis, bovine foot rot, ram epididymitis, ringworm, infectious keratitis, and arthritis (simple lesions only), shall be cleaned and disinfected under Division supervision in accordance with §§ 71.7 and 71.10–71.12, at the point where the animals are unloaded, before again being used for animals, including poultry, and the final carrier shall be responsible for such cleaning and disinfecting: *Provided,* That when Division supervision is not available at such point, the means of conveyance may be cleaned and disinfected under the supervision of a State Inspector or an accredited veterinarian.

(b) No railroad car, truck, boat, aircraft or other means of conveyance from which poultry or other animals affected with an infectious, contagious or communicable disease of livestock or poultry, other than those specified in § 71.4 (b), have been unloaded shall thereafter be used in connection with the interstate movement of animals, including poultry, or be moved interstate until it has been cleaned and disinfected by the final carrier under the supervision of a Division or State Inspector or accredited veterinarian in accordance with §§ 71.7 and 71.10–71.12.

(c) If Division supervision or other supervision as required by paragraph (a) or (b) of this section or proper cleaning and disinfecting facilities are not available at the point where the animals are unloaded, upon permission first received from the Division, the means of conveyance may be forwarded empty to a point at which such supervision and facilities are available, and there be cleaned and disinfected under supervision in accordance with §§ 71.7 and 71.10–71.12.

§ 71.7 Means of conveyance, facilities and premises; methods of cleaning and disinfecting.

(a) Railroad cars, trucks, aircraft or other means of conveyance, except boats, required by the regulations in this subchapter to be cleaned and disinfected shall be treated in the following manner: Remove all litter and manure from all portions of the conveyance, including any external ledges and framework; clean the exterior and interior of the conveyance; and saturate the entire interior surface, including the inner surface of the doors of the conveyance, with a permitted disinfectant specified in §§ 71.10–71.12.

(b) Boats required by the regulations in this subchapter to be cleaned and disinfected shall be treated in the following manner: Remove all litter and manure from the decks and stalls, and all other parts of the boat occupied or traversed by any poultry or other animals and from the portable chutes or other appliances or fixtures used in loading and unloading the animals, and saturate with a permitted disinfectant the entire surface of the deck, stalls, or other parts of the boat occupied or traversed by any animals or with which they may come in contact or which have contained litter or manure.

(c) Yards, pens, chutes, and alleys required by the regulations in this subchapter to be disinfected shall be treated in the following manner: Empty all troughs, racks, or other feeding or watering appliances; remove all litter and manure from the floors, posts, or other parts; and saturate the entire surface of the fencing, troughs, chutes, floors, walls, and other parts with a permitted disinfectant specified in §§ 71.10–71.12.

§§ 71.13–71.17 [Amended]

3. Whenever in the heading or text of §§ 71.13 and 71.15 the term "livestock" is used, the words "or poultry" would be inserted immediately thereafter, and whenever the term "livestock" is used in the text of § 71.14, the words "animals, includling poultry" would be substituted.

4. Whenever in the heading or text of §§ 71.13, 71.14, 71.16, and 71.17 the term "animals" or "animal" is used, the words "poultry or other" would be inserted immediately preceding such term.

The purposes of the proposed amendments are to clarify and update the regulations contained in this part by (1) adding "aircraft and other means of conveyance" to the list of vehicles which are subject to cleaning and disinfection requirements under the regulations; (2) requiring that facilities and premises used in connection with the interstate movement of livestock and poultry be kept in a clean and sanitary condition; (3) including a reference to poultry as appropriate through the regulations in this part; and (4) clarifying the provisions of the regulations.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, within 30 days after publication of this notice in the FEDERAL REGISTER.

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

Done at Washington, D.C., this 10th day of July 1969.

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

[F.R. Doc. 69–8316; Filed, July 14, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ALBERT M. ROMBERGER

Notice of Granting of Relief

Notice is hereby given that Albert M. Romberger, 58 Silliman Street, Cressona, Pa. 17929, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 28, 1946, by the U.S. District Court for the Eastern District of Pennsylvania of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Albert M. Romberger, because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Romberger to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Albert M. Romberger's application and have found:

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

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

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

Signed at Washington, D.C., this 9th day of July 1969.

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

[F.R. Doc. 69-8309; Filed, July 14, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Order No. 17]

WYOMING

Phosphate Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

PHOSPHATE LANDS

T. 41 N., R. 118 W., unsurveyed,
Sec. 3, NW¼, N½SW¼;
Sec. 4, N½NE¼, SW¼NE¼, W½, W½SE¼;
Sec. 5, E½E½;
Sec. 8, E½NE¼;
Sec. 9, W½NE¼, NW¼, N½SW¼, SE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 14, SW¼SW¼;
Sec. 15, W½NW¼, SE¼NW¼, N½SW¼, SE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 16, N½NE¼, SE¼NE¼;
Sec. 17, W½SW¼, SE¼SW¼;
Sec. 18, S½;
Sec. 20, W½NE¼, SE¼NE¼, N½NW¼, SE¼NW¼, NE¼SE¼;
Sec. 21, SW¼, S½SE¼;
Sec. 22, NE¼NE¼;
Sec. 23, S½NE¼, N½NW¼, SE¼NW¼, NE¼SE¼;
Sec. 26, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 27, SW¼NE¼, W½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 28, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 35, N½NE¼, NE¼NW¼;
Sec. 36, W½NE¼, SE¼NE¼, NW¼, N½SE¼.

RECLASSIFIED PHOSPHATE LANDS FROM NONPHOSPHATE LANDS

Prior classification of the following described land as nonphosphate land is hereby revoked and the land is reclassified as phosphate land:

T. 41 N., R. 118 W., unsurveyed,
Sec. 1, NW¼NE¼, NE¼NW¼, SE¼SE¼;
Sec. 11, E½SE¼;
Sec. 12, NE¼NE¼, S½NE¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 24, NW¼SW¼.

NONPHOSPHATE LANDS

T. 41 N., R. 118 W., unsurveyed,
Sec. 3, W½NE¼, S½SW¼, W½SE¼;
Sec. 4, SE¼NE¼, E½SE¼;
Sec. 5, W½E½, W½;
Secs. 6 and 7;
Sec. 8, W½NE¼, W½, SE¼;
Sec. 9, E½NE¼, SW¼SW¼, NE¼SE¼;
Sec. 10, NW¼NE¼, N½NW¼;
Sec. 14, N½SW¼, SE¼SW¼;
Sec. 15, SW¼NE¼, NE¼NW¼, SW¼SW¼, NE¼SE¼;
Sec. 16, SW¼NE¼, W½, SE¼;
Sec. 17, N½, NE¼SW¼, SE¼;
Sec. 18, N½;
Sec. 19;
Sec. 20, NE¼NE¼, SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 21, N½, N½SE¼;
Sec. 22, W½NE¼, SE¼NE¼, W½, SE¼;
Sec. 23, N½NE¼, SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 25;
Sec. 26, N½, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 27, N½NE¼, SE¼NE¼, NE¼NW¼, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 28, SW¼NE¼, W½NW¼, SE¼NW¼, S½;
Secs. 29 to 34, inclusive;
Sec. 35, S½NE¼, W½NW¼, SE¼NW¼, S½;
Sec. 36, NE¼NE¼, SW¼, S½SE¼.

The area described aggregates 15,411 acres, more or less, of which about 4,098 acres are classified phosphate lands, about 640 acres are reclassified phosphate lands that were formerly classified nonphosphate lands, and about 10,673 acres are classified nonphosphate lands.

ARTHUR A. BAKER,
Acting Director.

JULY 3, 1969.

[F.R. Doc. 69-8277; Filed, July 14, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0843) has been filed by Shell Chemical Co., Division of Shell Oil Co., Suite 1103, 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of an insecticide that is a mixture of 3,4,5-trimethylphenyl methylcarbamate and 2,3,5-trimethylphenyl methylcarbamate in or on the raw agricultural commodities corn grain, fodder, and forage, including field corn, popcorn, and sweet corn at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using an electron-capture detection system to measure the derivative produced by reaction with trifluoroacetic anhydride.

Dated: July 8, 1969.

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

[F.R. Doc. 69-8276; Filed, July 14, 1969; 8:46 a.m.]

Office of Education

CONSTRUCTON OF NONCOMMERCIAL EDUCATIONAL BROADCAST FACILITIES

Notice of Acceptance of Applications for Filing

Notice is hereby given that the following described applications for Federal financial assistance in the construction of noncommercial educational broadcasting facilities are accepted for filing under the provisions of title III, part IV of the Communications Act of 1934, as amended (47 U.S.C. 390–399) and in accordance with 45 CFR 60.8.

Any interested person may, pursuant to 45 CFR 60.10, within 30 calendar days from the date of this publication, file comments regarding these applications with the Director, Educational Broadcasting Facilities Program, U.S. Office of Education, Washington, D.C. 20202.

EDUCATIONAL TELEVISION

Department of Education of the Commonwealth of Puerto Rico (WIPR–TV) Urb. Industrial Tres Monjitas, Cesar Gonzalez Avenue, Calaf Corner, Hato Rey, P.R. 00919, File No. 9/339/0059–T, to improve the facilities of noncommercial educational television station WIPR–TV on Channel 6, San Juan, P.R., accepted as of April 30, 1969. Estimated project cost: $300,000. Grant requested: $225,000. Application signed by: Ramon Mellado, Secretary of Education.

EDUCATIONAL RADIO

Department of Education of the Commonwealth of Puerto Rico, Urb. Industrial Tres. Monjitas, Cesar Gonzalez Avenue, Calaf Corner, Hato Rey, P.R. 00919, File No. 9/339/0058–R, to expand the facilities of noncommercial educational radio station WIPR–FM, Channel 217, San Juan, P.R., accepted as of April 30, 1969. Estimated project cost: $100,000. Grant requested: $75,000. Application signed by: Ramon Mellado, Secretary of Education.

The University of Vermont and State Agricultural College, 489 Main Street, Burlington, Vt. 05401, File No. 9/339/0005–R, to expand the facilities of noncommercial educational radio station WRUV–FM on Channel 211, Burlington, Vt., accepted as of April 11, 1969. Estimated project cost: $35,959. Grant requested: $25,629. Application signed by: Lyman S. Rowell, president.

Approved: July 1, 1969.

JAMES E. ALLEN, Jr.,
U.S. Commissioner of Education.

[F.R. Doc. 69–8295; Filed, July 14, 1969; 8:47 a.m.]

EDUCATION BENEFITS AND VETERANS' AND WAR ORPHANS' ASSISTANCE

Simultaneous Receipt

Notice is hereby given that persons receiving veterans' and war orphans' assistance provided under Chapters 34 and 35 of title 38 of the United States Code are not precluded on account of the receipt of such assistance from simultaneously receiving financial assistance under programs of the U.S. Office of Education, Department of Health, Education, and Welfare.

Persons receiving financial assistance under programs of the U.S. Office of Education, Department of Health, Education, and Welfare should consult with the Veterans Administration to determine whether they may also be eligible to receive veterans' and war orphans' assistance.

Dated: July 8, 1969.

JAMES E. ALLEN, Jr.
U.S. Commissioner of Education.

[F.R. Doc. 69–8296; Filed, July 14, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69–71]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR, Chapter I) require that various items of livesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from May 26, 1969, to June 5, 1969 (List No. 16–69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.4 (a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction and materials are set forth in 46 CFR, Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

LIFE WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/94/0, lifeboat winch, Type 55G–MKII; approval is limited to mechanical components only and for a maximum working load of 11,000 pounds pull at the drums (5,500 pounds per fall); identified by general arrangement drawings No. W1–F–002, revision C, dated May 1, 1969, and No. W1–F–002–H, revision A, dated November 21, 1968; and drawing list, revision B, dated May 29, 1969, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective June 5, 1969.

SIGNALS, DISTRESS, HAND RED FLARE, FOR MERCHANT VESSELS

Approval No. 160.021/11/0, Bristol marine hand red flare distress signal, 500 candlepower, 2 minutes burning time, Bristol dwg. No. 506, revised May 14, 1958, manufactured by Bristol Flare Corp., State Road, Bristol, Pa. 19007, for Kilgore Corp., Toone, Tenn. 38381, effective May 26, 1969.

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

Approval No. 160.026/32/1, container for emergency provisions for lifeboats and life rafts, dwg. No. RF–3, dated July 15, 1964, markings: ¼ ration for lifeboats, ½ ration for inflatable life rafts, manufactured by H & M Packing Corp., 915 Ruberta Avenue, Glendale, Calif. 91201, effective June 3, 1969. (It is an extension of Approval No. 160.026/32/1, dated July 30, 1964.)

Approval No. 160.026/37/0, container for emergency provisions for lifeboats and life rafts, dwg. No. 1367, dated June 22, 1964, and revised June 30, 1964, marking: ¼ ration for lifeboats, ½ ration for inflatable life rafts, manufactured by Globe Equipment Corp., 257 Water Street, Brooklyn, N.Y. 11201, effective June 3, 1969. (It is an extension of Approval No. 160.026/37/0, dated July 2, 1964.)

LIFEBOATS FOR MERCHANT VESSELS

Approval No. 160.035/397/6, 24.0′ x 8.0′ x 3.5′ fibrous glass reinforced plastic (FRP), motor-propelled lifeboat, without radio cabin or searchlight (Class 1), 37-person capacity, identified by general arrangement dwg. No. P–24–ID Rev. N, dated April 10, 1969. 46 CFR 160.035–13(c), marking. Weights: condition "A" =3,994 pounds, condition "B"=11,114 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective June 3, 1969. (It supersedes Approval No. 160.035/397/6, dated Apr. 17, 1969 to show revision date of Dwg. List.)

SIGNALS, DISTRESS, HAND, ORANGE SMOKE, FOR MERCHANT VESSELS

Approval No. 160.037/6/0, Bristol marine hand orange smoke distress signal, Bristol dwg. No. 600, revised June 2, 1958, manufactured by Bristol Flare Corp.,

State Road, Bristol, Pa. 19007, for Kilgore Corp., Toone, Tenn. 38381, effective May 26, 1969.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/37/0, "Foster Insulfas Sealer 31–26" composition type incombustible material consisting solely of Foster 31–26 noncombustible coating and sealfas open weave glass cloth, identical to that referred to in National Bureau of Standards Test Report No. TG10210–1974:FP3363, dated April 30, 1956, formerly "Fiberseal"; also formerly "Foster Fiberseal Sealer", manufactured by Benjamin Foster Co., Post Office Box 59, Ambler, Pa. 19002, effective June 5, 1969. (It is an extension of Approval No. 164.009/37/0, dated July 31, 1964, and change of address of manufacturer.)

Approval No. 164.009/78/0, "Foster Insulfas Adhesive 81–15" composition type incombustible material, identical to that referred to in National Bureau of Standards Test Report No. TG10210–2107:FR3634, dated December 3, 1963, manufactured by Benjamin Foster Co., Post Office Box 59, Ambler, Pa. 19002, effective June 5, 1969. (It is an extension of Approval No. 164.009/78/0, dated July 31, 1964, and change of address of manufacturer.)

Approval No. 164.009/80/0, Foster insulfas coatings 31–30, composition type incombustible material, identical to that referred to in National Bureau of Standards Test Report No. TG10210–2109: FR3636, dated May 11, 1964, manufactured by Benjamin Foster Co., Post Office Box 59, Ambler, Pa. 19002, effective June 5, 1969. (It is an extension of Approval No. 164.009/80/0, dated July 7, 1964, and change of address of manufacturer.)

Approval No. 164.009/127/0, "No. 75 Ultralite MC Insulation," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1656:FP2855 (Test No. 122822), dated December 13, 1949, approved in a density of 0.75 pound per cubic foot, manufactured at Plant No. 5 by Gustin Bacon Manufacturing Co., Post Office Box 19079, Kansas City, Kans. 66118, effective June 4, 1969.

Approval No. 164.009/128/0, "No. 100 Ultralite MC Insulation," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG3610–1519:FP2622, dated May 19, 1948, approved in a 1-pound per cubic foot density, manufactured at Plant No. 5 by Gustin Bacon Manufacturing Co., Post Office Box 19079, Kansas City, Kans. 66118, effective June 4, 1969.

Approval No. 164.009/129/0, "No. 150 Ultralite MC Insulation," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1656:FP2855 (Test No. 122822), dated December 13, 1949, approved in a density of 1.48 pounds per cubic foot, manufactured at Plant No. 5 by Gustin Bacon Manufacturing Co., Post Office Box 19079, Kansas City, Kans. 66118, effective June 4, 1969.

Dated: July 8, 1969.

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

[F.R. Doc. 69–8267; Filed, July 14, 1969; 8:45 a.m.]

Federal Aviation Administration

ENGINEERING AND MANUFACTURING DISTRICT OFFICE AT HARRISBURG-YORK STATE AIRPORT, NEW CUMBERLAND, PA.

Notice of Relocation

Notice is hereby given that on or about July 15, 1969, the Engineering and Manufacturing District Office at Harrisburg-York State Airport, New Cumberland, Pa., will be relocated to Harrisburg, Pa. It will continue to provide services to the aviation industry and public without interruption, at the new location. Communications to the District Office should be addressed as follows:

Engineering and Manufacturing District Office, No. 44, Department of Transportation, Federal Aviation Administration, Federal Office Building, 228 Walnut Street, Harrisburg, Pa. 17108.

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

Issued in New York, N.Y., on July 2, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69–8281; Filed, July 14, 1969; 8:46 a.m.]

National Transportation Safety Board

[Docket No. SS–R–6]

INVESTIGATION OF DERAILMENT OF PENN CENTRAL PASSENGER TRAIN

Notice of Hearing

In the matter of investigation of accident involving derailment of Penn Central Passenger Train No. Second 115 at Glenn Dale, Md., June 28, 1969, with subsequent numerous injuries to passengers.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9 a.m., e.d.t., on Monday, August 18, 1969, in conference room 2008, on the second floor of Federal Office Building No. 7, at 17th and H Streets NW., Washington, D.C.

Dated this 3d day of July 1969.

[SEAL] JOHN H. REED,
Chairman, Board of Inquiry.

[F.R. Doc. 69–8278; Filed, July 14, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20291; Order 69–7–49]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority July 9, 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 2 and Joint Conferences 1–2 and 1–2–3 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement amends Construction Rule for Passenger Fares by clarifying the definition of a one-way backhaul journey as any journey which for fare calculation purposes is not a complete round- or circle-trip journey entirely by air.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that Resolutions 200(Mail 888)014a, JT12(Mail 590)014a, and JT123(Mail 590)014a, which are incorporated in the above-designated agreement are adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement CAB 21045 is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–8297; Filed, July 14, 1969; 8:47 a.m.]

[Docket No. 20486, etc.]

MOHAWK AIRLINES, INC.

Notice of Postponement of Hearing

Mohawk Airlines, Inc., Rochester-Pittsburgh—Subpart M.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the public hearing in the above-entitled matter now assigned to be held on July 29, 1969, is hereby postponed to August 7, 1969, at 10 a.m., e.d.s.t., in room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., July 10, 1969.

[SEAL] ROBERT M. JOHNSON,
Hearing Examiner.

[F.R. Doc. 69-8298; Filed, July 14, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18594-18597; FCC 69-739]

PLEASANT BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Pleasant Broadcasting Co., Mount Pleasant, Iowa, Docket No. 18594, File No. BP-17235; Requests: 1130 kc, 250 w, Daytime; Donald K. Van Slyke, Vern McDonough, James J. Delmont, Alfred R. Sundberg, Dwight C. Vredenburg, Marion M. Coons, Virgil Meyer, Robert M. Stone, Clarence H. Morton, W. M. Eikenberry, John E. King, Aldo Della Vedova, George R. Garton, and Levorah Keller, doing business as Chariton Radio Co., Chariton, Iowa, Docket No. 18595, File No. BP-17559; Requests: 1130 kc, 500 w, DA, Daytime; BCST Company of Iowa, Inc., Mount Pleasant, Iowa, Docket No. 18596, File No. BP-17571; Requests: 1130 kc, 250 w, Daytime; Frank J. Herges, James J. Delmont, Vern McDonough, Leo C. Brau, E. N. Walker, Clarence C. Van Amerongen, Edwin W. Poock, James T. McCabe, Dwight C. Vredenberg, Marion M. Coons, and William J. Hart, doing business as Mount Pleasant Radio Co., Mount Pleasant, Iowa, Docket No. 18597, File No. BPH-5770; Requests: 105.5 mc, No. 288; 3 kw; 201 feet; for construction permits.

1. The Commission has under consideration the above-captioned and described applications. The Chariton, Iowa, and Mount Pleasant, Iowa, AM applications are mutually exclusive because of mutual overlap of 0.05 mv/m and 1 mv/m contours. The Mount Pleasant, Iowa, FM application is joined herein because of common questions pertaining to it and the Chariton AM application.

2. According to an agreement submitted with the FM application, it was applicant's intention to form an Iowa limited partnership. This agreement, however, appears to be defective in a number of particulars. Although eight of the 11 members of the partnership are described as limited partners, there is no such statement regarding the status of the other three, except for certain language describing their obligations, which suggests that they may be general partners. This possibility is negated by the statement in section II, table I of the application which lists all 11 as limited partners. In addition, the agreement specifies that the partnership is to continue until the expressed purpose is accomplished. Since the purpose is said to be the obtaining of a permit authorizing construction and operation of the station, the partnership would apparently terminate upon grant of the application. Finally, section X of the agreement refers without explanation to the existence of corporation rather than a partnership. Similar problems are involved in the Chariton AM application. In this instance too the partnership terminates with accomplishment of the expressed purpose, viz the obtaining of a permit for construction and operation of the station. The agreement refers to an intention to form a corporation upon grant of the permit. Although a corrective amendment to this application has been filed, section II of the application continues to show all the participants as limited partners. Because of these unresolved questions, issues will be specified to determine the legal status of these applicants and whether these applicants have or can comply with applicable requirements regarding operation of limited partnerships in the State of Iowa.

3. As to the Chariton application, approximately $87,805 is shown to be required to construct and operate the proposed station for 1 year without revenue. To meet this requirement, reliance is placed on prepayment of expenses ($2,500) and bank loans (totaling $92,000) to the partners who will provide the station's financing. Although the banks in question appear willing to provide these amounts, neither bank letter sets forth the applicable terms and conditions, and neither partner has indicated the basis upon which the funds would be supplied, nor the amount of first-year repayments, if any. Accordingly, an issue will be specified to determine the circumstances under which these amounts would be available.

4. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961), and our public notice of August 22, 1968 (FCC 68-487), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Chariton Radio does not appear to have made an adequate survey and none of the applicants have adequately listed the suggestions received regarding community needs or the programing proposed to meet these needs as evaluated. Thus, we are unable at this time to determine whether any of the applicants are aware of and responsive to the needs of their areas.. Accordingly, Suburban issues are required.

5. The Chariton, Iowa AM proposal is mutually exclusive with the AM applications for Mount Pleasant, Iowa. Consequently, if the Chariton applicant is found qualified, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

6. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of the matters discussed above, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

7. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the efforts made by Pleasant Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(2) To determine the efforts made by Chariton Radio Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine the efforts made by BCST Company of Iowa, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine the efforts made by Mount Pleasant Radio Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(5) To determine whether Chariton Radio Co. and Mount Pleasant Radio Co. are or can be qualified to do business as limited partnerships in the State of Iowa.

(6) To determine whether and under what circumstances Chariton Radio Co. would have available to it the additional $85,305 required to construct and operate for 1 year without revenue and thus demonstrate its financial qualifications.

(7) To determine the areas and populations which would receive primary service from the Chariton Radio Co., Pleasant Broadcasting Co., and BCST Company of Iowa, Inc., proposals and the availability of other primary aural service to such areas and populations.

(8) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals referred to in issue 7 would best provide a fair, efficient, and equitable distribution of radio service.

(9) To determine, in the event it is concluded that a choice between the applications referred to in issue 8 should not be based solely on considerations relating to section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

(10) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

8. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants herein pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an

intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 2, 1969.

Released: July 10, 1969.

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

[F.R. Doc. 69-8293; Filed, July 14, 1969; 8:47 a.m.]

[Docket Nos. 18531, 18532; FCC 69R-296]

VISTA BROADCASTING CO., INC., AND KNET, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Vista Broadcasting Co., Inc., Palestine, Tex., Docket No. 18531, File No. BPH-6292; KNET, Inc., Palestine, Tex., Docket No. 18532, File No. BPH-6405; for construction permits.

1. Vista Broadcasting Co., Inc., (Vista), and KNET, Inc. (KNET), are mutually exclusive applicants for a new FM broadcast station to operate on Channel 232, at Palestine, Tex. Their applications were designated for hearing on a standard comparative issue by Commission Order, FCC 69-425, released April 28, 1969, 34 F.R. 7193. In that order, each of the applicants was found qualified to construct and operate the proposed station. KNET, by a motion filed May 16, 1969, seeks to enlarge the issues to determine whether the stockholders of Vista have net liquid current assets sufficient to meet their obligations to the applicant and, in the light of the facts adduced, to determine whether Vista is financially qualified.[2] KNET notes that Vista, in its application, estimates that it will require $58,711 to construct and operate the proposed station for the first year and that, as amended, Vista's application proposes to finance its station by $20,000 in stock subscriptions, $20,000 in loans from stock subscribers, and a $20,000 loan from the East Texas Bank of Palestine, Tex. KNET observes that none of the balance sheets associated with the application are dated and that the application is more than a year old; thus, it is impossible to evaluate the present financial situation of the four stock subscribers, each of whom is committed to supply a $5,000 capital investment and a loan of $5,000. Moreover, KNET argues that an analysis of the balance sheets does not show that any of the stock subscribers have net liquid current assets to meet their commitments,[3] and as to some, the liabilities listed actually exceed the current liquid assets. Based on the foregoing, KNET argues that the issue should be added. The Broadcast Bureau supports KNET's motion.

2. In opposition, Vista argues that KNET has misread the balance sheets of its stock subscribers and that had KNET taken into account such items as stocks, accounts receivable, and in some instances, real estate, it would have ascertained that each stock subscriber could meet his commitment to the corporation. Vista also relies on an amendment to its application filed concurrently with its opposition herein, which consists of recent balance sheets for each of the four stock subscribers upon which it relies.[4]

3. The Review Board has examined the balance sheets submitted by Vista in its recent amendment and agrees with the Bureau's supplementary comments that neither C. Rayburn Moore nor Jerry F. Fountaine have shown sufficient current liquid assets to meet their respective commitments to Vista. It is well established that receivables, stocks and bonds, and fixed assets, in the absence of proof of marketability or liquidity, afford no reasonable assurance that funds will, in fact, be available to meet commitments to an applicant for a radio station. See, e.g., Miami Broadcasting Corporation, FCC 67R-327, 9 FCC 2d 694. Without reliance on such assets, Moore's balance sheet reflects only $5,800 in current assets and Fountaine's balance sheet reflects only $3,180 in current assets. We will, therefore, add an issue to ascertain whether C. Rayburn Moore and Jerry F. Fountaine can meet their respective commitments to Vista Broadcasting Co., Inc.

4. *Accordingly, it is ordered,* That the Broadcast Bureau's request, filed June 23, 1969, is granted; that the motion to enlarge issues, filed May 16, 1969, by KNET, Inc., is granted to the extent indicated below, and is denied in all other respects; and that the issues in this proceeding are enlarged as follows:

(a) To determine whether C. Rayburn Moore and Jerry F. Fontaine can meet their respective stock subscriptions and loan commitments to Vista Broadcasting Co., Inc.;

(b) To determine, in light of the evidence adduced pursuant to (a) above, whether Vista Broadcasting Co., Inc. is financially qualified to construct and operates its proposed station.

5. *It is further ordered,* That the burdens of proceeding and proof under the issues added herein will be on Vista Broadcasting Co., Inc.

Adopted: July 9, 1969.

Released: July 10, 1969.

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

[F.R. Doc. 69-8294; Filed, July 14, 1969; 8:47 a.m.]

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[1] Commissioners Bartley, Wadsworth and Johnson absent; Commissioners Robert E. Lee and H. Rex Lee concurring in the result.

[2] The Board also has before it the Broadcast Bureau's statement in support of the motion to enlarge, filed May 29, 1969; Vista's opposition to motion to enlarge, filed June 12, 1969; Broadcast Bureau's request to file supplementary comments, filed June 23, 1969; and Broadcast Bureau's supplementary comments, filed June 23, 1969. The Bureau's request to file supplementary comments is appropriate in the circumstances of the case and the supplementary comments will be considered.

[3] The liabilities shown on the balance sheets are not broken down to show current liabilities and long-term liabilities.

[4] The Examiner accepted the amendment by order, 69M-795, released June 29, 1969.

TARIFF COMMISSION

[337-23]

COFFEE CONCENTRATES

Postponement of Hearing Date

On May 26, 1969, the Tariff Commission issued a notice of the institution of investigation No. 337-23 and ordered a public hearing in connection therewith to begin on July 22, 1969 (34 F.R. 8320) in respect to a complaint filed under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) by Struthers Scientific and International Corporation of New York, N.Y., which alleged unfair methods of competition and unfair acts in the importation into and sale of coffee concentrates in the United States in violation of the provisions of section 337. On June 20, 1969, the Commission issued a notice of an amendment of the scope of investigation No. 337-23 (34 F.R. 9829).

In view of requests therefor from interested parties and for other reasons, notice is hereby given of the postponement of the hearing in this investigation so that it will begin on September 16, 1969, at 10 a.m., e.d.s.t., in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., rather than on July 22, 1969, as originally ordered. Interested parties desiring to appear and give testimony at the hearing should follow the requirements stated in the original notice in the FEDERAL REGISTER of May 29, 1969 (34 F.R. 8320).

Issued: July 10, 1969.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 69-8299; Filed, July 14, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF SOUTH CAROLINA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of South Carolina for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of South Carolina and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. The appendix referenced in the résumé is included in the complete text of the program. A copy of the program, including proposed South Carolina regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 25th day of June 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF SOUTH CAROLINA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of South Carolina is authorized under section 1-400.15 of the 1962 Code of Laws of South Carolina and cumulative supplement thereto to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of South Carolina certified on June 4, 1969, that the State of South Carolina (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ------ -------- that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use it best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulations of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on September 15, 1969, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at ----------, in triplicate, this ---------- day of ------.

For the United States Atomic Energy Commission.

Done at Columbia, S.C., in triplicate, this ---------- day of ------.

For the State of South Carolina.

Governor.

FOREWORD

South Carolina is dedicated to the purpose of protecting and improving the lot of its citizens. This dedication is realized, in part, by its full participation in the age of atoms, in due recognition of the many benefits to be derived from the peaceful uses of nuclear energy and its byproducts.

To discharge its responsibility to the citizens of this State to protect them from possible harmful effects of ionizing radiation, the 1967 General Assembly enacted the Atomic Energy and Radiation Control Act, which at one time recognizes the partnership that must exist between the fostering of nuclear enterprise and the protection against potential radiation hazards.

This Act authorizes the Governor to enter into an agreement with the Federal Government whereby certain regulatory functions now exercised by the Federal Government in the licensing and control of byproduct material, source material and special nuclear material in quantities not sufficient to create a critical mass will be transferred to the State.

The Act also designates the South Carolina State Board of Health as the agency which shall be responsible for the control of radiation sources. A complete regulatory program consistent with that conducted by the U.S. Atomic Energy Commission is authorized.

The following pages will present a description of past, present, and future activities of the State Board of Health in the field of Radiological Health, including the organization, procedures, and resources which will be brought to bear on the new responsibility assumed as a result of the aforementioned agreement.

History

As early as 1947 the South Carolina State Board of Health became aware of and concerned about the occupational exposure of workers to static eliminators. Over fifty of these devices were located, surveyed, and recommendations for shielding and access control were made. No leak-testing was performed as equipment was not available at the time.

Also at this time a program designed to reduce occupational exposure of shoe salesmen to X-rays from fluoroscopic shoe-fitting machines was instituted. This was later followed by more complete regulations covering all aspects of the use of these devices, and finally they were outlawed altogether. Ninety-six shoe-fitting machines in all were eliminated.

A voluntary X-ray program was begun in 1953, whereby services of the South Carolina State Board of Health were made available for the purpose of inspecting X-ray installations and recommending corrective actions where needed. This program received very good response, and during the period 1953–1966, 965 machines were inspected and 38 percent were found to be deficient in some respect. Eighty percent of these deficiencies were corrected as a result of recommendations and followup inspections. This included 662 dental SurPak examinations, resulting in the installation of 63 aluminum filters and 135 collimators. More recently, during the period in which more comprehensive radiation control regulations were being developed, a program of voluntary registration of X-ray machines was begun. By December 31, 1968, 1,269 X-ray machines were registered.

A radium management program was begun in 1965 when it was discovered that the radium storage facility in a large hospital was contaminated by a leaking source, which the hospital no longer possessed. The services of the South Carolina State Board of Health were offered in this area of concern, and this voluntary service resulted in the registration of 331 radium sources in 23 facilities totaling 2,352 milligrams. Of these sources, 254 have been leak-tested and 29 leaking sources have been detected. All owners of leaking sources of radium voluntarily disposed of the leaking radium sources or had them reencapsulated. The Agency provides assistance to radium users in the proper disposal of unwanted or leaking sources. Inspections were based on recommendations in NBS Handbook 73. A written report with recommendations was left with the users after each inspection. The degree of compliance with recommendations was 90 percent. Followup visits were made when indicated.

Another activity in the area of radioactive materials has been the accompanying of AEC Inspectors on the occasion of inspection visits to South Carolina. Within the last 8 years, South Carolina personnel have accompanied Atomic Energy Commission Inspectors on 75 percent of the inspections within the State. This has served the valuable purpose of familiarizing the staff with the inspection of licenses of radioactive materials, as well as the investigation of incidents involving licensed material.

In 1956, as a result of recommendations made by the Savannah River Advisory Board, the South Carolina Water Pollution Control Authority conservatively entered into an environmental monitoring program to determine the effect, if any, of the Savannah River Plant of the Atomic Energy Commission on the aquatic environment. Initially, this program consisted of one sampling point on the Savannah River below the plant effluent, which was subjected to gross alpha and beta analysis. Continuous paddlewheel samplers were later added at three locations, and more rigorous analytical procedures were employed, including specific isotope analysis and gamma spectroscopy when indicated by gross measurements.

The location of the Carolinas-Virginia Nuclear Power Associates' small power reactor at Parr, S.C., as well as the nuclear submarine repair facility at the Charleston Naval Shipyard prompted considerable expansion and sophistication of the environmental program to include over 150 sampling points, sampling air, water, precipitation, bottom muds and silt, vegetation, and milk. These samples were subjected to gross alpha and beta analysis, specific isotope analysis and gamma scans. Approximately 1,200 analyses per year were performed. The number of sampling points, as well as items sampled and analyzed underwent change as new nuclear installations were announced. Modern, well equipped laboratory facilities were provided for this work.

During the past year the responsibility for the environmental program was transferred to the South Carolina State Board of Health, in close cooperation with the South Carolina Pollution Control Authority.

Also during the past year regulations governing radioactive materials, X-ray machines and particle accelerators were adopted, after several meetings of the Technical Advisory Radiation Control Council, which met to consider in detail proposed regulations, and after public hearings to air the recommendations before the public. The Technical Advisory Radiation Control Council is a committee authorized by the Atomic Energy and Radiation Control Act to advise the State Board of Health on policy matters, including regulations.

Present Program

The present program of the Division of Radiological Health consists of initiating the activities authorized by the Atomic Energy and Radiation Control Act, and continuing environmental monitoring, expanding the scope of this operation to take care of the burgeoning nuclear industries announced for South Carolina.

Licensing of radium is now mandatory. All X-ray machines and particle accelerators were required to be registered by March 31, 1969. The portions of the program dealing with these requirements have begun.

The radium management inspection determines compliance with regulations and terms of the license. Items checked are shielding, storage, access control, posting of signs, records, leak-testing, survey meters, personnel monitoring, and transport equipment. Again, other recommendations of a helpful nature are made.

The environmental program consists of sampling the environment in the vicinity of nuclear installations existing, under construction or announced. Preoperational surveillance activities consist of determining radioactivity levels in environmental samples as a baseline against which to compare those levels found after operations commence. Surveillance around existing facilities is conducted to determine if there is any impact on the environment as a result of release of radioactivity. If gross alpha and beta determinations show an increase, gamma and alpha spectrometry or specific isotope analysis is used to determine the source. An experimental program to determine the efficacy of using thermo-luminescent dosimetry as an environmental monitor is being conducted.

Future Plans

Future plans will include extending the regulatory program to licensing and regulating the use of those radioactive materials presently under the purview of the U.S. Atomic Energy Commission, dependent upon signing an agreement with the Atomic Energy Commission. Details of the regulatory procedures and policies to be followed are given in a later section.

An in-house formal training program in radiological health will be conducted for new staff personnel on a scheduled basis, and will utilize outside instructors where they are available.

Scope of Problem

There are an estimated 2,000 X-ray units in South Carolina, approximately 600 of these being dental units. The number of Atomic Energy Commission licenses for byproduct material, source material and special nuclear material in quantities not sufficient to form a critical mass currently in effect is 142. There are 331 known radium sources in use at 23 facilities totaling 2,352 milligrams. Numerous particle accelerators exist in this State.

Four large commercial nuclear power reactors are under construction, three of them being at one location. Also under construction is a nuclear fuels fabrication plant. Announcements have been made by two separate companies of their intentions to construct a nuclear fuels reprocessing plant. Other installations which indicate the need for environmental surveillance activities are the Savannah River Plant of the Atomic Energy Commission and the nuclear submarine repair base at Charleston, S.C.

Organization and Staff

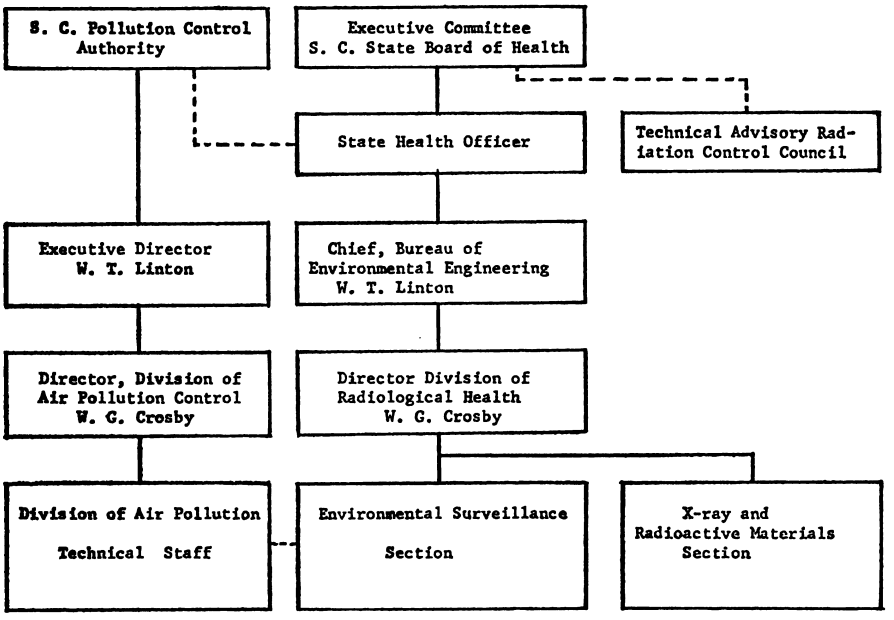
Under the provisions of the Atomic Energy and Radiation Control Act, the South Carolina State Board of Health is designated as the agency to exercise regulatory functions in radiological health. The organization of the State Board of Health is shown in Appendix, Chart 1. A Technical Advisory Radiation Control Council, appointed by the Governor, is also established. The purpose of this Council is to advise the State Board of Health on matters pertaining to ionizing radiation including standards, rules and regulations to be adopted, modified, promulgated or repealed by the Agency. Present membership of the Council is given in Table 1 of the appendix.

To assist the State Board of Health and staff in judging applications for nonroutine medical use of radioactive materials a Medical Advisory Committee has been appointed, the membership of which is shown in Table 2 of the appendix.

The functional radiological health program is operated by the Division of Radiological Health which, in turn, is a division of the Bureau of Environmental Engineering. The director of this division is also the director of the Division of Air Pollution Control, and spends his time equally divided between the

two divisions. In addition to State Board of Health staff members, experienced technicians are assigned to the Division of Radiological Health from the Bureau of Pollution Control to do work in environmental surveillance.

The line of authority and responsibility is shown on the accompanying diagram. The dotted line shown between the State Health Officer and the Pollution Control Authority indicates that he is, ex officio, Chairman of the Pollution Control Authority. There is also the statutory requirement that two additional members of the Authority be appointed from the Executive Committee of the State Board of Health. The dotted line between the Technical Staff of the Division of Air Pollution Control and the Environmental Surveillance Section of the Division of Radiological Health is intended to show the assignment of personnel and technical services by the Pollution Control Authority to the Division of Radiological Health.



REGULATORY PROCEDURES AND POLICY

Licensing and registration. The South Carolina State Board of Health has been designated the State Agency with the responsibility to develop an all-encompassing radiological health program in accordance with sections 1-400.11 through 1-400.16 of the 1962 Code of Laws of South Carolina and supplement thereto, the Atomic Energy and Radiation Control Act of South Carolina. The Division of Radiological Health has the responsibility for the operational phases of this program.

This program will regulate the safe use of all sources of ionizing radiation in the State including radium and accelerator produced nuclides, X-ray producing machines and particle accelerators. Certain small quantities of radionuclides as well as electronic devices which produce X-rays incidental to their operations in intensities insufficient to constitute a health hazard will be exempt. Licensing of all radionuclides including radium, and registration of X-ray machines and particle accelerators are features of this program. All regulations governing these sources are substantially in accord with the suggested State regulations as published by the Council of State Governments in cooperation with the Atomic Energy Commission and the U.S. Public Health Service. Every effort will be made to conduct the program in a fashion that is compatible with those operated by other agreement States and the Atomic Energy Commission.

The licensing program will be patterned after the one established by the Atomic Energy Commission and will use applicable criteria contained in regulations as published by the Atomic Energy Commission. The director and key staff members will evaluate each radioactive material license application, including prelicensing visits if this is indicated. When applications are received for unusual uses, additional advice will be sought. When applications for nonroutine medical uses are received the Medical Advisory Committee will be consulted. When applications for specific licenses are approved, licenses will be signed by the State Health Officer for the South Carolina State Board of Health.

Inspection. Inspection to determine radiation safety and compliance with pertinent regulations, and provisions of license or registration will be conducted as needed by division staff members. These members consist of the Director, the Radiological Health Specialist, Radiological Health Inspector and the Laboratory Technician III, who are or will be qualified by training and experience to conduct the inspections. Inspections will be either by prearrangement or unannounced during reasonable hours.

Licenses will be inspected on a priority basis determined by type of use, quantity of radioactive material, physical and chemical form, training, and experience of user, frequency of use and other factors in keeping with the experience gained by others including the Atomic Energy Commission and other agreement States. The initially planned frequencies are categorized as follows:

Classification of use	*Usual inspection frequency*
Industrial radiography:	
Fixed installations	Once each 12 months.
Mobile operations	Once each 6 months.
Operations involving waste disposal.	Once each 6 months.
Broad licenses—industrial, medical, or academic.	Once each 6–12 months.
Other specific licenses — industrial, medical, or academic.	Once each 12–24 months.

These frequencies are subject to alteration and are presented as a depiction of the general policy at this time. Individual licenses will be judged on the particular circumstances associated with the terms of the license.

Inspections will include the observation of pertinent facilities and equipment; a review of use procedures and radiation safety practices; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials; and instrument surveys to assess radiation levels incident to the operation—all as appropriate to the scope and conditions of the license and applicable regulations.

At the start and conclusion of an inspection, personal contact will be at management level whenever possible. Following the inspections, results will be discussed with the license management, appropriate tentative recommendations will be made and questions answered.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities, and recommendations for area security and cleanup will be available from the Agency on the occasion of incidents.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by a senior staff member and submitted to the Director of the Division of Radiological Health.

All inspectors will keep abreast of changes and developments in the field of radioactive materials by attending training courses, seminars and symposia, as well as in-house training which will be required.

Compliance and enforcement. The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

Where there are items of noncompliance, the licensee shall be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed, or expected to be completed. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

The terms and conditions of a license, upon request by the licensee, may be amended, consistent with the Act or regulations, to meet changing conditions in operations or to remedy minor items of noncompliance. The Agency may amend, suspend or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act, or regulations or failure to take adequate action concerning items of noncompliance. Prior to such action,

the Agency shall notify the licensee of its intent to amend, suspend or revoke the license and provide the opportunity for a hearing.

Whenever the Agency finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may, in accordance with the Act, without notice of hearing, issue a regulation or order reciting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Agency, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon findings that the possessor is unable to observe or is not observing the provisions of the Act or regulations issued thereunder. After these actions the licensee still has right to a hearing.

A court order directing a person to comply, or enjoining practices in violation of the Act or regulations, may be sought by the Attorney General in the appropriate court upon request of the Agency, after notice to such persons and ample opportunity to comply has been afforded.

The Agency will use its best efforts to obtain compliance through cooperation and education. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, will the full legal procedures normally be employed.

Effective date of license transfer. Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued by the Agency which shall expire either 90 days after the receipt from the Agency of a notice of expiration of such license or on the date of expiration specified in the federal license, whichever is earlier.

Compatibility and reciprocity. In promulgating rules and regulations, the Agency has, insofar as practicable, avoided requiring dual licensing and has provided for reciprocal recognition of other state and federal licenses.

Radiological emergency capability. The Division of Radiological Health has maintained the capability for handling radiological emergencies since 1959. This capability includes training of personnel, proper monitoring instruments, and liaison with other agencies such as State Highway Patrol, Atomic Energy Commission, Savannah River Plant, and U.S. Public Health Service.

As a result of our Radium Management Program, additional capability was formulated in 1965 to handle other radiological emergencies such as lost or damaged radium sources, overexposures, contamination, or transportation incidents. Additional personnel were trained, better instruments purchased and maintained, "emergency kits" put together for immediate use, and a system for telephone communications instituted. Emergency plans of other groups and agencies involving radiological incidents were reviewed by our Division.

Future plans for emergency procedures involve first of all a thorough review of our existing plan in light of the new role as an agreement state. A more formal plan will be instituted delineating the responsibility of each group or agency. Radiological Emergency Assistance Teams will be organized and trained in areas of major radiological activity. The Division of Radiological Health, which will be responsible for the program, will coordinate the new plan so that when and if an emergency does occur a systematic procedure will be followed.

[F.R. Doc. 69-7644; Filed, June 30, 1969; 8:45 a.m.]

[Dockets Nos. 50-317 and 50-318]

BALTIMORE GAS AND ELECTRIC CO.

Notice of Issuance of Provisional Construction Permits

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated June 30, 1969, the Director of the Division of Reactor Licensing has issued Provisional Construction permits Nos. CPPR-63 and CPPR-64 to the Baltimore Gas and Electric Co. for the construction of two pressurized water nuclear reactors, designated as the Calvert Cliffs Nuclear Power Plant Units 1 and 2, at the applicant's site on the western shore of the Chesapeake Bay in Calvert County, Md., about 10 miles southeast of Prince Frederick, Md. The reactors are each designed for initial operation at approximately 2,440 thermal megawatts.

A copy of the initial decision is on file in the Commisson's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 7th day of July 1969.

For the Atomic Energy Commission.

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

[F.R. Doc. 69-8264; Filed, July 14, 1969; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

EVANS PRODUCTS CO. AND RETLA 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, 1405 I Street NW., Room 1202; or may inspect agreements 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:

Amy Scupi, Esq., Galland, Kharasch, Calkins & Lippman, 1824 R Street NW., Washington, D.C. 20009.

Agreement 9549-3 between Evans Products Co. and Retla Steamship Co., modifies Article 9 of the basic agreement by expanding its geographic scope to include Okinawa, Hong Kong, Singapore, Malaysia, and Indonesia.

Dated: July 10, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8300; Filed, July 14, 1969; 8:48 a.m.]

OCEANIC STEAMSHIP CO. ET AL.

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, 1405 I Street NW., Room 1202; or may inspect agreements 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.

The Oceanic Steamship Co., Grace Line, Inc., Transatlantic Steamship Co., Ltd., and Flota Mercante Grancolumbiana, S.A.:

Notice of agreement filed for approval by:

Mr. David F. Anderson, Senior Counsel, The Oceanic Steamship Co., 100 Mission Street, San Francisco, Calif. 94105.

An agreement between The Oceanic Steamship Co., Grace Line, Inc., Transatlantic Steamship Co., Ltd., and Flota Mercante Grancolumbiana, S.A., has been filed with the Commission and assigned Federal Maritime Commission No. 9805. The agreement provides for the parties to agree upon the compensation for and use of a common stevedore for the discharge of bulk and package concentrates from their vessels at Selby, Calif. In addition, the parties have the right of independent action and are to independently negotiate and enter into its separate stevedoring contract.

Dated: July 10, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8301; Filed, July 14, 1969; 8:48 a.m.]

SOLOMON ISLANDS RATE AGREEMENT

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, 1405 I Street NW., Room 1202; or may inspect agreements 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:

John P. Meade, Esq., Graham & James, 1725 DeSales Street NW., Washington, D.C. 20036.

Agreement No. 9807 between Columbus Line and Pacific Australia Direct Line provides for the establishment of a rate-fixing agreement covering the transportation of freight and charges and practices relating thereto in the trade from the Pacific Coast of the United States to the Solomon Islands in accordance with the terms and conditions set forth in the agreement.

Dated: July 10, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8302; Filed, July 14, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. DA-1090-California]

PLUMAS NATIONAL FOREST

Finding and Order for Cancellation and Vacation

JULY 7, 1969.

Lands withdrawn in Power Site Classification No. 179 and Project Nos. 1258 and 2126, Docket No. DA-1090-California, U.S. Forest Service.

Application has been filed by the U.S. Forest Service for cancellation and vacation, respectively of the power withdrawals pertaining to the following described lands of the United States, located within the Plumas National Forest:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 25 N., R. 9 E.,
Sec. 22, S½NW¼NE¼, N½N½SW¼NE¼.

(Approximately 30 acres.)

The subject lands lie on and near Spanish Creek, a tributary to East Branch North Fork Feather River, in the vicinity of the settlement of Keddie, Calif. The lands are withdrawn variously as follows: In Power Site Classification No. 179, approved May 13, 1927; pursuant to the filing on August 12, 1942 of an amendatory application for license for a 50-foot right-of-way for transmission line Project No. 1258; and pursuant to the filing on February 24, 1953, of an application for a preliminary permit for Project No. 2126. A subsequent application for a license for Project No. 2126 was denied by Commission order and opinion dated October 10, 1962. The license issued for Project No. 1258 expired on February 10, 1967, and the transmission line formerly under license is presently in operation under a special use permit issued by the U.S. Forest Service.

Although several upstream sites have been suggested for multipurpose projects, there are no known plans for power development that would affect the subject lands. An early Bureau of Reclamation plan proposed the construction of the American Valley Reservoir about 4 miles upstream from the subject lands. Such a development would only affect the subject lands if a conduit to develop the project were to be located on the lands. However, the U. S. Geological Survey reports this proposal to be economically infeasible because it would inundate existing improvements, including the town of Quincy, several miles of Western Pacific Railroad main line, and State Route No. 70. These same adverse effects make development of the 15-mile stretch of Spanish Creek between the town of Quincy and its confluence with the East Branch North Fork Feather River economically infeasible.

The Commission finds: Inasmuch as the lands have no significant power value, the power site withdrawals pertaining to the lands serve no useful purpose and should be canceled and vacated. Accordingly, it has no objection to cancellation of Power Site Classification No. 179 insofar as it affects the subject lands.

The Commission orders: The withdrawals of the lands pursuant to the applications for Project Nos. 1258 and 2126 are hereby vacated insofar as they affect the subject lands.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8268; Filed, July 14, 1969; 8:45 a.m.]

[Docket No. RI70-1]

SUPERIOR OIL CO.

Offshore Transportation; Order on Petition for Special Relief

JULY 7, 1969.

On May 8, 1969, The Superior Oil Co. (Superior), filed a petition for special relief pursuant to ordering paragraph (C) of Opinion No. 546-A, issued March 20, 1969, in Area Rate Proceeding, dockets Nos. AR 61-2, et al., ------ FPC ------, with respect to natural gas produced offshore South Louisiana (Block 71 and 149 Fields), and transported to an onshore point by Superior for sale and delivery to Michigan Wisconsin Pipe Line Co., under Superior's FPC Gas Rate Schedule No. 7.

Ordering paragraph (C) of Opinion No. 546-A provides that a producer may, by reason of the fact that it is transporting or paying for the transportation of gas produced in the Federal Domain to a point onshore, file a rate reflecting the applicable onshore base area rate by petitioning for special relief setting forth the facts regarding each case. It further provides that the difference between the onshore and offshore rate shall be subject to refund as to all or any part thereof to which the producer ultimately is found not to be entitled. The applicable offshore and onshore area rates for the subject sale, as established by the Commission in its Opinion No. 546, issued September 25, 1968, ------ FPC ------, are 17 cents and 18.5 cents per Mcf at 15.025 p.s.i.a., respectively, subject to upward and downward B.t.u. adjustment. (Section 154.105(c)(1), regulations under the Natural Gas Act.)

Because of the stays issued by the Court and the Commission of Opinions Nos. 546 and 546-A, Superior has collected since October 1, 1968 (the effective date of the South Louisiana decision), and will continue to collect a rate in excess of the onshore area rate for Federal Domain gas transported onshore. Absent the stay, under paragraph (C) of Opinion No. 546-A, Superior would be allowed to collect the onshore area rate as of October 1, 1968, subject to refund.[1]

If the Commission's stay is dissolved, Superior will reduce its rate to the applicable onshore rate, and all monies collected since October 1, 1968, in excess of the onshore area rate will be subject to refund under ordering paragraph (C) of Opinion No. 546. However, the question of refunds with respect to the difference between the applicable onshore and offshore rates collected since October 1, 1968 (including any such amounts collected after the dissolution of the stay), will await final action of the Commission on Superior's petition for special relief in the above-entitled proceeding.

The Commission orders:

(A) Superior's petition for special relief with respect to sales under its FPC Gas Rate Schedule No. 7 will be disposed of in the above-entitled proceeding.

(B) Notices of intervention or petitions to intervene in the above-entitled proceeding may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commis-

[1] The Fifth Circuit Court of Appeals on May 13, 1969, granted a stay of the orders issued in this opinion until appeals are heard, but not beyond July 1, 1969, unless the Court orders otherwise. At the Court's request the Commission thereafter, by order issued May 29, 1969, stayed the rate reduction provisions of Opinions Nos. 546 and 546-A to and including Oct. 13, 1969. As a result of the Commission's action, the Court dissolved its stay on May 29, 1969.

sion (18 CFR 1.8 and 1.37(f)) on or before August 5, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8269; Filed, July 14, 1969; 8:45 a.m.]

[Docket No. CP69-222]

TENNESSEE GAS PIPELINE CO.

Notice of Postponement of Filing

JULY 7, 1969.

Tennessee Gas Pipeline Co., a division of Tenneco Inc., docket No. CP69-222 (Phase II).

Notice is hereby given that the filing of prepared direct testimony set for July 11, 1969, by order issued June 13, 1969, and the hearing scheduled to commence on July 21, 1969, in the above-designated matter are postponed pending further notice.

By direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8270; Filed, July 14, 1969; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations Temporary Regulation F-50]

SECRETARY OF DEFENSE

Delegation of Authority

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

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

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Federal Power Commission in a proceeding involving natural gas pipeline rates of the Cities Service Gas Co., FPC docket No. RP 69-39.

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

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

ROBERT L. KUNZIG,
Administrator of General Services.

JULY 8, 1969.

[F.R. Doc. 69-8311; Filed, July 14, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[37-65]

NORTHEAST UTILITIES ET AL.

Notice of Posteffective Amendment Regarding Proposed Change in Purchasing Functions of Subsidiary Service Company and Related Transactions

JULY 9, 1969.

In the matter of Northeast Utilities, 70 Federal Street, Boston, Mass. 02110; Northeast Utilities Service Co., the Hartford Electric Light Co., 176 Cumberland Avenue, Wethersfield, Conn. 06109; the Connecticut Light and Power Co., Selden Street, Berlin, Conn. 06037; Holyoke Water Power Co., 1 Canal Street, Holyoke, Mass. 01040; Western Massachusetts Electric Co., 174 Brush Hill Avenue, West Springfield, Mass. 01089.

Notice is hereby given that Northeast Utilities Service Co. ("NUSCO"), a wholly owned subsidiary service company of Northeast Utilities ("Northeast"), a registered holding company, and four of Northeast's electric utility subsidiary companies, the Connecticut Light and Power Co. ("CL&P"), the Hartford Electric Light Co. ("HELCO"), Holyoke Water Power Co. ("Holyoke"), and Western Massachusetts Electric Co. ("WMECO"), have filed with this Commission a posteffective amendment to the joint application-declaration in this matter pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, 12, and 13(b) of the Act, and Rules 40(b), 42(b)(2), 50 (a)(1) and (a)(4), and 88 thereunder as applicable to the proposed transactions. All interested persons are referred to the said posteffective amendment, which is summarized below, for a complete statement of the proposed transactions.

NUSCO now purchases, as common agent for the accounts of CL&P, HELCO, Holyole, and WMECO, all of the standard materials and supplies maintained in stock for such companies in the service company's central warehouse in Berlin, Conn. As a consequence, NUSCO is required to keep separate inventory and State sales and use tax records in respect of the merchandise which it handles for each of the four operating companies. Certain of such records overlap those maintained by the operating companies. In order to simplify the multiplicity of tax accounting and other records necessitated by the present arrangement, applicants-declarants propose that the materials and supplies required for the four associate operating companies be purchased and inventoried by NUSCO for its own account as a wholesaler for subsequent resale and delivery to the associate companies upon their request.

The proposed change would necessitate procurement of additional capital from Northeast. By its order dated June 30, 1966 (Holding Company Act Release No. 15519), the Commission authorized NUSCO to issue and sell long-term unsecured notes ("old notes") to Northeast for cash, during a period of 5 years commencing with the effective date of such order, subject to the express limitations that (1) the aggregate principal amount of such notes to be at any one time outstanding would not exceed $3 million and (2) the aggregate capital of NUSCO would at all times be maintained at an amount approximately equal to the sum of 2 months' operating expenses plus the cost of its property less applicable reserves, prepayments, and petty cash working funds.

NUSCO now proposes to issue and sell to Northeast for cash, and Northeast proposes to acquire, during the remainder of the aforesaid 5-year period, additional long-term unsecured notes ("new notes") having the same terms and provisions as the old notes. The company further proposes that the aforesaid limitations as to the principal amounts of notes to be issued and outstanding be modified so as to provide: (1) That not more than $5 million aggregate principal amount of NUSCO's old and new notes may be at any one time outstanding; and (2) that the aggregate capital of NUSCO, including its outstanding notes and capital stock, will be maintained at all times at an amount approximately equal to the sum of 2 months' operating expenses, plus an amount necessary to finance the inventory of materials and supplies proposed to be purchased by NUSCO and stored in its central warehouse, plus the cost of NUSCO's property less applicable reserves, prepayments, and petty cash working funds.

The applicants-declarants represent that adoption of the proposed purchasing arrangements would have no effect on vendors' invoice prices now being paid by associate companies or the purchase and inventory records presently maintained by such companies. The new procedure would eliminate Connecticut sales taxes of approximately $35,000 per year levied on merchandise purchased in Connecticut for redelivery and ultimate use in Massachusetts and result in estimated net annual savings of $5,000 in the costs of recordkeeping and accounting functions presently performed by NUSCO.

The application-declaration further states that no fees or expenses will be incurred in connection with the proposed transactions, and that no consent or approval of any State commission or Federal commission, other than this Commission, is required in respect of the proposed transactions.

Notice is further given that any interested person may, not later than July 28, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended joint 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 addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the said joint application-declaration, as amended by the said post-effective amendment or as it may be further amended, may be granted and permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8283; Filed, July 14, 1969; 8:46 a.m.]

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

JULY 9, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey, a New Jersey corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 10, 1969, through July 19, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8284; Filed, July 14, 1969; 8:46 a.m.]

[812-2524]

SELECTED SPECIAL SHARES, INC.

Sale of Shares by an Open-End Investment Company Not at the Public Offering Price

JULY 9, 1969.

Notice is hereby given that Selected Special Shares, Inc. ("Selected"), a Delaware corporation, 135 South La Salle Street, Chicago, Ill. 60603, registered as an open-end management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act, requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a proposed transaction in which Selected's redeemable securities may be issued at a price other than the public offering price described in the prospectus, for substantially all of the assets of My-Ed Corp. ("My-Ed"). All interested persons are referred to the application on file with the Commission for a complete statement of the representations which are summarized below.

Selected represents that My-Ed, an Illinois corporation, has three stockholders and is, therefore, exempt from registration under the Act pursuant to section 3(c)(1) of the Act. At March 31, 1969, My-Ed's assets consisted of cash and securities having a value of $2,631,910 and Selected had total assets of $72,608,293. My-Ed is an investment counsel client of Security Supervisors Inc., the investment adviser of Selected.

By agreement and plan of reorganization dated April 22, 1969, My-Ed will transfer substantially all of its assets to Selected in exchange for shares of Selected stock. My-Ed will receive the number of shares of Selected calculated by dividing the value of My-Ed's assets by Selected's net asset value per share, subject to a reduction in the number of Selected shares to be exchanged if a greater percentage of My-Ed's assets is represented by unrealized appreciation than Selected's. It is expected that at the closing date the percentage of My-Ed's unrealized appreciation will not exceed that of Selected and that no adjustment will be required. If the transaction had been closed on or about March 31, 1969, My-Ed would have received approximately 148,369 shares of Selected, representing approximately 3.46 percent of Selected's total shares outstanding. The net asset value of Selected's securities for the purposes of the exchange will be the net asset value next computed after the closing. The value of My-Ed's assets shall be determined in the same manner. Selected's public offering price is calculated by adding to its current net asset value a sales charge as described in its prospectus, and no sales charge will be added in this transaction.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt a transaction from the provisions of section 22(d) if it finds that such an 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.

Selected represents that My-Ed's portfolio securities meet the investment objectives of Selected and represent desirable investments for Selected, that the terms of the transaction were arrived at through arm's length bargaining and that the terms of the transaction are fair and equitable.

Notice is further given that any interested person may, not later than July 30, 1969, 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 Selected at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8285; Filed, July 14, 1969; 8:47 a.m.]

WATER RESOURCES COUNCIL

POLICIES AND PROCEDURES IN PLAN FORMULATION AND EVALUATION OF WATER AND RELATED LAND RESOURCES PROJECTS

Notice of Public Hearing

Notice is hereby given that the Water Resources Council will hold a public hearing commencing at 10 a.m. on August 22, 1969, at the Kentucky Hotel, Fifth and Walnut Streets, Louisville, Ky.

The purpose of this hearing is to obtain the views of the interested public on the policies and procedures used by the Federal agencies in the formulation and evaluation of plans for use and development of water and related land resources.

On June 13, 1969, the Water Resources Council published in the FEDERAL REGISTER (34 F.R. 9367–9368) a notice of public hearing and the availability of a special task force report, which was submitted to the Water Resources Council. The report is entitled "Procedures for Evaluation of Water and Related Land Resources Projects". The report sets forth a statement of the national objectives for water resources development. The objectives include national income, regional development, environmental enhancement, and well-being of people, and they provide the framework within which the effects of water and related land resources projects may be evaluated. Benefits and costs are identified as the beneficial or adverse effects of plans toward attainment of these national objectives. All effects of the water and related land resources plans are to be displayed in a system of accounts.

The notice in the FEDERAL REGISTER on June 13, 1969, announced a series of hearings to be held at various locations in the United States throughout the month of August 1969, and also hearings to be held in September 1969, in Washington, D.C. The detailed background for and the times and places of those hearings are set forth in that notice.

Since the publication of that notice, various persons have asked that another hearing be held somewhere in the vicinity of the Ohio River Valley. For that reason the hearing on August 22, 1969, in Louisville, Ky., has been added to the list of the places where hearings will be held.

At the hearings the Water Resources Council would like to obtain the views of all interested persons on (1) the report of the special task force, (2) Senate Document No. 97 and Supplement No. 1 thereto, dated June 4, 1964, and (3) any other matters that are relevant to policies and procedures to be used by Federal agencies in the formulation and evaluation of water and related land resources projects. After consideration of the views and comments received, and of the results obtained in certain tests to be held on the procedures proposed in the report, the Council will formulate, in accordance with the Council's authority under the provisions of the Water Resources Planning Act (Public Law 89–80), principles, standards, and procedures to be observed by the Federal agencies in the formulation and evaluation of water and related land resources projects. These proposals will again be submitted to the public for review and comment before they are approved.

Copies of the report of the special task force, and of Senate Document No. 97 and Supplement No. 1 thereto, dated June 4, 1964, may be obtained by writing to the Water Resources Council, 1025 Vermont Avenue NW., Washington, D.C. 20005.

Views may be presented at the hearings in person or by submitting a written statement for the record. No advanced notice of intention to testify or to submit a written statement is necessary. The record will be kept open through September 19, 1969 for submission of further written statements not presented at the hearings. If necessary to accommodate all those wishing to testify, the hearing officer may limit each oral presentation to 30 minutes. Any person so limited shall have the privilege of submitting a written extension of his remarks, which will be incorporated in the record.

Written statements for the record not delivered to the hearing officer during the hearing should be addressed to Henry P. Caulfield, Jr., Executive Director, Water Resources Council, 1025 Vermont Avenue NW., Washington, D.C. 2005.

Dated: July 8, 1969.

HENRY P. CAULFIELD, Jr.,
Executive Director.

[F.R. Doc. 69-8286; Filed, July 14, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 867]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 10, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 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 protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 3252 (Sub-No. 60 TA), filed July 2, 1969. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: Francis E. Barret, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda and sodium hypochlorite*, in bulk, in tank vehicles, from Orrington, Maine, to points in New Hampshire, Massachusetts, Rhode Island and ports of entry in the United States and Canada international boundary line at or near Calais, Vanceboro, and Houlton, Maine, for 180 days. Supporting shipper: IMC Chlor-Alkali, Inc., 5401 Old Orchard Road, Skokie, Ill. 60076. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 25798 (Sub-No. 194 TA), filed July 7, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts*, from Wilmington, Del., to points in Indiana, Illinois, Iowa, Wisconsin, Minnesota, Missouri, Kansas, Nebraska, North Dakota, South Dakota, Arkansas, Michigan, Ohio, and Oklahoma, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 57275 (Sub-No. 12 TA), filed July 1, 1969. Applicant: SCHADE REFRIGERATED LINES, 429 West Jackson, Phoenix, Ariz. 95003. Applicant's representative: Richard Minne, Luhrs Building, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Confectionery and chocolate products,* in mechanically controlled refrigerated vehicles, between Phoenix, Ariz., and points in that part of Arizona beginning at junction Bell Road and U.S. Highways 60–70–89, thence last to Lake Pleasant Road, thence north along Lake Pleasant Road to junction Carefree Highway, thence east along Carefree Highway to junction Cave Creek Road, thence north to town of Cave Creek and east to Carefree to junction Scottsdale Road, thence south along Scottsdale Road to junction Pinnacle Peak Road, thence east along Pinnacle Peak Road to junction unnumbered county road, thence south along unnumbered county road past Fort McDowell to junction Arizona Highway 87, thence east along Arizona Highway 87 to junction Stewart Mountain Dam Road, thence south along Stewart Mountain Dam Road past Stewart Mountain Dam to junction Old Bush Highway, thence southwesterly along Old Bush Highway to junction Ellsworth Road, thence south along Ellsworth Road to junction Hunt Highway near Maricopa County line, thence west and south along Hunt Highway to junction Arizona Highway 87, thence southeasterly along Arizona Highway 87 to Sacaton turnoff, thence along unnumbered highway to the town of Sacaton, thence westerly along Sacaton Road to junction Arizona Highway 93, thence north along Arizona Highway 93 to junction Bapchule Road, thence west along Bapchule Road to junction Maricopa Road, thence north along Maricopa Road to junction Komatka Road, thence west along Komatka Road to St. Johns, thence north along Avenue 51 to Broadway (Future interstate freeway), thence west along Broadway to 115th Avenue, thence north along 115th Avenue to junction U.S. Highway 80, thence along U.S. Highway 80 to Buckeye, Ariz., thence north along Cemetery Road to Broadway, thence east along Broadway to Cotton Lane, thence north along Cotton Lane to junction Beardsley Road, thence east along Beardsley Road to junction U.S. Highway 60–70, thence south along U.S. Highway 60–70 to point of beginning at Bell Road, service is authorized at points on the boundary roads and highways and off-route service to Caterpillar Proving Grounds approximately 4 miles west of Cotton Lane near Indian School Road, for 180 days. NOTE: Applicant states it will, if requested, interline with carriers who participate in Rocky Mountain Motor Tariff Bureau Tariff IG to further the transportation of the designated commodities within the subject area. In its past operations under its previous registration, applicant has continued such an interline operation although there has been a very slight movement of traffic. Supporting shippers: Curtis Candy Co., Division of Standard Brands, Inc., Franklin Park, Ill.; E. J. Brach & Sons, Chicago, Ill.; Chicago Candy Association, Chicago, Ill. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 60012 (Sub-No. 82 TA), filed June 25, 1969. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52nd Avenue, Denver, Colo. 80216. Applicant's representative: Warren D. Braucher, Post Office Box 5482, Denver, Colo. 80217. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except commodities of unusual value, household goods as defined by the Commission, and those injurious or contaminating to other lading, (1) between Antonito, Colo., and the Colorado-New Mexico state line, from Antonito, over Colorado Highway 17 to the Colorado-New Mexico state line, and return over the same route, serving all intermediate points, and serving the off-route points in that part of Conejos and Rio Grande Counties, Colo., located south of U.S. Highway 160 and west of U.S. Highway 285; (2) between Antonito, Colo., and Chama, N. Mex., from Antonito, over U.S. Highway 285 to Tres Piedras, N. Mex., thence over U.S. Highway 64 to Tierra Amarilla, N. Mex., thence over U.S. Highway 84 to its junction with New Mexico Highway 17 (approximately 4 miles east of Monero, N. Mex.), and thence over New Mexico Highway 17 to Chama, N. Mex., and return over the same routes, serving all intermediate points and serving the off-route points of No Agua, N. Mex. (approximately 7 miles north of Tres Piedres); the plantsite of Johns-Manville Corp. located approximately 1½ miles east of No Agua; and the plantsite of the United Perlite Corp., located approximately 16 miles east of No Agua, for 180 days. NOTE: Applicant intends to interline at Salt Lake City, Utah, and Denver, Colo., and to tack with present authority in MC 60012 and Subs 28, 29, 30, 32, 38, 58, and 70. Supporting shippers: Mr. Ellwood H. Spencer, General Traffic Manager, Grefco, Inc., 1520 Locust Street, Philadelphia, Pa. 19102; Contract Engineering Co., Platoro Project, Platoro Mail, Monte Vista, Colo. 81144; Johns-Manville Perlite Corp., Post Office Box 338, Antonito, Colo. 81120; United Perlite Corp., Post Office Box 367, Antonito, Colo. 81120; The Cleveland-Cliffs Iron Co., Post Office Box 1211, Rifle, Colo. 81650. Send protests to: Charles W. Buckner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1961 Stout Street, Denver, Colo. 80202.

No. MC 83539 (Sub-No. 257 TA), filed July 2, 1969. Applicant: C & H TRANSPORTATION CO., INC., Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: J. P. Welsh (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Aircraft ground support units and aircraft cargo and passenger handling equipment and machinery, attachments, parts and accessories used in connection therewith,* from Houston, Tex., to points in the United States (except Hawaii and Texas), for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Stewart & Stevenson, Post Office Box 1637, Houston, Tex. 77001. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 103993 (Sub-No. 433 TA), filed July 7, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Truck campers and camp coaches,* from Virginia Beach, Va., to points in the United States east of the Mississippi River, for 180 days. Supporting shipper: Virginian Coach Camper Corp., Virginia Beach, Va. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 114848 (Sub-No. 47 TA), filed July 2, 1969. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Grain and grain products,* from West Memphis, Ark., to points in Mississippi, Tennessee, Alabama, Kentucky, and Georgia, for 180 days. Supporting shippers: Burrus Mills, Inc., 330 Mercantile Securities Building., Post Office Box 448, Dallas, Tex. 75221 (Mr. Gayle Johnson, General Traffic Manager); and Flour Mills of America, Inc., Post Office Box 2568, Kansas City, Mo. 64142 (Mr. A. W. Schroeder, Traffic Manager). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, Memphis, Tenn. 38103.

No. MC 117673 (Sub-No. 2 TA), filed July 3, 1969. Applicant: THE BIG E CORP., 505 North Myrtle Avenue, Jacksonville, Fla. 32204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas, including plantains, and agricultural commodities* otherwise exempt from economic regulations under section 203(b)(6) of the Act when transported in mixed shipments with bananas or plantains, from Wilmington, Del., to points in Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, District of Columbia, New Jersey, New York, Ohio, Tennessee, Kentucky, Indiana,

Illinois, Wisconsin, Missouri, Michigan, and Alabama, for 180 days. NOTE: Applicant intends to tack with its existing authority, but no interlining. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 124170 (Sub-No. 16 TA), filed July 2, 1969. Applicant: FROSTWAYS, INC., 2450 Scotten Street, Detroit, Mich. 48209. Applicant's representative: Walter Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts and agricultural commodities* otherwise exempt, from economic regulations under section 203 (b)6 of the Act when transported in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in Kentucky, Indiana, Ohio, Michigan, Illinois, and Pennsylvania, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower Building, 10 Witherell Street, Detroit, Mich. 48226.

No. MC 124181 (Sub-No. 11 TA), filed July 2, 1969. Applicant: JOSEPH GENOVA, Clayton Road, Williamstown, N.J. 08094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, ends, caps and covers*, from Morrisville (Bucks County), Pa., to Williamstown and Glassboro, N.J., under contract with Violet Packing Co., National Fruit Product Co., Inc., and Ron-Son Mushroom Product Co., Inc., for 150 days. Supporting shippers: Violet Packing Co., 123 Railroad Avenue, Williamstown, N.J., 08094; National Fruit Product Co., Inc., Glassboro, N.J. 08028; Ron-Son Mushroom Products, Inc., Ellis Street and Deptford Road, Glassboro, N.J. 08028. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 127042 (Sub-No. 41 TA), filed July 7, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream and vegetable oil compounds, dessert topping, and coffee whitener*, from points in the Kansas City, Mo., commercial zone to points in Illinois, Iowa, Minnesota, Nebraska, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Presto Food Products, Inc., 1101 East 16th Street, Kansas City, Mo. 64108. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 127902 (Sub-No. 1 TA), filed July 2, 1969. Applicant: M. L. DIETZ, doing business as DIETZ MOTOR LINES, Post Office Box 757, Hickory, N.C. 28601. Applicant's representative: Charles E. Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Buncombe, Caldwell, Burke, Catawba, Rutherford, McDowell, Alexander, and Iredell Counties, N.C., to points in Alabama, Mississippi, Louisiana, and Arkansas (except from Hickory and Conover, N.C., to points in Alabama), for 150 days. Supporting shippers: Caldwell Furniture Co., Lenoir, N.C. 28645; Hickory Manufacturing Co., Box 998, Hickory, N.C. 28601; Fairfield Chair Co., Lenoir, N.C. 28645; Bernhardt Industries, Lenoir, N.C. 28645; Consolidated Furniture Industries, Inc., Lenoir, N.C. 28645; Broyhill Furniture Industries, Lenoir, N.C. 28645; Comfort Chair Co., Inc., Post Office Drawer 2227, Hickory, N.C. 28601; DeVille Furniture Co., Post Office Box 2246, Hickory, N.C. 28601; Drexel Furniture Co., Drexel, N.C. 28619. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 133771 (Sub-No. 1 TA), filed July 3, 1969. Applicant: JACK STEWART, doing business as JACK STEWART PRODUCE COMPANY, Box 605, Idabel, Okla. 74745. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay pots*, for the account of Marshall Pottery, Inc., from Marshall, Tex., to Los Angeles, Salinas, Hayward, San Jose, and Smith River, Calif., Walla Walla, Wash., and Stayton, Oreg., for 150 days. Supporting shipper: Richard Ellis, vice president, Marshall Pottery, Inc., Marshall, Tex. 75670. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 133774 (Sub-No. 1 TA), filed July 2, 1969. Applicant: HARRY R. OLOFFSON AND HAROLD F. OLOFFSON, a partnership, doing business as OLOFFSON TRUCKING SERVICE, Manlius, Ill. Applicant's representative: Samuel G. Harrod, 106 East Center Street, Eureka, Ill. 61530. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gravity flow farm boxes and related parts and running gears*, restricted to transportation performed by vehicles equipped with booms or hoists for loading and unloading, from Manlius, Ill., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin, for 180 days. Supporting shipper: Smith and Co. (Division of Burlington and Associates, Inc.), Manlius, Ill. 61338. Send protests to: District Supervisor Raymond E. Mauk, Interstate Commerce Commission, Bureau of Operations, U.S. Court House, FOB Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8303; Filed, July 14, 1969; 8:48 a.m.]

[Notice 376-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 10, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), 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-71104 (Republication). By order of June 30, 1969, the Motor Carrier Board, supplemented the order of the Commission, Motor Carrier Board, entered February 24, 1969, to authorize transfer of Certificate No. MC-82841 and sub numbers thereunder to Hunt Transportation, Inc., Omaha, Nebr., from R. D. Transfer, Inc., Omaha, Nebr., to authorize the transfer of the additional operating rights contained in Certificate No. MC-82841 (Sub-No. 43), issued to transferor March 24, 1969, authorizing the transportation of: Paper and paper articles from Omaha and Nebraska City, Nebr., and Sioux City, Iowa, to points in Colorado, Iowa, Kansas, Minnesota, Missouri, South Dakota, and a specified portion of Nebraska. Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102, attorney for applicants.

No. MC-FC-71446. By order of June 30, 1969, the Motor Carrier Board approved the transfer to Leman Knight, doing business as Pete Knight Trucking Co., Detroit, Ala., of the operating rights

in Permit No. MC-127726 issued on August 19, 1966, to Lawrence Ray Palmer and Lawrence Richard Palmer, a partnership, doing business as Palmer Machine Works, Amory, Miss., authorizing the transportation of: Fertilizer and fertilizer materials, dry, in bulk or in packages, between Florence, Ala., and points in Mississippi; fertilizer and fertilizer materials, dry, in bulk in dump vehicles, and in packages, between Tupelo, Miss., and Florence, Ala. Rubel L. Phillips, Post Office Box 22628, Jackson, Miss. 39205, attorney for transferee.

No. MC-FC-71313. By order of June 30, 1969, the Motor Carrier Board approved the transfer to Stewart Doyle, Inc., doing business as Doyle Transit Co., Fargo, N. Dak., of certificates in Nos. MC-125726 and MC-125726 (Sub-No. 1), issued January 8, 1965, and July 19, 1965, respectively, to Northern Transit Co., a corporation, of: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Fargo, N. Dak., and Oakes, N. Dak., serving all intermediate points; and, between Oakes, N. Dak., and Ellendale, N. Dak., serving all intermediate points. C. J. Serkland, 216 First National Bank Building, Fargo, N. Dak. 58102, attorney for applicants.

No. MC-FC-71447. By order of June 30, 1969, the Motor Carrier Board approved the transfer to Jordan Bus Co., Inc., 3201 Northwest 63d Street, Oklahoma City, Okla., of the certificates in Nos. MC-28680, MC-28680 (Sub-No. 5), MC-28680 (Sub-No. 8), MC-28680 (Sub-No. 9), MC-28680 (Sub-No. 12), MC-28680 (Sub-No. 15), MC-28680 (Sub-No. 16), MC-28680 (Sub-No. 17), and MC-28680 (Sub-No. 20), issued October 25, 1957, June 17, 1952, October 9, 1956, October 4, 1957, April 24, 1958, August 22, 1958, April 3, 1958, April 7, 1963, and March 30, 1959, respectively, to Jordan Bus Co., a corporation, 1232 United Founders Tower, Oklahoma City, Okla., authorizing the transportation of passengers and their baggage, and express and newspapers over regular routes between specified points in Oklahoma, Arkansas, and Texas.

No. MC-FC-71463. By order of June 30, 1969, the Motor Carrier Board approved the transfer to Ensminger Motor Lines, Inc., Frankfort, Ill., of certificate No. MC-129744 issued February 10, 1969, to Kenneth Ensminger, doing business as Ensminger Motor Lines, Frankfort, Ill., authorizing the transportation of plastic products, except in bulk, from Frankfort, Ill., to points in Wisconsin (except Green Bay, Wis., and points in its commercial zone as defined by the Commission), Michigan (except Cheboygan and points in its commercial zone as defined by the Commission), Indiana, and Ohio. Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8305; Filed, July 14, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 59]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

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 Seaboard Coast Line Railroad Co. shall deliver to the St. Louis-San Francisco 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. Exceptions: Canadian ownerships.

(b) The St. Louis-San Francisco Railway Co. shall deliver to the Chicago, Burlington & Quincy 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. Exceptions: 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.

(c) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler on or before 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.

(d) The carriers receiving the cars described above must advise Agent R. D. Pfahler on or before 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., July 10, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 27, 1969, 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 at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 9, 1969.

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

[F.R. Doc. 69-8306; Filed, July 14, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 57-A]

SEABOARD COAST LINE RAILROAD CO., ET AL.

Car Distribution

Upon further consideration of Car Distribution Direction No. 57, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 57 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11 a.m., July 9, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 9, 1969.

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

[F.R. Doc. 69-8307; Filed, July 14, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 46-A]

SOUTHERN RAILWAY CO., AND MISSOURI PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 46, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 46 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11 a.m., July 9, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 9, 1969.

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

[F.R. Doc. 69-8308; Filed, July 14, 1969; 8:48 a.m.]

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FEDERAL REGISTER

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Tuesday, July 15, 1969 • Washington, D.C.
PART II

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

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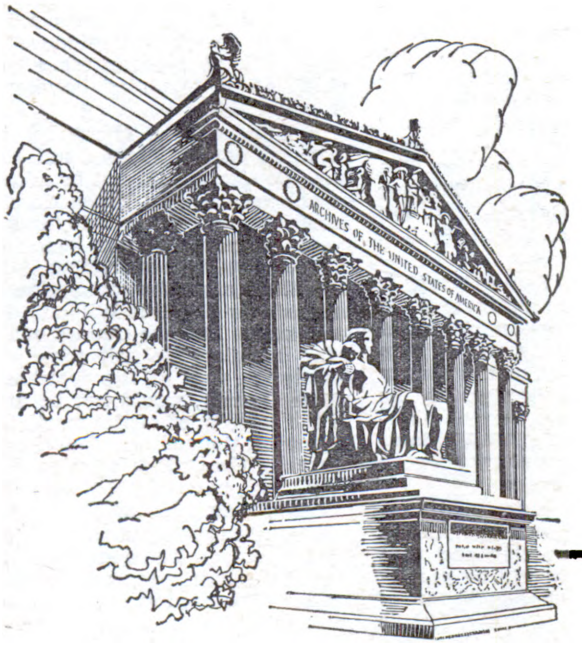
Milk in Certain Marketing Areas

Recommended Decision



DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1131]

[Docket Nos. AO-271-A12, AO-271-A12-RO2]

MILK IN CENTRAL ARIZONA MARKETING AREA

Notice of Revised Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this revised recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Central Arizona marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Phoenix, Ariz., during the period February 7-10, 1967, pursuant to notices thereof which were issued on December 14, 1966 (31 F.R. 16277), January 4, 1967 (32 F.R. 140), and January 12, 1967 (32 F.R. 415).

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

1. Marketing area extension.
2. Producer definition.
3. Producer-handler definition.
4. Classification provisions.
5. Transfer provisions.
6. Location differential at Tucson.
7. Obligation of a handler operating a partially regulated distributing plant.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Regulatory Programs, on October 9, 1967 (32 F.R. 14232, F.R. Doc. 67-12143), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. Exceptions were filed by a number of interested parties.

This proceeding was reopened at a public hearing held at Memphis, Tenn., under Docket No. AO-217-A12-RO2, among others, beginning February 19, 1968, pursuant to notice thereof which was issued February 6, 1968 (33 F.R. 2785). At the reopened hearing, issues (3), (4), and (7) were considered with respect to the disposition of filled milk products in the marketing area.

This decision sets forth in detail the findings and conclusions and proposed order findings and conclusions on issues (3), (4) and pertinent parts of (7). It also incorporates herein all the findings and conclusions and proposed order provisions relating to issues (1), (2), (5), (6), and that part of (7) which relates to the obligation of a partially regulated distributing plant disposing of fluid milk in the marketing area, as set forth in the prior decision.

Interested parties may submit exceptions on all the issues of this proceeding which were considered at the hearing and the reopened hearing.

FINDINGS AND CONCLUSIONS

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

1. *Marketing area extension.* The proposals to include the southern part of Mohave County and the northern part of Yuma County in the marketing area are denied.

The cooperative association serving the market proposed that the marketing area be extended to include the southern part of Mohave County (south of the Colorado River) and the northern part of Yuma County. The southern part of Yuma County is now included in the marketing area.

At the present time there is no distribution in the northern part of Yuma County by handlers regulated under the order. All of the milk sold there is distributed by two unregulated handlers. The milk moves into the area from Blythe, Calif. In Mohave County, regulated handlers dispose of approximately 70 percent of the Class I sales. This is approximately 1.5 percent of the total Class I sales of regulated handlers. The remainder of the Class I sales in Mohave County south of the Colorado River are made by a distributor located in Needles, Calif.

The northern part of Yuma County is separated from the marketing area by desert. There is only one north-south highway across the county and it is in the extreme western part of the county close to the California border. At the time of the hearing, there were no highways or bridges across the Bill Williams River which forms the boundary between Yuma and Mohave Counties.

Proponent stated that a new highway-bridge complex across the Bill Williams River was under construction and that upon its completion it would be practicable for regulated handlers to dispose of milk in northern Yuma County. If this area were added to the marketing area and a compensatory payment were assessed on the California milk, regulated handlers might expect to expand their sales very substantially in the two-county area.

Proponents contended that California handlers had a decided buying advantage over regulated handlers in that the California Milk Stabilization Regulation did not apply to milk sold outside the State of California. They alleged that such milk was purchased at the Class III price and that this lower cost of acquiring milk was a cause of market instability.

The record clearly established that California regulations do not apply to sales to military installations regardless of their location. There are apparently no military installations in the areas under consideration. Hence competition for sales to military bases is not involved here.

With respect to sales to other than military installations, however, the evidence does not bear out the contention of proponents. The figures presented by proponents on prices received by California producers do not establish that milk is being purchased by California handlers for sale in Arizona at the Class III price.

On the other hand witnesses for handlers who operate plants in California testified that the State of California does in fact establish the prices which handlers must pay for such milk. They referred specifically to section 4283 of the Agricultural Code of California and to the provisions of the Stabilization and Marketing Plan for the Southern Metropolitan Area (Los Angeles, Orange, San Bernardino, and Riverside Counties), issued under the authority of the above code. Blythe is located in Riverside County and Needles is in San Bernardino County.

The record does not establish that there is a significant difference in the cost to Arizona and California handlers of milk acquired for fluid disposition to nonmilitary outlets in Arizona. Hence, at this time the record evidence does not reveal disorderly marketing conditions which affect regulated handlers in the proposed area.

It is concluded, therefore, that the northern part of Yuma County and Mohave County should not be added to the marketing area. In Yuma County regulated handlers sell no milk and the proposal for regulation is based on handlers expectations of acquiring some business there after the completion of a new bridge over the Bill Williams River. In the case of Mohave County where regulated handlers do sell some milk, the county, in view of the decision to omit Yuma County, would not be contiguous to the remainder of the marketing area. Moreover, the volume of milk distributed there by Central Arizona handlers is a very small percentage of the total Class I sales of regulated handlers.

A handler proposed that a lower Class I price apply in Yuma and Mohave Counties if the marketing area were not extended. The appropriate level of Class I milk price for a marketing area is influenced by the Class I sales which regulated handlers make outside the marketing area. These sales affect the volume of milk covered by an order.

If the Class I price were higher for milk sold inside than outside the marketing area, returns for Class I disposition inside the area would bear the greater burden of providing the incentive for milk production for both. To the extent that a higher Class I price inside the marketing area is reflected in higher prices to consumers inside the area said consumers would be subsidizing consumers outside the marketing area where lower prices prevailed.

There is no basis when establishing the appropriate Class I milk price for a market to distinguish between milk sold inside and milk sold outside the marketing area. The milk sold outside the area by regulated handlers is produced under the same conditions as milk sold in the marketing area and is processed in the same plants. Thus, the milk moving through the regulated handlers' plants, whether it is sold inside or outside the marketing area is part of the same supply and demand considerations upon which the determination concerning the appropriate Class I price level must be made.

Neither is it intended that Federal milk regulation be susceptible of manipulation to permit the use of adjacent outside markets as a dumping ground for milk in excess of a market's needs. A lower Class I price for milk sold in the other area could have a lowering effect on the price paid farmers by unregulated distributors in that area, and would tend to lower returns to dairy farmers supplying the unregulated handlers. For the above reasons, it is concluded that an out-of-area Class I price should not be adopted, and the proposal, therefore, is denied.

2. *Producer definition.* The order should provide for the recipt of milk at a pool plant by diversion from an other order plant without designating the dairy farmers who shipped it as producers under the Central Arizona order.

The cooperative association supplying milk to Central Arizona regulated handlers also supplies milk to two handlers regulated by the Rio Grande Valley order on a 5-day-week basis. During the remainder of the week, some of this milk is manufactured at the association's plant which is regulated by the Central Arizona order.

The milk supplied to the Rio Grande Valley handlers was developed for and is, in large part, committed to the Rio Grande Valley area. Under present order provisions, however, when the milk is diverted from the Rio Grande Valley pool plants and received at a pool plant under the Central Arizona order, the dairy farmers involved are designated as producers under the Central Arizona order, and the milk is accounted for as producer milk. Since the milk is not needed for fluid use in the Central Arizona area, it is converted into manufactured dairy products. This tends to lower the uniform price to producers regularly supplying the Central Arizona market.

In other instances, milk regularly marketed by the cooperative association in the Rio Grande Valley area is transferred to a manufacturing plant about 700 miles from El Paso, Tex., when not needed for Class I use under that order. Under the proposed order change, such milk could be diverted about 400 miles for manufacture at a pool plant regulated by the Central Arizona order without lowering the uniform prices of the producers regularly supplying the market. This would also result in a considerable saving in transportation costs to the association in supplying the Rio Grande Valley market.

The proposal will encourage greater marketing efficiencies and can be implemented by providing in the "producer" definition that the term shall not include a person with respect to milk diverted to a pool plant from an other order plant if such person retains producer status under the other order and if the operators of both the diverting plant and the plant to which the milk is diverted have requested Class III classification in their reports of receipts and utilization filed with the market administrators of the respective orders.

3. *Producer-handler definition.* Producer-handlers should continue to be exempt from the pooling and pricing provisions of the order. However, the producer-handler definition should be amended to prohibit the reconstitution or recombining of fluid milk products and filled milk from concentrated nonfat milk solids such as nonfat dry milk. Also, provision should be made to add to the definition a further limitation on the quantity of fluid milk products (including filled milk) that a producer-handler may receive from pool plants if he is to retain exemption from pricing and pooling milk of his own production under the order.

A hearing on amendments to the Central Arizona order considered, among other issues, the distribution of filled milk by producer-handlers. It was held at Phoenix, Ariz., during the period February 7–10, 1967, and a recommended decision was issued by the Acting Deputy Administrator, Regulatory Programs, on October 9, 1967 (32 F.R. 14232). Exceptions to the recommended decision were filed by interested parties.

A general hearing at Memphis, Tenn., which began on February 19, 1968, also considered this issue, and for the Central Arizona market, represented a reopening of the February 1967 hearing. The evidence submitted at the Memphis hearing, together with the exceptions to the 1967 recommended decision are considered in this decision.

The order now provides essentially that a person who is a dairy farmer and who processes in his own plant and distributes in the marketing area milk of his own production may be defined as a producer-handler. As such, he is accorded exemption from all payment obligations normally applicable to handlers fully regulated under the order. Recognizing that circumstances might arise where a producer-handler's production might temporarily fall below his sales requirement, the order provides that such a person may buy supplemental milk from pool plants in an amount representing not more than 5 percent of his Class I utilization for the month without losing his producer-handler status. No limit was placed on the volume of nonfluid other source products which a producer-handler could purchase. However, it was not contemplated that the producer-handler, typically a family type farm operation, would recombine or reconstitute nonfat dry milk solids into substantial quantities of fluid products.

Under the present provisions of the order, producer-handlers can buy nonfluid, other source milk from any source and reconstitute it into a full range of fluid milk products such as buttermilk and milk drinks. More specifically, some producer-handlers have reconstituted nonfat dry milk and have made filled milk by recombining the fluid skim-milk with added ingredients such as vegetable fat, and vitamins. When they do this they obtain an undue pricing advantage compared to regulated handlers. Other handlers incur financial obligations to the pool on unregulated milk used in identical or similar fluid milk products, but producer-handlers are exempt from pooling and incur no obligation to the pool. This financial advantage accruing to producer-handlers under the present terms of the order was not contemplated when the producer-handler exemption was provided. A person who reconstitutes substantial quantities of fluid milk products including filled milk cannot be considered to be disposing of milk of his own farm production and hence should not enjoy the exempt status afforded a farmer who bottles and distributes essentially only milk of his own production.

At the Phoenix hearing, a witness for a producer-handler proposed that a tolerance factor of 25 percent is needed to cover emergencies and the seasonality of production and Class I sales. In this connection, a 1962 decision (27 F.R. 3923), official notice of which is hereby taken, stated that producer handlers must provide for their own seasonal reserves. The 5-percent tolerance now provided is for emergency situations. Moreover, the evidence in this proceeding is that the 5-percent tolerance now provided has been fully adequate.

Accommodating the purchase of milk and milk products (including nonfat dry milk) from pool plants, as proposed by the witness, would not further marketing stability, because it would shift a further burden of surplus to other producers supplying the market to the extent of the reserves otherwise needed by producer handlers. The proposal, therefore, is denied.

The 5-percent tolerance factor now provided under the order applies only to purchases of supplemental bulk milk by producer-handlers from pool plants. It should also include packaged milk products which producer-handlers acquire from pool plant or other order plants for resale as Class I either with or without further processing. Such products would include items such as flavored milk and buttermilk. The 5-percent tolerance factor should also include filled milk, whether made from

fluid skim or from reconstituted nonfat dry milk. To implement this, the order should specify that the 5-percent tolerance applies to fluid milk products purchased from pool or other order plants. Filled milk is included in the fluid milk products definition contained herein.

As under the present order, a producer-handler should not be precluded from buying from any source manufactured dairy products such as butter and cheese, which are in a form such that they cannot be reconstituted into fluid milk products. Likewise, the order should continue to provide that such person may not purchase fluid milk products from other dairy farmers or from a nonpool plant without losing his exemption under the order. This may be accomplished by providing that fluid milk products received at the plant of a producer-handler or acquired for route disposition may be derived only from own farm production and fluid milk products transferred from pool plants or other order plants subject to the aforesaid limitations. Also, producer-handlers may not reprocess or convert nonfluid milk products into a fluid milk product except to increase the nonfat milk solids content above that of the fluid milk products so received.

A witness for some of the producer-handlers operating in the Central Arizona area testified that the 5,000-pound limit on supplemental milk purchases, as proposed by the cooperative association, would effectively eliminate from exemption at least two producer-handlers. This would result because their supplemental purchases of nonfat dry milk which is reconstituted and combined with vegetable fat and other ingredients greatly exceed that amount. He argued that Federal milk orders generally allow "adequate" purchases of supplemental milk from pool plants. Actually, there is no significant difference between the Central Arizona order and other orders in this regard, including the proposed volume limit of 5,000 pounds.

In exceptions, some of the producer-handlers objected strenously to the limitations proposed by the cooperative association and recommended by the Department. Specifically, they objected to the 5,000-pound limit proposed for receipts from pool plants, reiterating that the provision would eliminate their exemption as producer-handlers.

Nevertheless, it is appropriate that a limit be placed on the amount of milk that a producer-handler may receive from pool plants if he is to retain exemption from pricing and pooling of his own production. If producer-handlers could rely on substantial pool supplies to supplement their own production, they would be able to keep all of their own production for Class I use without assuming the burden of their own surplus. The producer-handler maintains control of his milk from its source at the farm until its ultimate disposition. He is, therefore, in position to keep his farm production closely in line with the needs of his fluid milk business. He should assume the burden of maintaining whatever reserve supply of milk is necessary for his fluid operations.

There was no significant controversy over the present provision that a producer-handler's receipts from pool plants be limited to 5 percent of his fluid milk product disposition. There was, however, substantial protest with respect to the provision that such receipts not exceed 5,000 pounds monthly. The exceptors are producer-handlers of relatively large production. They should be expected to rely on their own production for reserve supplies. However, an occasional purchase of a small quantity from pool plants should be permitted to cover possible emergencies.

Producer-handlers are purchasing supplemental milk from pool plants within the limits now prescribed by the order. In fact, a witness for two producer-handlers with the largest volumes testified that they contemplate no need to increase supplemental purchases of bulk milk from pool plants. The additional provision that such purchases shall not exceed 5,000 pounds per month is necessary to insure that producer-handlers do not obtain an undue price advantage compared to regulated handlers in the use of nonfat dry milk reconstituted into fluid milk products.

It is concluded that a volume limitation of 5,000 pounds should apply whenever 5 percent of a producer-handler's fluid milk product disposition exceeds that figure. Accordingly, under the producer-handler definition provided herein, a producer-handler's total disposition of fluid milk products may not exceed his own farm production, plus fluid milk products obtained by transfer from pool plants or other order plants in an amount not to exceed 5 percent of his total fluid milk product disposition for the month or 5,000 pounds, whichever is less; plus the skim milk equivalent of nonfat milk solids used to increase the total solids content of fluid milk products.

4. *Classification provisions.* The findings and conclusions pertaining to the classification and pricing of filled milk, which resulted from evidence introduced at the Memphis hearing, are hereby adopted as the findings and conclusions of this decision.

At the Phoenix hearing, the cooperative assoication, which represents a majority of the producers on the market, proposed that the order be amended to provide that any milk product not specifically designated as Class II milk or as Class III milk be automatically classified as Class I milk. The main purpose of this proposal was to make certain that fluid milk products made from skim milk or from reconstituted nonfat milk solids and in which nonmilk fat has been substituted for the butterfat, are classified as Class I milk.

In this connection, it is noted that the Memphis decision recommends that filled milk products be defined separately from the fluid milk product definition, and that the product "filled milk" be included in the fluid milk product definition. Accordingly, the fluid milk product definition of Order 131 is amended to adopt this recommendation.

Another proposal by the proponent was that the provision that excludes from Class I classification, sterilized products in hermetically sealed containers be clarified. The purpose of such clarification would be to indicate specifically the type of containers that would be covered by the exclusion. It would distinguish, for example, between the use of skim milk and butterfat in evaporated milk packaged in metal cans and fluid products which have the characteristics of fresh products and are packaged in paper containers.

Substantial changes in marketing practices concerning the distribution of sterilized products have occurred within the dairy industry since the 1967 hearing at Phoenix. The testimony concerning this proposal was limited to glass and metal containers and thus may not reflect current marketing conditions. Accordingly, the proposal is denied.

Proponent also proposed that yogurt be classified as Class I milk because: (1) It is similar in form and use to sour cream and buttermilk, (2) it is required to be labeled "Grade A", (3) handlers depend on the availability of locally inspected milk for its manufacture, and (4) all yogurt sold in the market is manufactured in the same plants that process and package fluid milk products.

Yogurt has been classified in the lowest price class since the inception of the order in 1955. The principal reason advanced by proponent for now classifying yogurt as Class I milk is that it is required to be labeled as Grade A milk by the local health authorities.

The decision in which yogurt was included in the lowest price class (20 F.R. 6344, official notice of which is hereby taken) indicated that the applicable health ordinances for the marketing area did not require yogurt to be made exclusively from milk approved by local health authorities.

The record fails to establish that marketing conditions indicated in 20 F.R. 6344 with respect to yogurt have changed since the matter was last reviewed. Hence, it is concluded that the classification of yogurt should not be changed at this time.

5. *Transfer provisions.* The provision requiring a "Grade C" label for cream transferred outside the market for manufacturing should be revised.

A witness for the cooperative association in the market testified that the present provision impedes the sale of cream from the pool plant operated by the association to ice cream manufacturers some distance from the market.

The quality implication of the present "Grade C" labeling provision is apparent, and should be changed. Yet, some provision is needed to prevent such cream from being used in fluid milk products. In this connection, it should be sufficient to provide that cream so transferred with certification designating "manufacturing use only" may be classified as Class III milk.

6. *Location differentials at Tucson.* The zone location differential at Tucson,

Ariz., should be lowered to 12 cents per hundredweight to reflect procurement changes in the area. The zone location differential of plus 30 cents per hundredweight now applicable at Tucson has not been changed since the order was promulgated in 1955.

Under the order, the Class I and uniform prices are increased 30 cents per hundredweight over the f.o.b. market price for milk received from producers at pool plants located at Tucson. Four pool plants are located at Tucson, and two of them purchase milk from producers. The purpose of the zone location differential is to encourage the movement of milk to the Tucson segment of the market from the major milk producing segment of the milkshed (Maricopa County). The changes herein provided are the same as those proposed by producers.

One of the handlers opposed the proposal to amend the provision. He criticized proponent's proposal because it did not give sufficient weight to production costs in the Tucson area. He contended that production costs are relatively high in the area and that this justifies a continuation of the plus 30-cent zone differential now provided.

In this connection, when the order was promulgated in 1955 the 30-cent higher price at Tucson was based primarily on the actual cost of hauling milk from the main segment of the Central Arizona milkshed. Official notice is hereby taken of the decision containing the applicable findings (20 F.R. 7695).

Since the promulgation of the order and the establishment of the 30-cent differential between Phoenix and Tucson, a marked change has occurred in the pattern of the milk supply for the market.

Average daily production per farm has increased from 1,807 pounds per day in 1956 to 6,652 pounds per day in 1966. Thus, increased production per farm and resultant fewer stops per truckload together with a vastly improved highway system have resulted in a lower per hundredweight cost for transporting milk.

The major consideration in reviewing the differential between Tucson and Phoenix is the substantial increase that has taken place in the production of milk in the area lying between Phoenix and Tucson. This is particularly true in the area of Casa Grande in the northern part of Pinal County. The increase in production in this locality is, of course, in part attributable to the very substantial increase in production per farm which has occurred throughout the whole milkshed. The major factor, however, has been the relocation of farms which has occurred. Some producers formerly located in the vicinity of Phoenix have moved their herds to new locations between the two cities as the expanding metropolitan area of Phoenix has encroached upon the farms formerly surrounding that city.

A substantial proportion of the milk of its member producers is hauled by the cooperative association in its own trucks. From the production area about Casa Grande, the hauling rate from the farm to plants in Tucson is 30 cents per hundredweight. From the farm to Phoenix the hauling rate 18 cents per hundredweight. Thus, a producer whose milk is delivered to Tucson has a net return at the farm 18 cents higher than his neighbor whose milk is delivered to a Phoenix plant.

Under today's conditions, the 30 cent higher price at Tucson, instead of equalizing prices between Phoenix and Tucson producers, creates a serious disparity in net farm prices in the production area developing between the two cities. As production shifts to this location a continuation of the present differential could result in a dislocation of supplies between the two major segments of the market.

It is concluded that the present zone location differential of plus 30 cents which is applicable at Tucson no longer reflects current marketing conditions for the area. A substantial proportion of the milk supply for the Tucson area is no longer identified with the main segment of the milkshed as previously. A differential which more reasonably reflects the prevailing cost of moving milk to Tucson should be provided. This can be done by providing a zone location differential of plus 12 cents over the f.o.b. Class I and uniform prices for producer milk delivered to a pool plant at Tucson.

As a corollary change, the Class I differential should be increased 2 cents. This will maintain in the pool approximately the same amount of money represented in lowering the zone location differential as proposed, and will help to assure the market of an adequate supply of milk for fluid use.

7. *Obligations of a handler operating a partially regulated distributing plant.* The findings and conclusions of the Memphis decision concerning the obligation of a partially regulated distributing plant that distributes filled milk in the marketing area are hereby adopted. If the filled milk is made from reconstituted nonfat dry milk, the obligation is at the rate of the difference between the Class I and Class III prices. If the filled milk is made from fresh skim milk, the handler has the option of making a payment into the producer-settlement fund on the quantity of such milk disposed of in the marketing area at a rate equal to the difference between the Class I and the uniform prices.

At the Phoenix hearing, the principal cooperative serving the market proposed that the rate charged a partially regulated distributing plant on sales of fluid milk products in the marketing area be changed from the difference between the Class I and uniform prices to the difference between the Class I and Class III prices.

The order now provides that an unregulated distributor who disposes of some fluid milk products on routes in the regulated marketing area shall be accorded four options as a means of integrating his plant operations into the market's regulatory scheme.

(a) He may show that payment for his total dairy farm supply has been at least as much as if his plant were fully regulated;

(b) He may show that he has purchased Class I milk priced under some Federal order in an amount at least equivalent to his total Class I sales within the regulated area;

(c) He may make a payment into the producer-settlement fund on the quantity of Class I sales made in the regulated market at a rate equal to the difference between the Class I price and the blend price for the regulated market; or

(d) Any combination of (b) and (c).

Proponent contends that the amendment is needed because substantially lower-priced milk from California is displacing fluid milk sales to military bases by Central Arizona handlers.

The marketing conditions involved in this issue are comparable to those described in the decision issued by the Department following the Lehigh Valley case. Consequently, official notice of that decision is hereby taken (29 F.R. 9218). The decision indicated that a rate of payment representing the difference between the Class I price and the surplus price might be justified if it were found that the unregulated milk sold in a Federal order marketing area carries only a surplus value.

We may not conclude from the record that such is the case in the proceeding. An exhibit was introduced by proponent indicating that the prices paid by one Los Angeles, Calif., handler for milk sold to military bases averaged $4.22 per hundredweight in 1966 for milk testing 3.5 percent butterfat content. This was 56 cents per hundredweight higher than the Central Arizona Class III price which averaged $3.66 for 1966. The prices paid by another Los Angeles handler for "military milk" averaged 69 cents per hundredweight higher than Central Arizona Class III prices, while those paid by a third Los Angeles handler averaged 72 cents higher.

However, none of these prices was said by proponent to represent prices paid by Los Angeles handlers for milk sold to military bases in Arizona. There is no indication where the milk was actually sold.

Another exhibit indicated the Central Arizona Class III and blend prices and similar prices paid to 40 producers shipping milk to the Los Angeles market. However, the "blend" price for the Los Angeles market represents a blend price of the handler receiving the milk and does not represent a "blend" price for the market.

For 1965, the Class III prices paid for milk delivered by the 40 Los Angeles producers averaged 59 cents per hundredweight higher than the average of the Central Arizona Class III prices for the same year (both for milk testing 3.5 percent butterfat). For 1966, the Class III prices for the Los Angeles area averaged 22 cents per hundredweight higher than the Central Arizona Class III price.

For 1965 and 1966 the blend prices of the Los Angeles producers averaged 3 cents and 26 cents per hundredweight

lower, respectively, than the Central Arizona blend prices for the corresponding years.

These were the only California price data entered in evidence, and they cannot be specifically identified with milk sold in Arizona. Moreover, California milk that is sold to military bases in the Central Arizona marketing area (principally at Yuma) comes from the San Diego market and no price data were introduced concerning that area.

The price differences between Central Arizona regulated handlers and California unregulated handlers, which is the basis of this issue is not centered, as proponent contends, on the removal of California milk price regulation from sales to military bases. As indicated, proponent's price data were for the Los Angeles market whereas the milk for the military base at issue (near Yuma) comes from San Diego. The prices quoted for military milk are substantially above the Class III prices established by the California regulation, and the California Class III prices are substantially higher than Central Arizona Class III prices.

There is a substantial difference developing between the Central Arizona Class I prices and the Class I prices established by the California Milk Stabilization Regulation for the Los Angeles market. For 1965, Central Arizona Class I prices averaged 27 cents per hundredweight higher than Los Angeles Class I prices. For 1966, Central Arizona Class I prices averaged 78 cents higher than the Class I prices for the Los Angeles market. Thus, Central Arizona handlers might expect to meet increased competition from partially regulated handlers on packaged milk from Los Angeles for outlets, not military in the marketing area.

It is concluded that milk for Class I use in the Central Arizona marketing area is not being purchased, as proponent contends, by unregulated California handlers for prices equal to or lower than Central Arizona Class III prices. The proposal, therefore, is denied.

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

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

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

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

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

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

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

1. In § 1131.7, the introductory text immediately preceding paragraph (a) is revised as follows:

§ 1131.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk pursuant to the requirements specified in paragraph (a) or (b) of this section, and whose milk is received directly from the farm at a pool plant, or is diverted as producer milk pursuant to § 1131.13. The term "producer" shall not include a person with respect to milk diverted to a pool plant from an other order plant if such person retained producer status under the other order and if the operators of both the diverting plant and the plant to which diverted have requested Class III classification in their reports of receipts and utilization filed with the market administrators of the respective orders.

* * * * *

2. In § 1131.8, pargarphs (a) and (b) are revised to read as follows:

§ 1131.8 Pool plant.

"Pool plant" means any milk plant, except the plant of a producer-handler or a plant exempt pursuant to § 1131.61:

(a) Approved by a duly constituted state or municipal health authority for the receipt or processing of Grade A milk or which supplies processed milk to an agency of the United States Government located within the marketing area, from which during the month:

(1) There are disposed of on routes fluid milk products, except filled milk, equal to at least 50 percent of the total receipts at the plant (i) of milk qualified by inspection to become producer milk pursuant to § 1131.13(a), and (ii) from other milk plants and a cooperative association acting in the capacity of a handler pursuant to § 1131.10(c) in the form of fluid milk products, except filled milk, qualified for fluid consumption; and

(2) There are disposed of on routes in the marketing area fluid milk products, except filled milk, in a volume not less than 25 percent of such receipts and also greater than an average of 600 pounds per day.

(b) Any plant which ships fluid milk products, except filled milk, approved by any health authority having jurisdiction in the marketing areas as eligible for distribution under a Grade A label in a volume not less than 50 percent of its receipts of milk (from dairy farmers who would be producers if this plant qualifies as a pool plant) in the current month during the period of July through October or 20 percent in the current month during the period of November through June to a plant specified in paragraph (a) of this section: *Provided,* That if a plant qualifies in each of the months of July through October in the manner prescribed in this section such plant shall upon written application to the market administrator on or before October 31 following such compliance be designated as a pool plant until the end of the following June.

* * * * *

3. In § 1131.9, the introductory text preceding paragraph (a), and paragraph (d) are revised to read as follows:

§ 1131.9 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved during the month to a pool plant and which is not an other order plant nor a producer-handler plant.

4. Section 1131.11 is revised to read as follows:

§ 1131.11 Producer-handler.

"Producer-handler" means:

(a) Any person who is both a dairy farmer and the operator of a plant from which fluid milk products are disposed of in the marketing area on routes and who:

(1) Receives at his plant, or acquires for disposition on routes, fluid milk products only from:

(i) His own farm production, and

(ii) Fluid milk products obtained by transfer from pool plants or other order plants in an amount not to exceed 5 percent of his total fluid milk product disposition for the month or 5,000 pounds, whichever is less;

(2) Does not reprocess or convert nonfluid milk products into a fluid milk product except to increase the nonfat milk solids content above that of the fluid milk product received;

(3) Furnishes proof satisfactory to the market administrator that:

(i) The maintenance, care, and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled (other than that received from regulated plants) is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and

(ii) The operation of such plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(b) A governmental agency that operates a milk plant, except that a plant operated by such agency shall be a pool plant if bulk milk is delivered during the month by such governmental agency to another plant that is a pool plant and a written request is filed by the agency with the market administrator asking that its plant be considered a pool plant. If such a plant is made a pool plant at the request of the governmental agency for 1 month and thereafter resumes the status of a nonpool plant, it shall not be eligible for pool plant status again until it has been a nonpool plant for 12 consecutive months.

5. Section 1131.15 is revised to read as follows:

§ 1131.15 Fluid milk product.

"Fluid milk product" means milk (including frozen or concentrated milk), cream (sweet or sour), skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, or any mixture in fluid form of milk, skim milk or cream (including such products made by reconstituting or recombining concentrated or dehydrated milk constituents with water), with or without other ingredients. This definition shall not include sterilized products packaged in hermetically sealed containers, a product which contains 6 percent or more nonmilk fat (or oil), eggnog, yogurt, ice cream mix or aerated plastic or frozen cream.

6. Section 1131.16 is revised to read as follows:

§ 1131.16 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or a plant store) of a fluid milk product classified as Class I milk pursuant to § 1131.41(a), other than a delivery to a plant described in § 1131.8(a).

7. A new § 1131.18 is added to read as follows:

§ 1131.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1131.22, paragraph (i) is revised to read as follows:

§ 1131.22 Duties.

* * * * *

(i) Verify all reports and payments of each handler by audit, as necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

* * * * *

9. In § 1131.30, paragraphs (b) and (c) are revised to read as follows:

§ 1131.30 Reports of receipts and utilization.

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including a separate statement of the route disposition of Class I milk outside the marketing area, and a statement showing separately in-area and outside area route disposition of filled milk.

(c) Each handler specified in § 1131.10 (d) who operates a partially regulated distributing plant shall report as required in this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement as to the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

10. In § 1131.44, paragraph (d), and subparagraph (5) of paragraph (g) are revised to read as follows:

§ 1131.44 Transfers.

* * * * *

(d) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located outside the marketing area and outside Imperial County, Calif., except that cream may be classified as Class III if prior notice is given to the market administrator, each container is labeled by the transferor as "cream for manufacturing use only" and such shipment is so invoiced.

* * * * *

(g) * * *

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to another class shall be classified as Class III; and

* * * * *

11. In § 1131.46, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised to read as follows:

§ 1131.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1131.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1131.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, in sequence beginning with Class III from the pounds of skim milk remaining in Class II and III but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class III utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, from cooperative handlers pursuant to § 1131.10(c), and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in

excess of similar transfers to such plant, if Class III utilization is requested by the handler and the operator of the transferor plant requests the lowest class utilization under the other order;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1131.22(1) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

* * * * *

§ 1131.51 [Amended].

12. In § 1131.51(a), the figure "$2.30" is revised to "$2.32".

13. In § 1131.53, paragraph (c) is revised to read as follows:

§ 1131.53 Location adjustments to handlers.

* * * * *

(c) For other source milk to which a location adjustment is applicable and for milk received from producers at a plant located in Pima County, Ariz., and which is classified as Class I milk, the price computed under § 1131.51(a) shall be increased 12 cents.

14. Section 1131.61 is revised to read as follows:

§ 1131.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all the provisions of this part, except as specified in paragraphs (c) and (d):

(a) Any plant qualified pursuant to § 1131.8(a) which disposes of a lesser volume of Class I milk, except filled milk, in the Central Arizona marketing area than in a marketing area where the handling of milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order is exempted;

(b) Any plant qualified pursuant to § 1131.8(b) for any portion of the period November through June, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

(c) Each handler operating a plant described in paragraph (a) or (b) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1131.30 and 1131.31) and allow verification of such reports by the market administrator; and

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph, to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

15: Section 1131.62 is revised to read as follows:

§ 1131.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant except one from which less than an average of 600 pounds per day of Class I milk is disposed of on a route(s) in the marketing area shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1131.30(c) and 1131.31(c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1131.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1131.70(f) and a credit in the amount specified in § 1131.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph a value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

16. Section 1131.81 is revised to read as follows:

§ 1131.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1131.82, 1131.61, and 1131.62 and out of which he shall make all payments pursuant to § 1131.83: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

17. In § 1131.87, paragraphs (a) and (d) are revised to read as follows:

§ 1131.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat, involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

Signed at Washington, D.C., on June 17, 1969.

JOHN C. BLUM,
Deputy Administrator
Regulatory Programs.

[F.R. Doc. 69-7282; Filed, July 14, 1969; 8:45 a.m.]

[7 CFR Parts 1001–1006, 1011–1013, 1015, 1016, 1030, 1032–1036, 1040, 1041, 1043, 1044, 1046, 1049, 1050, 1060, 1062–1065, 1068–1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096–1099, 1101–1104, 1106, 1108, 1120, 1121, 1125–1130, 1132–1134, 1136–1138]

MILK IN MEMPHIS, TENNESSEE, AND CERTAIN OTHER MARKETING AREAS

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

7 CFR Part	Marketing areas	Docket No.
1007	Memphis	AO-219-A21.
1001	Massachusetts-Rhode Island-New Hampshire.	AO-14-A43.
1002	New York-New Jersey	AO-71-A55.
1003	Washington, D.C.	AO-293-A18.
1004	Delaware Valley	AO-160-A36.
1005	Tri-State	AO-177-A32.
1006	Upper Florida	AO-356-A3.
1011	Appalachian	AO-251-A10.
1012	Tampa Bay	AO-347-A7.
1013	Southeastern Florida	AO-286-A15.
1015	Connecticut	AO-305-A20.
1016	Upper Chesapeake Bay	AO-312-A15.
1030	Chicago Regional	AO-361-R01.
1032	Southern Illinois	AO-313-A15.
1033	Cincinnati	AO-166-A37.
1034	Miami Valley	AO-175-A27.
1035	Columbus	AO-176-A24.
1036	Eastern Ohio-Western Pennsylvania.	AO-179-A28-R01.
1040	Southern Michigan	AO-225-A19-R01.
1041	Northwestern Ohio	AO-72-A33.
1043	Upstate Michigan	AO-247-A13.
1044	Michigan Upper Peninsula.	AO-299-A14.
1046	Louisville-Lexington-Evansville.	AO-123-A34.
1049	Indiana	AO-319-A12.
1050	Central Illinois	AO-355-A4.
1060	Minnesota-North Dakota	AO-360-A1.
1062	St. Louis-Ozarks	AO-10-A39-R01.
1063	Quad Cities-Dubuque	AO-105-A27-R01.
1064	Kansas City	AO-23-A33.
1065	Nebraska-Western Iowa	AO-86-A21-R01.
1068	Minneapolis-St. Paul	AO-178-A21.
1069	Duluth-Superior	AO-153-A15.
1070	Cedar Rapids-Iowa City	AO-229-A18.
1071	Neosho Valley	AO-227-A21.
1073	Wichita	AO-173-A22.
1075	Black Hills	AO-248-A9.
1076	Eastern South Dakota	AO-260-A12.
1078	North Central Iowa	AO-272-A13.
1079	Des Moines	AO-295-A15.
1090	Chattanooga	AO-266-A10-R01.
1094	New Orleans	AO-103-A26.
1096	Northern Louisiana	AO-257-A16
1098	Nashville	AO-184-A26.
1099	Paducah	AO-183-A20.
1101	Knoxville	AO-195-A17.
1102	Fort Smith	AO-237-A16.
1103	Mississippi	AO-346-A6.
1104	Red River Valley	AO-298-A12.
1106	Oklahoma Metropolitan	AO-210-A25.
1108	Central Arkansas	AO-243-A18.
1120	Lubbock-Plainview	AO-328-A8.
1121	South Texas	AO-364-R01.
1125	Puget Sound	AO-226-A18-R01.
1126	North Texas	AO-231-A32-R01.
1127	San Antonio	AO-232-A18.
1128	Central West Texas	AO-238-A21.
1129	Austin-Waco	AO-256-A14.
1130	Corpus Christi	AO-259-A17.
1132	Texas Panhandle	AO-262-A17.
1133	Inland Empire	AO-275-A18-R01.
1134	Western Colorado	AO-301-A8-R01.
1136	Great Basin	AO-309-A12.
1137	Eastern Colorado	AO-326-A13.
1138	Rio Grande Valley	AO-335-A11.

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

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, as amended, were formulated, was conducted at Memphis, Tenn., on February 19–22, April 23–24, and May 21–24, 1968, pursuant to notice thereof which was issued February 6, 1968 (33 F.R. 2785).

Seventy-six milk orders were listed in the notice of hearing. Eleven of these orders have since been merged with another order(s). Greater Wheeling (Part 1008), Clarksburg (Part 1009) and Youngstown-Warren (Part 1048) were merged into the Eastern Ohio-Western Pennsylvania order. Northwestern Indiana (Part 1031), Rock River Valley (Part 1038), Milwaukee (Part 1039), Northeastern Wisconsin (Part 1045), and Madison (Part 1051) were merged into the Chicago Regional order. Fort Wayne (Part 1047) was merged into the Indiana order (formerly Indianapolis, Indiana). Sioux City (Part 1066) was merged into the Nebraska-Western Iowa order. Ozarks (Part 1067) was merged into the St. Louis-Ozarks order (formerly St. Louis).

As a result, the proposed amendments relate only to the existing 65 orders as merged. Such mergers have had no effect on the basic issue involved in this proceeding. This is because the decision herein deals with the matter of how filled milk should be classified and priced under Federal milk orders. The treatment would have been appropriate under each of the orders prior to merger and it is equally appropriate under the orders as merged. Therefore, the findings and conclusions of this decision are equally applicable to the orders as merged.

Certain changes are being made in the Central Arizona order in its application to filled milk and producer-handlers. These matters were considered at a hearing held in Phoenix, Ariz., February 7–10, 1967, on proposals to amend the Central Arizona order pursuant to notice issued December 14, 1966 (31 F.R. 16277) and January 12, 1967 (32 F.R. 415). The record of that hearing was reopened in connection with the national hearing on which record this decision is based. Comparable changes in the Central Arizona provisions relating to filled milk and producer-handlers are contained in a separate revised decision on that order issued concurrently with this decision.

For the Chicago Regional, Southern Michigan, Eastern Ohio-Western Pennsylvania, St. Louis-Ozarks, Quad Cities-Dubuque, Nebraska-Western Iowa, Chattanooga, Puget Sound, North Texas, Central Arizona, Inland Empire, South Texas and Western Colorado markets the hearing constituted a reopening of prior hearings on matters relating to the particular markets, including issues other than the issues herein discussed.

Prior to scheduling the hearing, the Department had received numerous expressions of concern from producer and handler groups about the possible competitive impact of filled milk and imitation milk on the existing structures of markets under Federal order regulation. In view of the widespread concern, the Department invited industry representatives to a series of public meetings. This was done to achieve the widest possible understanding of the problems before going to a hearing.

The hearing notice opened for discussion all problems which the various parties had indicated in their proposals or in the public meetings to be related to filled or imitation milk under order regulation.

The material issues on the record of the hearing were:

1. Interstate commerce.
2. Classification of filled milk.
3. Treatment of reconstituted skim milk in filled milk disposed of by regulated handlers, partially regulated handlers or producer-handlers.
4. Definition of filled milk for order purposes.
5. Reclassification of fluid products of milk not now in Class I.
6. Conforming changes in order provisions.

FINDINGS AND CONCLUSIONS

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

1. *Interstate commerce.* Filled milk disposed of in any of the marketing areas of these orders directly burdens, obstructs or affects interstate commerce in milk and milk products. It has been previously determined (at the time of promulgation of the particular order) that all milk marketed in each of these marketing areas is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk and milk products. Filled milk disposed of in these markets is, in content, substantially a product of milk and competes for the same sales outlets as milk. It follows that the marketing of the milk ingredients contained in filled milk in a Federal order market burdens, obstructs or affects interstate commerce in milk and milk products. This conclusion applies whether the marketing of filled milk is by a regulated plant or by a plant not fully regulated under an order, since both compete for simliar outlets in the market.

Manufactured milk products may be used in the production of filled milk. Manufactured milk products move in interstate commerce and compete in the national market irrespective of where the milk is produced. Therefore, manufactured milk products when used in the production of filled milk for disposition in these markets likewise burden, obstruct or affect interstate commerce in milk and milk products.

The shipment of filled milk across State lines is prohibited by the Filled Milk Act. Nevertheless, intrastate commerce in filled milk burdens, obstructs, and affects interstate commerce in milk and milk products regulated under Federal milk orders. This decision relates to the appropriate classification and pricing of milk and milk products under the Agricultural Marketing Agreement Act of 1937, as amended, when such milk or milk products are used in filled milk.

2. *Classification of filled milk.* Skim milk disposed of for fluid consumption in "filled milk" should be Class I milk under each of the respective orders.

The product marketed as "filled milk" in Federal order markets is a combination of skim milk and vegetable fat or oil in about the same proportions as the skim milk and milkfat in whole milk. Accordingly, well over 90 percent of the product is skim milk. In most filled milk the skim milk portion is fresh fluid skim milk as separated from whole milk. Some filled milk contains reconstituted fluid skim milk prepared from a concentrated product such as nonfat dry milk. Whether made from vegetable fat and fresh or reconstituted skim milk, or any combination thereof, the resulting product resembles whole milk in appearance.

Filled milk is distributed in regulated markets by milk handlers in the course of their regular business through the same outlets and in the same types of containers as whole milk.

At the time of the hearing filled milk products simulating whole fluid milk were being marketed by handlers under 24 of the 76 Federal orders then in force. The combined volume of filled milk sales in these markets was about 4.6 million pounds in February 1968. For all Federal order markets this was about 0.15 percent of total Class I sales.

About half of the 4.6 million pounds of filled milk was sold in the Central Arizona market. There it represented about 6.8 percent of the Class I disposition of local handlers in February 1968. In February 1969, the sales of filled milk by Central Arizona handlers amounted to about 3.5 million pounds, or 10.3 percent of total Class I disposition of handlers. (Official notice is taken herein of the March 1969 issue of "Market Information Bulletin" prepared and distributed by the Central Arizona market administrator.)

In all but two markets where filled milk is sold, the milk product content therein has been subject to the same regulatory treatment as the general category of fluid milk products. That is, it is treated as a Class I disposition. Skim milk is the principal milk product involved in the classification since any residual butterfat would be minimal.

Even with Class I classification, regulated handlers disposing of filled milk make a savings in cost by substituting vegetable fat for butterfat. This then is the main incentive for the marketing of filled milk under the present application of the orders. Such cost difference of vegetable fat versus butterfat is not an issue in this hearing, however, and is relevant only to the extent that it explains a profit motivation for marketing the product under order regulation even though the skim milk content has been priced as Class I milk.

The net cost saving due to substitution of fat and allowing for the cost of added emulsifiers and stabilizers is about 2.9 cents per quart. This is based on costs of coconut oil, emulsifiers and stabilizers as shown in Exhibit No. 22, and on average Class I prices and butterfat differentials for February 1968.

The evidence in the hearing record supports the conclusion that classification of the skim milk and butterfat in filled milk as Class I disposition is appropriate. Filled milk marketed in simulation of milk is already, under most orders, properly treated as a Class I fluid milk product disposition.

The specific language of the Act with respect to classification is that each order shall contain terms "* * * classifying milk in accordance with the form in which or the purpose for which it is used * * *". In applying the language of the Act we here consider the form and purpose of use for both filled milk and the milk ingredient content of the filled milk.

The form of filled milk and the purpose for which it is used are the same as the form and purpose of use of whole milk. Filled milk, just as whole milk, is disposed of in fluid form. It is marketed by handlers in the same types of packages and in the same trade channels as the whole milk they market, and is mainly intended as a beverage substitute for milk.

Similarly, the fluid skim milk content of the filled milk is in the same form as skim milk in whole milk and serves the same purpose, providing in each case the main body of the product thereby making it a milk beverage. The addition of the nonmilk ingredients, principally vegetable fat or oil and stabilizers, does not alter the basis for Class I classification. The addition of nonmilk ingredients in fluid milk products is not a new development. The addition of vegetable fat does not involve an essentially different consideration from that for other

Class I fluid milk products to which a flavoring ingredient, such as chocolate (which also contains nonmilk fat) has been added.

For purpose of illustration, a product within the "fluid milk product" category containing a nonmilk additive is chocolate milk. The additive is not considered as changing the form of this product so that it is no longer a fluid milk product. For the purposes of classification, the flavoring material has never been regarded as significant in determining the form of the product or as a basis for altering its classification.

The same reasoning applies in the case of filled milk—that the additives do not change significantly the form or the purpose of use and therefore do not constitute a basis for classification other than in Class I.

The product "filled milk" therefore should be classified, for the purpose of pricing under the orders, in the same manner as whole milk. As in the case of other fluid milk products containing some nonmilk ingredients, the classification would apply only to the milk ingredients in the product.

Handlers generally opposed Class I classification although they acknowledged filled milk to be a substitute for fluid milk and intended for similar purposes. In view of the preceding findings and conclusions it is necessary to reject handlers' testimony that the skim milk portion of filled milk should be priced lower than Class I. Further, handlers' testimony on the possible competition of synthetic products has no particular application to filled milk. Such competition relates to the entire category of fluid milk products.

Since we are dealing with a product, filled milk, which is clearly marketed for the same use as whole milk, is composed principally of milk products, is made in the semblance of whole milk, and is, in fact, designed as a substitute for whole milk, returns to dairy farmers should be the same for the corresponding milk components of the two products. This recognizes that the appropriate Class I price level serves to assure an adequate but not excessive milk supply. Therefore, the skim milk (or butterfat) in both products, and in other fluid milk products, should make proportionate contributions to this objective. This is accomplished by the classification of all such products as Class I milk.

3. *Treatment of reconstituted skim milk in filled milk.* As previously stated, some of the filled milk sold in regulated markets is made by combining "reconstituted skim milk" with vegetable fat and other minor ingredients. "Reconstituted skim milk" commonly is made from nonfat dry milk to which water is added to return it essentially to a form and consistency similar to fresh skim milk.

Prior findings and conclusions (under issue No. 2) dealt with filled milk as a product made with fresh skim milk. But when filled milk is made with reconstituted skim milk a somewhat different regulatory problem is involved. Primarily the problem relates to the conversion by a handler of a product, such as nonfat dry milk, normally priced as a surplus use into another product for Class I use. In addition, the possible entrance into the market of reconstituted products from unregulated sources enlarges the problem.

The potential of these conditions for disruptive influence on the market for producer milk is extremely serious because disposition of a product for a Class I use but pricing it in a surplus price class undermines the classified pricing system.

A determination consequently must be made of the proper classification of the resultant reconstituted skim milk and its regulatory treatment whether received as such by the handler from an unregulated source or reconstituted in his own plant.

Reconstituted skim milk in filled milk disposed of for fluid consumption should be treated as Class I milk.

Filled milk made with reconstituted skim milk is from a marketing standpoint essentially similar to filled milk made with fresh skim milk. It has the same material composition, is in the same form, and is intended for the same primary purpose—to be used as a beverage in substitution for milk. The reconstituted product competes in the same market channels and for the same wholesale and retail market outlets as filled milk made from fresh skim milk. It is a competitor of whole milk at the consumer level.

Reconstituted skim milk in filled milk should be classified and priced on the same basis as reconstituted milk in other fluid milk products to achieve uniformity of pricing for milk in similar uses. Uniformity of pricing could not be achieved if some handlers have a lower cost by substituting a surplus class product (in this case usually nonfat dry milk) for a Class I use.

Nonfat dry milk is an important product outlet for the daily and seasonal surpluses in many of the regulated fluid milk markets. Consequently, it not only may be derived from milk of manufacturing quality but often will be readily available from graded milk which is surplus to the local fluid market. Whichever the source, it is priced at the manufacturing milk price level—the lowest price for any use of milk.

The objectives of classified pricing are uniformity of pricing according to form or use and providing an adequate return to producers for the fluid market. Therefore, the widespread disposition of filled milk made from reconstituted skim milk, if the skim milk were not subject to some "equalizing" payment, could lead to total defeat of such objectives. Certainly, the classification and pricing plan should protect the Class I market from the potential effects of competition with products produced from the market's own surplus or similar products produced elsewhere at a manufacturing price when used in filled milk.

It should be noted that the orders already contain specific provisions dealing with disposition by a regulated handler of other fluid milk products which have been reconstituted from nonfluid milk products. The problem of proper classification and charge for such use of nonfluid milk products to produce products for Class I disposition was dealt with in the decision issued June 19, 1964 (29 F.R. 9002), official notice of which is taken. The decision applied to orders in 76 marketing areas.

The findings and conclusions which relate to this subject appearing at 29 F.R. 9010 were as follows: "Certain milk by its very nature must be treated as surplus when received at market pool plants regulated by a Federal order and, therefore, it must be assigned a surplus value. One such source is milk received at a regulated plant, in either bulk or packaged form, from a producer-handler (under any Federal order). Another source is milk produced by the reconstitution to fluid form of manufactured dairy products, such as fluid skim milk made by the addition of water to nonfat dry milk. Still another source is milk of manufacturing grade (non-Grade A milk) which is not eligible for disposition for fluid consumption in the market. As to milk from these sources, a payment into the producer-settlement fund at the difference between the Class I and surplus prices must be required of the receiving handler when such milk is allocated to Class I, following 'down-allocation' to the extent it can be absorbed in lower priced uses.

"A surplus value likewise is properly assigned to reconstituted milk (for instance, the result of combining nonfat dry milk or condensed milk with water). The products used in such reconstitution process are made from milk which always carries a manufacturing, or surplus, value. Producer milk used to produce such products is priced as surplus under each of these Federal orders. Since the milk used to produce these products is originally priced as surplus milk, payment into the producer-settlement fund at the difference between the Class I and surplus price is necessary to insure competitive equity with producer milk when reconstituted milk is used in Class I. No recognition should be given to processing costs involved in the manufacture of the products derived from unregulated milk and used in reconstitution since similar costs are incurred in processing producer milk into such products."

The method of treating reconstituted products described in the 1964 decision is appropriately applicable to reconstituted skim milk used in filled mlk. The nonfluid milk products in such use are derived from milk having a surplus value and should be assigned to surplus uses of the handler to the extent possible. To the extent that such reconstituted product cannot be assigned to a surplus use class it must be considered as used in Class I. In this case payment to the producer-settlement fund at the difference between the Class I price and surplus price is necessary not only to assure competitive equity among handlers but also to insure the integrity of the

classified pricing system as a means of assuring reasonable prices to producers.

Uniform treatment of reconstituted skim milk in filled milk should apply to the several types of handling operations. While one handler may reconstitute skim milk from nonfluid milk products in his own regulated plant, another may purchase filled milk containing reconstituted skim milk from other handlers. A third type of operation is distribution of reconstituted product in the marketing area from a plant which is not fully regulated.

For skim milk reconstituted in a fully regulated plant, the allocation provisions of each order already assign "other source milk in a form other than a fluid milk product" first to surplus use, and then any remainder to Class I. For the quantity assigned to Class I disposition, a charge at the Class I price less the surplus price applies. This charge applies whether the reconstituted product is disposed of on routes, or to another plant. In the case of interplant transfers (including transfers between order markets), the orders already provide for the classification of the fluid milk product transferred. The quantity so classified as Class I would be subject to the charge at the transferor plant, except in some cases in a handler pool market.

New provisions would be needed to treat receipts of filled milk at a regulated plant if the receipt is from an unregulated source and contains reconstituted skim milk. The receipt should be assigned in series first to the surplus class and then successively to the next higher price classes. The receiving handler should be charged the Class I price less the surplus price for any quantity of skim milk or butterfat so assigned to Class I utilization. This method would extend the uniform application of the same rate of charge as applies in the case of a handler making reconstituted product in his own plant.

A situation similar to receipt from an unregulated source may arise if filled milk containing reconstituted skim milk is received from a plant regulated under an individual handler pool order. This could happen because the individual handler pool orders price only the Class I usage assignable to receipts of producer milk at the handler pool plant. If the Class I disposition of the plant exceeds producer milk received there, which is possible if reconstituted product is used for filled milk, then this Class I usage is not priced.

In this case the receipt at a market order pool plant from a handler pool plant should be treated the same as a receipt from an unregulated plant. The receipt of reconstituted filled milk would be allocated first to surplus class and any remainder to higher classes. The receiving handler would be obligated for any of such receipt assigned to Class I at the Class I price less surplus class price, adjusted to the location of the plant from which received.

Another aspect of disposition of reconstituted filled milk by a pool plant under an individual handler pool order is the possibility that such plant could dispose of the product on routes in another marketing area where market pooling applies. In such a case the operator of the handler pool plant should be obligated to pay the difference between the Class I and surplus prices on such disposition in the marketing area to the extent that such disposition is not assigned to producer milk at his pool plant. The payment should be made into the producer-settlement fund of the market where sold. The Class I price used for this purpose would be the order price of the market where the disposition is made, adjusted for location of the plant. Such payment is necessary to apply the same treatment to reconstituted filled milk sales by the pool plant under the individual-handler pool order as would apply to a plant regulated by the order applicable to the area in which the route sales are made.

Partially regulated distributing plants likewise may dispose of reconstituted filled milk in the marketing area. The term "partially regulated distributing plant" applies to a plant which has route disposition of fluid milk products in the marketing area too small to qualify it as a pool plant, or which otherwise does not meet the pooling requirements of the particular order. Each of the orders contains specific provisions which apply to such plants for the purpose of achieving a reasonable competitive parity between these plants and fully regulated handlers. These provisions should be modified with respect to Class I products containing reconstituted skim milk disposed of in the marketing area.

The provisions allow certain options to the operators of partially regulated distributing plants, except in the case of the Massachusetts-Rhode Island-New Hampshire, New York-New Jersey, and Connecticut orders. In each of these orders, fluid milk products disposed of by nonpool plants on routes in the marketing area or received from such plants at regulated plants for Class I use are pooled. In effect, the operator of the plant disposing of such fluid milk products that are classified in Class I is charged the difference between the Class I price and the blended price on any of such quantities in excess of receipts of pool milk classified as Class I.

Under all other orders, three additional options are allowed. Two are very similar to the treatment under the northeastern orders.

One would allow such a handler to offset his disposition in the marketing area by purchases of Class I milk from fully regulated plants.

The second alternative would allow such handler to make payment into the producer-settlement fund with respect to his Class I disposition in the marketing area at a rate per hundredweight equal to the Class I price less the uniform price. The partially regulated handler is given credit for any quantity of Class I milk purchased from fully regulated plants.

Under a third option not allowed under the northeastern orders the value of such handler's milk utilization is computed in the same manner as for a pool plant. The handler then has the choice of paying this sum to the Grade A dairy farmers supplying his plant or dividing the sum between payments to such farmers and payments to the producer-settlement fund.

The options now provided in the orders are designed to apply to a partially regulated handler whose disposition in the marketing area is primarily milk received from dairy farmers. But if such disposition is wholly or largely filled milk made with reconstituted skim milk, the payment now required (Class I price less uniform price) would not be equitable in relation to the requirement upon pool handlers that they pay the Class I less surplus price for such Class I disposition. Also, fully regulated plants are subject to Class I price less surplus price obligation on all Class I disposition of reconstituted skim milk, whether in filled milk or in other Class I disposition. This same charge should apply to partially regulated plants with respect to disposition in the marketing area of any fluid milk product containing reconstituted skim milk. Such treatment is necessary to make the obligation for disposition of reconstituted product comparable to the obligation upon a pool handler for the same kind of utilization.

Provision accordingly should be made for a handler operating a partially regulated distributing plant to pay into the producer-settlement fund at the Class I price less surplus price with respect to the quantity of reconstituted skim milk in Class I products disposed of on routes in the marketing area. This would be similar to the provision which requires payment only on disposition in the marketing area.

Each partially regulated handler disposing of filled milk in a regulated marketing area must maintain adequate records of his receipts and utilization which will permit verification by the market administrator of his sources and disposition with respect to filled milk. Also, unless such a handler furnishes proof to the contrary, his disposition of filled milk in the markting area should be treated as a reconstituted product. Unless a partially regulated handler were required to prove that this disposition in the marketing area is not reconstituted product, he could gain substantial advantage because he could avoid the higher rate of payment needed on conversion of a surplus product to Class I use. For this reason the burden of proof that the filled milk was not made from reconstituted skim milk should be on the handler.

On disposition made in a market pool market the payment should be made into the producer-settlement fund of such market. This is the only practical disposition of the funds so collected. The distribution of such money among producers, as a part of the uniform price, results in an equitable disposition of the proceeds without advantage to any particular group. The money would assist in maintaining an adequate supply of high quality milk for the market. It is an administratively feasible plan which contributes to orderly marketing.

Handlers in supporting a special class for filled milk pointed out that the cost of nonfat dry milk purchased from wholesale distributors would exceed the surplus milk price for the equivalent quantities of raw fluid skim milk purchased from producers. Processing and handling costs in producing and marketing the dry product result in a higher cost for nonfat dry milk purchased as compared to fresh raw skim milk at the surplus or manufacturing milk price.

The reprocessing or reconstitution of fluid products from manufactured products involves handling and processing not characteristically part of supplying raw milk to a fluid market. To credit the handler with processing costs (even if they could be determined accurately in each instance) incurred in converting milk into its dry form would simply divert money to defray a portion of the handler's expense rather than using it to encourage the production of a sufficient supply of milk qualified for the fluid market. Certainly handlers would not at their own expense process the skim milk from producer milk into nonfat dry milk simply with the intention of reconstituting it to fluid form. This would be an uneconomical method of handling milk involving unnecessary expense and would serve no useful marketing purpose. Consequently, there is no justification for making an allowance for processing costs in computing a handler's obligation in the case of nonfat dry milk obtained from unregulated sources.

Some producer groups suggested that such equalization payments should be returned to the dairy farmers who produced the milk which was the source of the reconstituted products no matter how far away the nonfat dry milk was produced. This proposal was not complete since no specific plan was presented for accomplishing such payment to the dairy farmers whose milk was used. The practical difficulties involved preclude payment to such farmers.

In individual-handler pool markets the present practice that reconstituted skim milk shall be allocated to the handler's lowest class use should be continued.

In determining the obligation of pool handlers for use of reconstituted skim milk in filled milk, no allowance should be made for the processing cost of the nonfat dry milk irrespective of source.

Producer-handler disposition. Although producer-handler definitions vary among the several orders, the main intent in all markets is that the definitions shall apply only to a fluid milk processor who depends primarily on his own production for his milk supply. Some orders make provision for a producer-handler to supplement own production by purchases of milk from regulated sources, but safeguard the integrity of the pricing scheme by requiring that such transfers be priced as Class I milk to the seller.

The producer-handler definition of each order should be amended to preclude use of any reconstituted skim milk or unregulated milk in either filled milk or other fluid milk products.

The producer-handler is not subject to the pricing and pooling provisions of the applicable order. It should be made clear in each order, therefore, that a producer-handler using reconstituted skim milk or unregulated milk in filled milk or other fluid milk product disposition by so doing will disqualify himself from his exempt status as a producer-handler.

Reconstituted skim milk in filled milk has been marketed by at least one producer-handler in the Central Arizona market. This disposition represents a substantial part of his sales. This market was the first Federal order market to experience competition of filled milk sales by a producer-handler. It is also the market where greatest penetration of filled milk has taken place. The filled milk operation has had a significant disruptive influence on the stable and orderly marketing of milk in this market, the problems of which are dealt with in more detail in the concurrent decision for such market.

Similarly, a threat to uniformity of pricing could result in any market if producer-handlers were permitted to use reconstituted skim milk or unregulated milk in either filled milk or other fluid milk product disposition without restriction. It is not practical for this purpose to distinguish between receipts of concentrated milk products for reconstitution and fluid milk from an unregulated source. Either type of receipt could result in the same kind of advantage to a producer-handler, compared to a regulated handler.

Only seven orders currently contain no limit on such receipts but no present use of such receipts by producer-handlers in these markets is known. These orders are those regulating the Black Hills, Cedar Rapids, Cincinnati, Des Moines, Neosho Valley, Oklahoma Metropolitan, and Texas Panhandle marketing areas. These orders should be made similar to others to require that a producer-handler may not dispose of fluid milk products in excess of his own milk production and fluid milk products received from regulated plants as the individual orders provide. With such provision in the seven orders, all orders covered herein will preclude pool exemption of the producer-handler if he uses unregulated milk or milk products as Class I milk.

This kind of restriction on use of unregulated receipts does not interfere with the essential operation of a producer-handler in marketing his own milk production and in buying needed supplemental supplies, but is necessary to insure uniform pricing under the classified pricing plan.

4. *Definition of filled milk for order purposes.* A definition of filled milk should be constructed which meets the specific needs of order regulation and for such purpose only.

Most filled milk is made to simulate whole milk. There are however, many possible variations in the content of filled milk. Filled milk products within the beverage category may contain more or less vegetable fat than the normal fat content of whole milk. In order to cover all products which might be in this category, the order term "filled milk" should apply to products containing less than six percent of nonmilk fat.

Filled milk therefore should be defined as:

"Any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product; and contains less than six percent nonmilk fat (or oil)."

Fluid products of the type described by the definition possibly could contain some milkfat as well as nonmilk fat. Such products also would be "filled milk" under this definition in order to assure the effectiveness of the proposed order provisions on filled milk. Filled milk, as so defined, should be included in the term "fluid milk product" as defined in each order.

Proposals submitted for the hearing would have defined filled milk in some markets to include higher fat products. There is insufficient information, however, on which to establish a Class I classification for filled milk products containing 6 percent or more nonmilk fat. While nonmilk fat products substituting for cream products are sold extensively, testimony did not develop the basis for defining such products as fluid milk products. Hence, on the basis of this record, skim milk and butterfat in filled milk containing 6 percent or more nonmilk fat should be classified in the surplus class in each order.

Sodium caseinate in any product regulated under these orders should be treated as a nonmilk ingredient at this time.

Some handlers requested that sodium caseinate, although derived in part from milk, not be regarded as a milk product if used as an ingredient in any kind of milk imitation or substitute. Sodium caseinate has been used as an ingredient in imitation milk made to resemble fluid milk. No proposal was made on the record for regulation of sodium caseinate as a milk product under the Federal milk orders.

5. *Change in classification of certain milk products.* No change should be made in the classification of milk products other than filled milk.

Notice was given to consider changing the classification of certain milk products. Handler testimony opposed such changes except on the basis of their consideration in further hearings dealing with particular situations in individual markets. The evidence adduced in this hearing is sufficient only with respect to the manner in which each order should classify the components of milk used in filled milk.

6. *Conforming changes in order provisions.* Order definitions serve, inter alia, to identify dairy farmers who are producers for the market and to identify plants to be regulated. The amendments with respect to filled milk require several changes in definitions.

Presently, the provisions defining pool plants and producers serve to qualify for pooling the milk approved for fluid use and regularly supplied to the fluid market. Except in a few instances, similar standards have not been established for sources of milk for filled milk. The order provisions should not result in pooling milk from unapproved and intermittent sources with milk of farmers regularly supplying and approved for the fluid market. Therefore, the determination of whether a distributing plant is qualified for pooling should not be affected by its disposition of filled milk in the marketing area. Similarly, inclusion of shipments of filled milk would not be a proper basis for qualifying a plant as a pool supply plant. Appropriate changes to accomplish these objectives are made as corollary amendments.

The definition of "partially regulated distributing plant" also should be modified to include any plant making disposition of filled milk on routes in the marketing area. This is done by deleting the specification that fluid milk products disposed of on routes in the marketing area be Grade A.

Throughout this decision reference is made to the term "distributing plant" and to the term "partially regulated distributing plant." These terms have been used to describe plants from which filled milk is, or may be, distributed. Under the present orders, a distributing plant is a plant that by meeting certain performance standards may obtain pool plant status. A partially regulated distributing plant is defined under a "nonpool plant" provision and in no event could become pooled without meeting the terms provided for distributing plants and pool plants. Where used in this decision, the two definitions "partially regulated distributing plant" and "distributing plant," are treated as separate and independent definitions.

The definition of "unregulated supply plant" should be modified to cover possible shipments of filled milk. While no monetary obligation is imposed on an unregulated supply plant, the term is used in the order to identify sources of receipts of unregulated milk. The location of the unregulated supply plant is considered in establishing the obligation of the receiving plant.

Order provisions with respect to reports, records and facilities, and market administrators' functions are modified to insert the term "filled milk" wherever needed to clarify the intention that the product is covered by the applicable order provision. Additional reports are needed with respect to quantities of disposition in the marketing area by pool plants and partially regulated distributing plants. These reports should show quantities of Class I disposition separately for filled milk and other fluid milk products. In the case of the partially regulated plant, the report should show also the quantity of reconstituted skim milk in fluid milk products disposed of in the marketing area.

Throughout the classification and allocation provisions, filled milk would be treated generally in the same manner as other fluid milk products. Inventories of filled milk would be treated the same as inventories of whole milk. In those orders in which all inventories of fluid milk products are in the surplus class, the same basis of classification would apply to filled milk. If the order provides that packaged fluid milk products in inventory are in Class I, the same would apply to packaged inventory of filled milk. With respect to filled milk modified by the addition of nonfat milk solids, the same type of accounting would apply as now applies under each order to modified whole milk.

Receipts of filled milk containing reconstituted skim milk from a handler pool plant or an unregulated supply plant would be allocated so as to properly apply the charges which prior findings and conclusions state should apply to transfers from such plants. These receipts would be allocated first to the surplus class and then in series to the higher priced classification. Receipts of packaged filled milk from another order plant would be allocated in the same manner as other packaged fluid milk products from other order plants, except filled milk containing reconstituted skim milk.

The provisions with respect to any plant which qualifies as a pool plant under more than one order should be modified in order that the determination of which order applies will be based on disposition of fluid milk products other than filled milk. These changes will coordinate these provisions with the modifications of pool plant provisions previously described.

In most orders, the present administrative expense provision does not require amendment to include filled milk disposition. However, the administrative expense provision of the orders located in the Northeast require amendment to conform with all others. In certain orders, the present exemption from regulation (including administrative expense) on limited quantities of such Class I route disposition is continued.

In some provisions the words "skim milk and butterfat" are substituted for the word "milk" where this provides a more specific meaning. One instance is the provision (used in all orders) referring to termination of obligations.

Rulings on Proposed Findings and Conclusions

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

Proposed findings and conclusions with respect to the conduct of the hearing are denied. Each of the rulings of the hearing examiner with respect to the conduct of the hearing is approved.

General Findings

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

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

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

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

Recommended Marketing Agreement and Order Amending the Orders

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

PART 1001—MILK IN THE MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE MARKETING AREA

1. Section 1001.17 is revised to read as follows:

§ 1001.17 Exempt distributing plant.

"Exempt distributing plant" means a plant, other than a pool supply plant or a regulated plant under another Federal order, which meets all the requirements for status as a pool distributing plant except that its route disposition exclusive of filled milk in the marketing area in the month does not exceed 700 quarts on any day or a daily average of 300 quarts.

2. Section 1001.22 is revised to read as follows:

§ 1001.22 Fluid milk products.

"Fluid milk products" means milk, skimmed milk, flavored milk or skimmed milk, cultured skimmed milk, buttermilk, filled milk, concentrated milk, any mixture of milk or skimmed milk and cream containing less than 10 percent butterfat, and 50 percent of the quantity by weight of any mixture of milk or skimmed milk and cream containing at least 10 percent but less than 16 percent butterfat. The term includes these products in fluid, frozen, fortified, or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as eggnog, yogurt, whey, ice cream mix, ice milk mix, milk shake base mix, evaporated or condensed milk or skimmed milk, in either plain or sweetened form, and any product which contains 6 percent or more nonmilk fat (or oil). Fluid milk products which have been placed in containers for disposition to retail or wholesale outlets are referred to in this part as packaged fluid milk products.

3. In § 1001.25 the introductory text preceding paragraph (a) of the section is revised to read as follows:

§ 1001.25 Pool milk.

"Pool milk" means fluid milk products (other than exempt milk) received or disposed of as specified in this section, except that with respect to filled milk the term shall include only the quantity proved to have been made from other fresh fluid milk products.

* * * * *

4. A new § 1001.28 is added to read as follows:

§ 1001.28 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skimmed milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1001.35 the introductory text preceding paragraph (a) is revised to read as follows:

§ 1001.35 Distributing plants.

Each processing and packaging plant (other than a producer-handler's plant under any Federal order or a regulated plant under another Federal order) shall be a pool distributing plant in any month in which it meets the conditions specified in this section. Receipts and disposition of filled milk shall be excluded in determining whether a plant has met these conditions.

* * * * *

6. Section 1001.36 is revised to read as follows:

§ 1001.36 Cooperative association plants located in the marketing area.

Each plant which is located in the marketing area and which is operated by a cooperative association shall be a pool plant in any month in which its route disposition does not exceed 2 percent of its total receipts of fluid milk products. Receipts and disposition of filled milk shall be excluded in determining whether a plant has met these conditions.

7. In § 1001.37 the introductory text preceding paragraph (a) is revised to read as follows:

§ 1001.37 Supply plants.

Each plant (other than a plant described in paragraph (e) of this section) shall be a pool supply plant in any month in which it meets the conditions specified in paragraph (a), and in paragraph (b), (c), or (d), of this section. Receipts and disposition of filled milk shall be excluded in determining whether a plant has met these conditions. For the purposes of this section, milk received at a plant from a cooperative association in its capacity as a handler under § 1001.9(d) shall be considered as received at that plant from dairy farmers' farms.

* * * * *

8. Section 1001:58 is revised to read as follows:

§ 1001.58 Additional assignment to Class II milk.

Assign to Class II milk the quantities received in fluid milk products not previously assigned to classes under §§ 1001.54 through 1001.57.

9. In § 1001.64 subparagraphs (2) and (3) are revised and a new subparagraph (4) is added to paragraph (b), paragraph (d) is revised, and subparagraphs (1) and (2) are revised and a new subparagraph (3) is added to paragraph (e), to read as follows:

§ 1001.64 Computation of value of fluid milk products at class prices.

* * * * *

(b) * * *

(2) Product assigned to Class I milk under § 1001.55(d), except that for any cooperative association in its capacity as a handler under § 1001.9(d), the quantity shall be reduced by the quantity of any excess of milk moved to pool plants during the month over the quantity of producer milk, to the limit of the quantity assigned to Class I milk under § 1001.55(d);

(3) Product assigned to Class I milk under §§ 1001.55 (e) and (f), and 1001.58; and

(4) Filled milk, not proved to have been made from other fresh fluid milk products assigned to Class I milk under § 1001.55 (g) and (h).

* * * * *

(d) Multiply by the applicable Class I price the quantities of:

(1) Pool milk distributed as route disposition in the marketing area from the handler's nonpool plant; and

(2) Filled milk distributed as route disposition in the marketing area from the handler's nonpool plant which is excluded from pool milk only because it is not proved to have been made from other fresh fluid milk products.

(e) * * *

(1) Product assigned to Class I milk under § 1001.55 (a) through (c);

(2) Product assigned to Class I milk under §§ 1001.55 (e) and (f), and 1001.58; and

(3) Product for which a value is determined under subparagraphs (b)(4) and (d)(2) of this section.

* * * * *

10. In § 1001.87 paragraph (c) is revised to read as follows:

§ 1001.87 Payment of administration expense.

* * * * *

(c) The quantity distributed as route disposition in the marketing area from a handler's nonpool plant for which a value is determined under § 1001.64(d).

11. In § 1001.94 paragraphs (a) and (d) are revised to read as follows:

§ 1001.94 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in the obligation, unless within the 2-year period the market administrator notifies the handler in writing that the money is due and payable. Service of the notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of the producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which the handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on the payment is claimed, unless the handler, within the applicable

period of time, files a petition under section 8c(15)(A) of the Act, claiming the money.

PART 1002—MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

1. Section 1002.15 is revised to read as follows:

§ 1002.15 Fluid milk product.

"Fluid milk product" means all skim milk and butterfat in the form of milk, fluid skim milk, filled milk, cultured or flavored milk drinks (except eggnog, and yogurt), concentrated fluid milk disposed of in consumer packages, cream (except storage, plastic or sour), half and half (except sour) and any other mixture of cream, milk or skim milk containing less than 18 percent butterfat (other than frozen desserts, frozen dessert mixes, whipped topping mixtures, evaporated milk, plain or sweetened condensed milk or skim milk, sterilized milk or milk products in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil)): *Provided,* That when any fluid milk product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

2. A new § 1002.17 is added to read as follows:

§ 1002.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

3. In § 1002.28 the introductory text preceding paragraph (a) is revised to read as follows:

§ 1002.28 Temporary pool plants.

Except for plants which, pursuant to paragraph (f) of this section, are not eligible for designation, any plant not designated pursuant to § 1002.24 shall automatically be designated a pool plant in accordance with provisions of paragraphs (a) through (e) of this section: *Provided,* That no plant shall be a pool plant pursuant to this section if, in the absence of this provision, milk received from dairy farmers and units at the plant would be classified and priced under an other order with a provision for marketwide equalization, and if the percentage of the milk received from dairy farmers and units at the plant which is classified in Class I–A and disposed of in the marketing area defined in such other order is greater than the percentage of such milk so classified and disposed of in this marketing area: *Provided further,* That for purposes of the computations of percentages set forth in this section, skim milk and butterfat in filled milk shall be excluded from skim milk and butterfat classified in Class I–A and Class I–B.

* * * * *

4. In § 1002.44(e)(3) a new subdivision (vi) is added to read as follows:

§ 1002.44 Transfers.

* * * * *

(e) * * *

(3) * * *

(vi) Any remaining Class I–A route disposition in the marketing area shall be subject to the pricing specified in § 1002.70(d)(2).

5. Section 1002.70(d)(2) is revised to read as follows:

§ 1002.70 Net pool obligation of handlers.

* * * * *

(d) * * *

(2) Multiply the difference between the applicable Class I–A and Class II prices, both adjusted by the applicable differential pursuant to § 1002.51, by the pounds of skim milk and butterfat in other source milk subtracted from Class I–A pursuant to § 1002.45(a)(4) and the corresponding step of § 1002.45(b) and by the pounds of skim milk and butterfat specified in § 1002.44(e)(3)(vi).

6. Section 1002.90 is revised to read as follows:

§ 1002.90 Payment by handlers.

As his pro rata share of the expense of administration of this part, each handler shall, on or before the 18th day of each month, pay to the market administrator a sum not exceeding 2 cents per hundredweight on the total quantity of pool milk received from dairy farmers at plants or from farms in a unit operated by such handler, directly or at the instance of a cooperative association of producers and on the quantity for which payment is made pursuant to § 1002.70(d)(2), the exact amount to be determined by the market administrator subject to review by the Secretary. This section shall not be deemed to duplicate any similar payment by any handler under an order issued by the Commissioner of Agriculture and Markets of the State of New York, or the Director of the New Jersey Office of Milk Industry, with respect to the marketing area. Whenever verification by the market administrator discloses an error in the payment made by any handler, such error shall be adjusted not later than the date next following such disclosure on which payments are due pursuant to this section.

7. In § 1002.91 paragraph (a) and (d) are revised to read as follows:

§ 1002.91 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable periods of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1003—MILK IN THE WASHINGTON, D.C., MARKETING AREA

1. Section 1003.7 is revised to read as follows:

§ 1003.7 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment whether owned and operated by one or more persons constituting a single operating unit or establishment for the receiving and processing, or packaging of milk or milk products (including filled milk).

1a. In § 1003.8, paragraph (b) is revised to read as follows:

§ 1003.8 Approved plant.

* * * * *

(b) Any plant from which milk or filled milk is moved during the month to a plant specified in paragraph (a) of this section.

2. Section 1003.9 is revised to read as follows:

§ 1003.9 Pool plants and nonpool plants.

A "pool plant" means any plant described in this section pursuant to paragraph (a) or (b) of this section; a "nonpool plant" means any plant described pursuant to paragraph (c) of this section;

(a) An approved plant that is neither a producer-handler plant nor a plant of a handler pursuant to § 1003.10(e):

(1) During any month within which a volume of milk not less than 10 percent of its receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1003.10(c)) approved by a duly constituted health authority for fluid disposition, is disposed of on routes as Class I milk, except filled milk, in the marketing area: *Provided,* That the total quantity of Class I milk, except filled milk, disposed of from such plant (inside and outside the marketing area) is equal to not less than 50 percent of such plant's total receipts from such dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1003.10(c)); or

(2) During any month of October through February in which at least 50 percent, and during any month of March through September in which at least 40 percent of its receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1003.10(c)) approved by a duly constituted health authority for fluid disposition is shipped in the form of milk, skim milk, or cream to a plant which disposes of not less than 10 percent of its approved milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1003.10(c)), and from other approved plants, on routes as Class I milk, except filled milk, in the marketing area and not less than 50 percent of such receipts are disposed of as Class I milk, except filled milk, inside and outside the marketing area: *Provided,* That any such plant which was a pool plant in each of the preceding months of October through February shall be a pool plant for the months of March through September, unless the handler gives written notice to the market administrator on or before the first day of such month that the plant is a nonpool plant: *And provided further,* That any such plant which was a nonpool plant during any of the months of October through February shall not be a pool plant in any of the immediately following months of March through September in which it was owned by the same handler or affiliate of the handler or by any person who controls, or is controlled by, the handler.

(b) Any manufacturing plant which is operated by a cooperative association 70 percent or more of whose members are qualified producers whose milk is regularly received during the month at other plants which are pool plants pursuant to paragraph (a) of this section (including the milk of such producers which is delivered to such other plants by a cooperative association in its capacity as a handler pursuant to § 1003.10(c)).

(c) Any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(1) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(2) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(3) "Partially regulated distributing plant" means a nonpool plant that is neither a producer-handler plant, an other order plant nor a plant of a handler pursuant to § 1003.10(e) and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(4) "Unregulated supply plant" means a nonpool plant that is neither a producer-handler plant, an other order plant nor a plant of a handler pursuant to § 1003.10(e) and from which fluid milk products are shipped to a pool plant.

3. Section 1003.12 is revised to read as follows:

§ 1003.12 Producer-handler.

"Producer-handler" means any person who, during the month:

(a) Operates a dairy farm and an approved plant from which Class I milk is disposed of on routes in the marketing area; and

(b) Whose sole source of supply for Class I milk is his own farm production and transfers of fluid milk products from pool plants.

4. In § 1003.16, paragraph (a) is revised and a new paragraph (f) is added to read as follows:

§ 1003.16 Definitions of milk and milk products.

(a) "Fluid milk product" means milk and skim milk, concentrated milk (including frozen concentrated milk), reconstituted or fortified milk and skim milk, flavored milk and skim milk, cultured skim milk, buttermilk, filled milk, cream and any mixture of cream and milk or skim milk. "Fluid milk product" shall not include aerated cream, sour cream, yogurt, eggnog, products which are packaged in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil).

* * * * *

(f) "Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1003.30, subparagraph (3) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1003.30 Reports of receipts and utilization.

(a) * * *

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph showing separately in-area route disposition, except filled milk, and filled milk route disposition in the area;

(b) Each handler specified in § 1003.10(a) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

* * * * *

6. In § 1003.31(a), subparagraph (2) is revised to read as follows:

§ 1003.31 Other reports.

(a) * * *

(2) On or before the first day other source milk is received in the form of milk, filled milk, fluid skim milk or cream at his pool plant(s) his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

* * * * *

6a. In § 1003.32, paragraph (b) is revised to read as follows:

§ 1003.32 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

* * * * *

7. In § 1003.44, the introductory text of paragraph (e) is revised and paragraphs (d) and (f)(5) are revised to read as follows:

§ 1003.44 Transfers.

* * * * *

(d) As Class I milk, if transferred in bulk in the form of milk, filled milk, skim milk or cream, or diverted to a nonpool plant that is neither an approved plant, an other order plant, a producer-handler plant nor a plant of a handler pursuant to § 1003.10(e), located 300 miles or more by the shortest hard-surfaced highway distance as determined by the market administrator, from the zero milestone in Washington, D.C., except that cream so transferred may be classified as Class II if the transferor claims such classification, gives sufficient notice so that the market administrator may verify conditions of shipment, establishes such cream was transferred without approval of a duly constituted health authority for fluid disposition, labels each container to show that the contents are for manufacturing only, and such shipment is so invoiced;

(e) As Class I milk, if transferred in bulk in the form of milk, filled milk, skim milk, or cream, or diverted in bulk to a nonpool plant that is neither an approved plant, an other order plant, a producer-handler plant nor a plant of a handler pursuant to § 1003.10(e), located less than 300 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the zero milestone in Washington, D.C., unless the requirements of subparagraphs

(1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

8. In § 1003.46, subparagraphs (2), (3), (4), (7) and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1003.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (vi) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which approval by a duly constituted health authority for fluid disposition is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of fluid milk products from a handler pursuant to § 1003.10(e);

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products for which the handler requests Class II utilization which were received from unregulated supply plants, from other order plant(s) if not classified and priced pursuant to the order regulating the plant, and from dairy farmers who are not producers, that were not subtracted pursuant to subparagraph (3) of this paragraph, but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of other source milk in the form of fluid milk products from unregulated supply plants, from other order plant(s) if not classified and priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, that were not subtracted pursuant to subparagraphs (3) and (4)(i) of this paragraph, to the extent that the total of such receipts are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1003.10(c) and in receipts in bulk from other order plants classified and priced pursuant to the applicable order that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph; and

(*c*)(*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in other source milk in the form of fluid milk products from unregulated supply plants, from other order plant(s) if not classified and priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph; and

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made; and

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph, in excess of similar transfers to such plant if classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

* * * * *

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, from other order plant(s) if not classified or priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, that were not subtracted pursuant to subparagraphs (3)(v), (3)(vi), (4)(i) or (4)(ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from other order plants (except receipts from other order plant(s) not classified and priced pursuant to the order regulating such plant), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(vi) and (4)(iii) of this paragraph, pursuant to the following procedure:

* * * * *

9. Section 1003.61 is revised to read as follows:

§ 1003.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all provisions of this part except as specified in paragraphs (c) and (d) of this section:

(a) Any plant qualified pursuant to § 1003.9(a)(1) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk, except filled milk, is disposed of from such plant on routes in the Washington marketing area than in a marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 1003.9(a)(2) or (b) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant has qualified as a pool plant pursuant to the first proviso of § 1003.9(a)(2) for each month during the preceding October through February.

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such a manner as the market administrator may require (in lieu of reports pursuant to §§ 1003.30 and

1003.31) and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

10. Section 1003.62 is revised to read as follows:

§ 1003.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1003.30(b) and 1003.31(e) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1003.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1003.70(e) and a credit in the amount specified in § 1003.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1003.30(b) and 1003.31(c) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1003.9, with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for milk (approved by a duly constituted health authority for fluid disposition) received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11. Section 1003.83 is revised to read as follows:

§ 1003.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1003.61, 1003.62, 1003.84, and 1003.86 and out of which he shall make all payments pursuant to §§ 1003.85 and 1003.86: *Provided*, That the market administrator shall offset any such payment due to any handler against payment due from such handler.

12. In § 1003.89 paragraphs (a) and (d) are revised to read as follows:

§ 1003.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such two-year period the market administrator notifies the handler that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

PART 1004—MILK IN THE DELAWARE VALLEY MARKETING AREA

1. In § 1004.7, paragraph (a) is revised to read as follows:

§ 1004.7 Plants.

(a) "Plant" means the land and buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received from dairy farmers or processed or packaged. However, a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distribution depot for fluid milk

products in transit for route disposition shall not be a plant under this definition.

* * * * *

1a. In § 1004.8, paragraphs (a) and (b) are revised to read as follows:

§ 1004.8 Pool plant.

* * * * *

(a) A distributing plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 45 percent, of the milk received at such plant directly from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association, but excluding the milk of dairy farmers for other markets) or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c), is disposed of as route disposition, except filled milk, and the volume disposed of as route disposition, except filled milk, in the marketing area during the month is not less than 10 percent of such receipts.

(b) Subject to the provisions of paragraphs (c) and (d) of this section, a supply plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 40 percent, of the milk received from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association), or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c) is moved during the month to a distributing plant from which a volume of fluid milk products, except filled milk, which is not less than 50 percent during any month of September through February, or 45 percent during any month of March through August, of its receipts of milk from dairy farmers, cooperative associations, and from other plants is disposed of as route disposition during the month, and the volume disposed of as route disposition in the marketing area during the month is not less than 10 percent of such receipts. However, a supply plant shall not be qualified pursuant to this paragraph in any mouth in which a greater proportion of its qualifying shipments are made to a plant(s) regulated under another Federal order than to plants regulated under this order.

* * * * *

2. In § 1004.16, paragraph (a) is revised and a new paragraph (f) is added to read as follows:

§ 1004.16 Milk and milk products.

(a) "Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, cultured buttermilk, flavored milk, milk drinks (plain or flavored), filled milk, concentrated milk, and any other mixture of cream and milk or skim milk containing less than 18 percent butterfat (other than ice cream, ice cream mixes, ice milk mixes, eggnog, yogurt, sour half and half, sterilized products in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil): *Provided*, That when the product is modified by the addition of nonfat milk solids, the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content;

* * * * *

(f) "Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

3. In § 1004.30, subparagraph (3) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1004.30 Reports of receipts and utilization.

(a) * * *

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, showing separately in-area route disposition, except filled milk, and filled milk route disposition in the area;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of milk from dairy farmers shall be reported in lieu of producer milk, such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

* * * * *

3a. In § 1004.32, paragraph (b) is revised to read as follows:

§ 1004.32 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

* * * * *

3b. In § 1004.41, subparagraph (8) of paragraph (b) is revised to read as follows:

§ 1004.41 Classes of utilization.

* * * * *

(b) * * *

(8) In the skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition.

4. In § 1004.44 subparagraph (5) of paragraph (d) is revised to read as follows:

§ 1004.44 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

5. In § 1004.46 subparagraphs (3) through (9) and the introductory text of subparagraph (10) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1004.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (5) (v) of this paragraph as follows, if the fluid products so received are classified and priced as Class I milk under such order or the equivalent thereof if assigned to Class I milk under this order:

(i) From Class II milk, the lesser of the pounds remaining, or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products from dairy farmers for other markets pursuant to § 1004.14(a) and from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II;

(i) The pounds of skim milk in receipts of fluid milk products, for which the handler requests Class II utilization, which were received from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating the plant and from dairy farmers for other markets pursuant to § 1004.14(b), that were not subtracted pursuant to subparagraph (5) of this paragraph, but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to § 1004.14(b), if not assigned pursuant to subparagraphs (3), (5), and (6)(i) of this paragraph, to the extent that the total of such receipts is in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1004.10(c), in receipts from Order 2 pool bulk tank units and in receipts in bulk from other order plants which are classified and priced pursuant to the applicable order, that were not subtracted pursuant to subparagraph (5)(v); and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to § 1004.14(b), remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II, shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (5)(v) of this paragraph in excess of similar transfers to such plant if classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products in bulk on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class II milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(9) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, from other order plants if not classified or priced pursuant to the order regulating such plant and from dairy farmers for other markets pursuant to § 1004.14(b), that were not subtracted pursuant to subparagraphs (5)(iv), (5)(v), (6)(i), or (6)(ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(10) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk in receipts of fluid milk products from Order 2 pool bulk tank units and in bulk from other order plants (except receipts from other order plants not classified and priced pursuant to the order regulating such plant), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (5)(v) or (6)(iii) of this paragraph, pursuant to the following procedure:

* * * * *

6. Section 1004.61 is revised to read as follows:

§ 1004.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all provisions of this part except as specified in this section:

(a) Any plant qualified pursuant to § 1004.8(a) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk, except filled milk, is disposed of from such plant on routes in the Delaware Valley marketing area than in a marketing area regulated pursuant to such other order;

(b) Any plant subject to the classification and pricing provisions of another order issued pursuant to the Act, notwithstanding its status under this order pursuant to § 1004.8 (a) or (b).

(c) Each handler operating a plant described in paragraph (a) or (b) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1004.30 and 1004.31) and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in the marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

7. In § 1004.62 paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1004.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1004.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1004.70(e) and a credit in the amount specified in § 1004.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and

other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

8. In § 1004.88 paragraphs (a) and (d) are revised to read as follows:

§ 1004.88 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid:

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1005—MILK IN THE TRI-STATE MARKETING AREA

1. Sections 1005.7, 1005.10, 1005.11, 1005.12 and 1005.14 are revised to read as follows:

§ 1005.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, flavored milk, milk drinks (plain or flavored), reconstituted or fortified milk or skim milk (including "dietary" products), concentrated milk, eggnog, cream (not frozen), cultured sour cream, or any mixture in fluid form of milk or skim milk and cream: *Provided,* That such fluid milk products shall not include ice cream mix, frozen dessert mix, evaporated and condensed milk or skim milk, aerated cream products, dips (mixtures with sour cream or cheese base containing nondairy ingredients) not labeled Grade A, a product which contains 6 percent or more nonmilk fat (or oil), nor products which are sterilized or packaged in hermetically sealed containers.

§ 1005.10 Supply plant.

"Supply plant" means a plant from which a Grade A fluid milk product or filled milk is shipped during the month to a pool plant.

§ 1005.11 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) specified in paragraph (a) or (b) of this section.

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products, except filled milk, physically received at such plant or diverted as producer milk from such plant pursuant to § 1005.16 is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which during the months of September, October, and November not less than 50 percent, and during all other months not less than 40 percent, of the Grade A milk physically received at such plant from dairy farmers, reload points and handlers pursuant to § 1005.13(d) or diverted as producer milk from such plant pursuant to § 1005.16 is shipped to and physically received in the form of fluid milk products, except filled milk, at pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of September through March shall be a pool plant for the months of April through August, unless the milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant.

§ 1005.12 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1005.11 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1005.14 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant;

(b) Receives no fluid milk products from sources other than his own farm production and pool plants;

(c) Uses no nonfluid milk products for reconstitution into fluid milk products; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing and packaging business are the personal enterprise and risk of such person.

2. A new § 1005.20 is added and reads as follows:

§ 1005.20 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

3. In § 1005.30, paragraph (b) is revised to read as follows:

§ 1005.30 Reports of receipts and utilization.

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing:

(1) The respective amounts of skim milk and butterfat in route disposition in the marketing area, showing separately the in-area disposition of filled milk; and

(2) For a handler pursuant to § 1005.13(b), the amount of reconstituted skim milk in fluid milk products disposed of in the marketing area on routes; and

* * * * *

4. In § 1005.33, paragraphs (b) and (c) are revised to read as follows:

§ 1005.33 Records and facilities.

* * * * *

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

* * * * * *

5. In § 1005.43(d), subparagraph (5) is revised to read as follows:

§ 1005.43 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified in a comparable classification as Class II or Class III; and

* * * * *

6. In § 1005.45(a), subparagraphs (2), (3), (4), and (7) and the introductory text of subparagraph (8) are revised to read as follows:

§ 1005.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1005.41(c)(2) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III and/or Class II (beginning with Class III) but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class III utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class III utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) and (4)(ii) of this paragraph:

* * * * *

7. In § 1005.62, paragraphs (a)(1) and (b) are revised to read as follows:

§ 1005.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) The obligation that would have been computed pursuant to § 1005.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be be valued at the Class II or Class III price if allocated to such class at the pool plant or other order plant and be valued at the weighted average price (or, in its absence, the uniform price) of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1005.60(e) and a credit in the amount specified in § 1005.74(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1005.30 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1005.11(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price pursuant to § 1005.61 at the same location or at the Class III price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool

plant less the value of such skim milk at the Class III price.

8. A new § 1005.63 is added and reads as follows:

§ 1005.63 Obligation of handler operating an other order plant.

Each handler who operate an other order plant that is regulated under an order providing for individual-handler pooling shall pay to the market administrator for the producer-settlement fund, on or before the 25th day after the end of the month, an amount computed as follows:

(a) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each marketing area; and

(b) Compute the value of the quantity of reconstituted skim milk assigned in paragraph (a) of this section to Class I disposition in this marketing area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

9. Section 1005.73 is revised to read as follows:

§ 1005.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1005.62, 1005.63, and 1005.74 and out of which he shall make all payments from such fund pursuant to § 1005.75: *Provided,* That the market administrator shall offset the payment due to a handler against payments due from such handler.

10. In § 1005.80, paragraph (a) is revised to read as follows:

§ 1005.80 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligations, unless within such two-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

1. Sections 1006.7, 1006.8, 1006.9, and 1006.10 are revised to read as follows:

§ 1006.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk, filled milk, flavored milk or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers.

§ 1006.8 Distributing plant.

"Distributing plant" means a plant:

(a) That is approved by a duly constituted health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month in the marketing area on routes; or

(b) That processes or packages filled milk and from which filled milk is disposed of during the month in the marketing area on routes.

§ 1006.9 Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted health authority or filled milk is shipped during the month to a pool plant.

§ 1006.10 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section that is not an other order plant, a producer-handler plant, or an exempt distributing plant.

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products, except filled milk, received at the plant during the month is disposed of on routes except as filled milk and not less than 10 percent of such receipts is disposed of in the marketing area on routes except as filled milk.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section.

2. In § 1006.11, the introductory text and paragraph (a) are revised to read as follows:

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1006.10 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order.

* * * * *

3. A new § 1006.19a is added and reads as follows:

§ 1006.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

4. In § 1006.30, the introductory text and paragraph (b) are revised to read as follows:

§ 1006.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler (except a handler pursuant to § 1006.13 (e) or (f)) shall report to the market administrator for such month with respect to each plant at which milk is received or at which filled milk is processed or packaged, reporting in detail and on forms prescribed by the market administrator;

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing:

(1) The respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes, showing separately the in-area disposition of filled milk; and

(2) For a handler pursuant to § 1006.13(b), the amount of reconstituted skim milk in fluid milk products disposed of in the marketing area on routes; and

* * * * *

5. In §1006.33, paragraphs (b) and (c) are revised to read as follows:

§ 1006.33 Records and facilities.

* * * * *

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

* * * * *

5a. In § 1006.41, paragraph (c)(1) is revised to read as follows:

§ 1006.41 Classes of utilization.

* * * * *

(c) * * *

(1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), eggnog, yogurt, aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat

dry milk, dry whole milk, dry whey, condensed or dry buttermilk, a product which contains 6 percent or more nonmilk fat (or oil), and sterilized products in hermetically sealed containers:

* * * * *

6. In § 1006.45(a), subparagraphs (2), (3), (6), and (9) and the introductory text of subparagraph (10) are revised to read as follows:

§ 1006.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(vi) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1006.41(c)(4) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product or a Class II product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of fluid milk products from an exempt distributing plant;

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

* * * * *

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III and/or Class II (beginning with Class III unless otherwise specified below) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph:

(*a*) For which the handler requests such utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph, in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(v) and (6)(i) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(vi) and (6)(ii) of this paragraph:

* * * * *

7. In § 1006.62, paragraphs (a)(1) and (b) are revised to read as follows:

§ 1006.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) The obligation that would have been computed pursuant to § 1006.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1006.60(e) and a credit in the amount specified in § 1006.74(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1006.30 a similar report for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1006.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location or at the Class III price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

8. A new § 1006.63 is added and reads as follows:

§ 1006.63 Obligation of handler operating an other order plant.

Each handler who operates an other order plant that is regulated under an order providing for individual-handler pooling shall pay to the market administrator for the producer-settlement fund, on or before the 25th day after the end of the month, an amount computed as follows:

(a) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each marketing area; and

(b) Compute the value of the quantity of reconstituted skim milk assigned in paragraph (a) of this section to Class I disposition in this marketing area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

9. Section 1006.73 is revised to read as follows:

§ 1006.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1006.62, 1006.63, and 1006.74 and out of which he shall make all payments from such fund pursuant to § 1006.75: Provided, That the market administrator shall offset the payment due to a handler against payments due from such handler.

10. In § 1006.80, paragraphs (a) and (d) are revised to read as follows:

§ 1006.80 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claims were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1011—MILK IN THE APPALACHIAN MARKETING AREA

1. Sections 1011.7, 1011.8, 1011.9, 1011.18, and 1011.19 are revised to read as follows:

§ 1011.7 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or sale from a plant or plant store) of any milk or milk products (including filled milk) classified as Class I milk pursuant to § 1011.41(a) other than a delivery to a plant.

§ 1011.8 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment whether owned and operated by one or more persons constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received and processed or packaged: *Provided,* That this definition shall not be deemed to include any separate building, premises or facilities the primary function of which is to hold or store packaged milk or milk products (including filled milk) in finished form in transit on routes.

§ 1011.9 Pool plant.

"Pool plant" means any plant except the plant of a producer-handler or a plant described in § 1011.61:

(a) From which during the month:

(1) Total disposition of Class I milk, except filled milk, is equal to not less than 50 percent of the milk approved or recognized by a duly constituted health authority for distribution within the marketing area which is received from dairy farmers and from cooperative associations who deliver such milk to such plant in the manner described in § 1011.10(d); and

(2) Disposition of Class I milk, except filled milk, on routes in the marketing area is equal to not less than 10 percent of its total Class I milk disposition, except filled milk, on routes both inside and outside the marketing area;

(b) From which milk or milk products, except filled milk, approved or recognized by a duly constituted health authority for distribution within the marketing area in an amount equal to not less than 50 percent of its receipts of such milk or milk products from dairy farmers and from cooperative associations who deliver such milk to such plant in the manner described in § 1011.10(d) are shipped as milk, skim milk or cream in fluid form to plants specified in paragraph (a) of this section: *Provided,* That any plant which qualifies as a pool plant pursuant to this paragraph in each of the months of August through March shall be a pool plant for the following months of April through July unless the operator of such plant files with the market administrator prior to the first day of any month of April through July a written request for nonpool status for such month; or

(c) Which is operated by a cooperative association, if the total pounds of milk, skim milk or cream approved or recognized by a duly constituted health authority for distribution within the marketing area which are transferred from such plant to pool plants qualified pursuant to paragraph (a) or (b) of this section and which are received at similarly qualified pool plants from producers who are members of the association are equal to not less than 70 percent of the pounds of Class I utilization, except filled milk, at such other pool plants.

§ 1011.18 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant, form an other order plant that were not shipped to a pool plant.

§ 1011.19 Fluid milk product.

"Fluid milk product" means all milk, skim milk (including concentrated and reconstituted skim milk), filled milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except sterilized products in hermetically sealed containers, ice cream mix, a product which contains 6 percent or more nonmilk fat (or oil), and eggnog).

2. A new § 1011.19a is added and reads as follows:

§ 1011.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

3. In § 1011.30, paragraphs (a)(5) and (b) are revised to read as follows:

§ 1011.30 Reports of receipts and utilization.

(a) * * *

(5) The utilization of all skim milk and butterfat required to be reported by this part, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

(b) Each handler specified in § 1011.10(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes

in the marketing area as Class I milk and the quantity of reconstituted skim milk in such disposition.

* * * * *

4. In § 1011.31, paragraph (b) is revised to read as follows:

§ 1011.31 Other reports.

* * * * *

(b) Each handler operating a pool plant shall report to the market administrator on or before the first day other source milk is received in the form of milk, filled milk, fluid skim milk or cream at his pool plant, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product.

5. In § 1011.33, paragraphs (b) and (c) are revised to read as follows:

§ 1011.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products (including filled milk) handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * *

6. Section 1011.35 is revised to read as follows:

§ 1011.35 Accounting periods.

A handler may account for the receipts, utilization and classification of milk and filled milk at any of his pool plants for two periods within a month, either period not to be less than seven days, in the same manner as for a month, if he provides to the market administrator in writing not later than 24 hours prior to the end of an accounting period notification of his intention to use two accounting periods.

7. In § 1011.44, paragraphs (c) and (f)(5) and the introductory text of paragraph (d) are revised to read as follows:

§ 1011.44 Transfers.

* * * * *

(c) As Class I milk, if transferred in bulk as fluid milk, skim milk, filled milk, or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 200 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Hall of Bluefield, West Virginia, or the city limits of Kingsport, Tennessee;

(d) As Class I milk, if transferred in bulk as fluid milk, skim milk, filled milk, or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more that 200 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Hall of Bluefield, West Virginia, or from the city limits of Kingsport, Tennessee, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

8. In § 1011.46(a), subparagraphs (2), (3), (4), and (7) and the introductory text of subparagraph (8) are revised to read as follows:

§ 1011.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph;

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers or from a cooperative association in its capacity as a handler pursuant to § 1011.10(d), and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) and (4)(ii) of this paragraph:

* * * * *

9. Section 1011.61 is revised to read as follows:

§ 1011.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempt from regulation under this order except as specified in paragraphs (c) and (d) of this section.

(a) Any plant qualified pursuant to § 1011.9(a) which would be fully regulated under the provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk, except filled milk, is disposed of from such plant on routes in the Appalachian marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 1011.9 (b) or (c) which would be fully regulated under the provisions of another order issued pursuant to the Act unless such plant was a pool plant pursuant to § 1011.9 (b) or (c) for each month during the preceding August through March period.

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1011.30), and allow verification of such reports by the market administrator.

(d) Each handler operating a plant described in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another

order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

10. In § 1011.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1011.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1011–70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1011.70(e) and a credit in the amount specified in § 1011.-94(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the location of the nonpool plant less the value of such skim milk at the Class II price.

11. Section 1011.93 is revised to read as follows:

§ 1011.93 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1011.61, 1011.62, 1011.94, and 1011.96 and out of which he shall make all payments pursuant to §§ 1011.95 and 1011.96: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

12. In § 1011.99, paragraphs (a) and (d) are revised to read as follows:

§ 1011.99 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1012—MILK IN THE TAMPA BAY MARKETING AREA

1. Sections 1012.7, 1012.9, and 1012.10 are revised to read as follows:

§ 1012.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), filled milk, flavored milk, or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers or a product which contains six percent or more nonmilk fat (or oil).

§ 1012.9 Supply plant.

"Supply plant" means a plant from which a fluid milk product that is acceptable to the appropriate health authority for distribution in the marketing area as Grade A or filled milk is shipped during the month to a pool plant.

§ 1012.10 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) specified in paragraph (a) or (b) of this section:

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products, except filled milk, received at the plant during the month is disposed of on routes except as filled milk and not less than 10 percent of such receipts is disposed of in the marketing area on routes except as filled milk.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section.

2. Section 1012.11 is revised to read as follows:

§ 1012.11 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1012.10 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which

fluid milk products in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

3. A new § 1012.19a is added and reads as follows:

§ 1012.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

4. In § 1012.30, the introductory text and paragraph (b) are revised to read as follows:

§ 1012.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler (except a handler pursuant to § 1012.13 (d) or (e)) shall report to the market administrator for such month with respect to each plant at which milk is received or at which filled milk is processed or packaged, reporting in detail and on forms prescribed by the market administrator:

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing:

(1) The respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes, showing separately the in-area disposition of filled milk; and

(2) For a handler pursuant to § 1012.13(b), the amount of reconstituted skim milk in fluid milk products disposed of in the marketing area on routes; and

* * * * *

5. In § 1012.33, paragraphs (b) and (c) are revised to read as follows:

§ 1012.33 Records and facilities.

* * * * *

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

* * * * *

6. In § 1012.45(a), subparagraphs (2), (3), (6), and (9) and the introductory text of subparagraph (10) are revised to read as follows:

§ 1012.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1012.41(c)(4) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product or a Class II product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk, from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

* * * * *

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III and/or Class II (beginning with Class III unless otherwise specified below) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests such utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) and (6)(i) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) and (6)(ii) of this paragraph:

* * * * *

7. In § 1012.62, paragraphs (a)(1) and (b) are revised to read as follows:

§ 1012.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) The obligation that would have been computed pursuant to § 1012.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1012.60(e) and a credit in the amount specified in § 1012.74(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1012.30 a similar report for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1012.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and

butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location or at the Class III price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

8. A new §1012.63 is added and reads as follows:

§ 1012.63 Obligation of handler operating an other order plant.

Each handler who operates an other order plant that is regulated under an order providing for individual-handler pooling shall pay to the market administrator for the producer-settlement fund, on or before the 25th day after the end of the month, an amount computed as follows:

(a) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each marketing area; and

(b) Compute the value of the quantity of reconstituted skim milk assigned in paragraph (a) of this section to Class I disposition in this marketing area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

9. Section 1012.73 is revised to read as follows:

§ 1012.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1012.62, 1012.63, and 1012.74 and out of which he shall make all payments from such fund pursuant to § 1012.75: *Provided,* That the market administrator shall offset the payment due to a handler against payments due from such handler.

10. In § 1012.80, paragraph (a) is revised to read as follows:

§ 1012.80 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such two-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

PART 1013—MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

1. Sections 1013.7 and 1013.10 are revised to read as follows:

§ 1013.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), filled milk, flavored milk or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers, a product which contains 6 percent or more nonmilk fat (or oil), or milkshake mix.

§ 1013.10 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) that is specified in paragraph (a) or (b) of this section and which is not a facility described in paragraph (c) of this section:

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products, except filled milk, received at the plant during the month is disposed of on routes except as filled milk and not less than 10 percent of such receipts is disposed of in the marketing area on routes except as filled milk.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section.

(c) Pool plant as defined in this section shall not be deemed to include any building, premises, or facilities, the primary function of which is to hold or store bottled milk or milk products (including filled milk) in finished form, nor shall it include any part of a plant in which the operations are entirely separated (by wall or other partition) from the handling of producer milk.

2. In § 1013.11, the introductory text is revised to read as follows:

§ 1013.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

3. Section 1013.12 is revised to read as follows:

§ 1013.12 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor, or a sale from or through a plant store, or by vending machine) of any product in a form designated as Class I milk pursuant to § 1013.41(a), but does not include delivery to a milk or filled milk receiving or processing plant.

4. Section 1013.14 is revised to read as follows:

§ 1013.14 Producer-handler.

"Producer-handler" means any person who, during the month:

(a) Produces milk;

(b) Distributes Class I milk on routes in the marketing area;

(c) Uses no nonfluid milk products for reconstitution into fluid milk products; and

(d) Receives no milk except from his own dairy farm, and receives no products designated as Class I milk pursuant to § 1013.41(a) from pool plants or other sources.

5. A new § 1013.21 is added and reads as follows:

§ 1013.21 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

6. In § 1013.30, the introductory text and paragraph (b) are revised to read as follows:

§ 1013.30 Report of sources and utilization.

On or before the 7th day after the end of each month, each handler, except a handler pursuant to § 1013.13 (e) or (f), shall report to the market administrator for such month, and for each accounting period in each month, with respect to each plant at which milk is received or at which filled milk is processed or packaged in detail and on forms prescribed by the market administrator, as follows:

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including a separate statement showing:

(1) The respective amounts of skim milk and butterfat disposed of as Class I

milk on routes entirely outside the marketing area, showing separately the in-area and outside area route disposition of filled milk; and

(2) For a handler pursuant to § 1013.13 (b), the amount of reconstituted skim milk in fluid milk products disposed of in the marketing area on routes;

* * * * *

7. In § 1013.32, paragraph (b) is revised to read as follows:

§ 1013.32 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

* * * * *

8. In § 1013.46, subparagraphs (4) and (7) and the introductory texts of subparagraphs (2) and (11) in paragraph (a), and paragraph (d) are revised to read as follows:

§ 1013.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4) (iv) of this paragraph, as follows:

* * * * *

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class IV, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(ii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iii) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(iv) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

* * * * *

(7) Subtract, in the order specified below, from the pounds of skim milk remaining in Class IV, Class III and/or Class II (beginning with Class IV unless otherwise specified) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants and in other source milk from dairy farmers (except that subtracted pursuant to subparagraph (4) of this paragraph):

(a) For which the handler requests such utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4) (iv) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (4) (iv) of this paragraph, in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(11) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (4) (iv) and (7) (ii) of this paragraph:

(d) A handler may account for the receipts, utilization and classification of milk and filled milk, at his plant, for periods within a month if he notifies the market administrator in writing of his intention to use such accounting period not later than the end of every accounting period.

9. In § 1013.61, paragraph (c) is revised and a new paragraph (d) is added to read as follows:

§ 1013.61 Plants where other Federal orders may apply.

* * * * *

(c) Any plant which does not dispose of a greater volume of Class I milk, except filled milk, on routes in the Southeastern Florida marketing area than in the marketing area regulated pursuant to such other order.

(d) Each handler operating a plant specified in paragraph (c) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

10. In § 1013.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1013.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1013.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1013.70(e) and a credit in the amount specified in § 1013.82(b) (2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the location of the nonpool plant less the value of such skim milk at the Class III price.

11. Section 1013.81 is revised to read as follows:

§ 1013.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made

by handlers pursuant to §§ 1013.61, 1013.62, 1013.82, and 1013.84 and out of which he shall make all payments pursuant to §§ 1013.83 and 1013.84: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

12. In § 1013.87, paragraph (a) is revised to read as follows:

§ 1013.87 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the names of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

PART 1015—MILK IN THE CONNECTICUT MARKETING AREA

1. In § 1015.10, paragraph (a) is revised to read as follows:

§ 1015.10 Producer-handler.

* * * * *

(a) His sole source of supply for fluid milk products (exclusive of that portion thereof which is represented by nonfat solids used in fortification) is his own production and fluid milk products transferred from pool plants. For the purpose of this paragraph, any fluid milk products which were acquired or purchased from a nonpool plant by him, his agent, partner or other associate and which he or such other person caused to be delivered at retail or wholesale outlets (including vending machines) in any Federal marketing area without being first received at his plant shall be included in such person's nonpool source of fluid milk products.

* * * * *

2. In § 1015.15 the introductory text preceding paragraph (a) of the section is revised to read as follows:

§ 1015.15 Plant.

"Plant" means the land and buildings, whether owned or operated by one or more persons, at which are maintained facilities and equipment for the receiving, handling or processing of milk or milk products (including filled milk), constituting a single operating unit or establishment. The term "plant" does not include:

* * * * *

3. In § 1015.16 the introductory text preceding paragraph (a) is revised to read as follows:

§ 1015.16 Pool plant.

"Pool plant" means any plant specified in paragraph (a) or (b) of this section: *Provided,* That receipts and disposition of filled milk shall be excluded in determining whether a plant has met the conditions for pool plant status.

* * * * *

4. Section 1015.17 is revised to read as follows:

§ 1015.17 Exempt distributing plant.

"Exempt distributing plant" means a plant, other than a pool supply plant or a regulated plant under another Federal order, which meets all the requirements for status as a pool distributing plant except that its route disposition exclusive of filled milk in the marketing area in the month does not exceed 700 quarts on any day or a daily average of 300 quarts.

5. Section 1015.22 is revised to read as follows:

§ 1015.22 Fluid milk products.

"Fluid milk products" means milk, skimmed milk, flavored milk or skimmed milk, cultured skimmed milk, buttermilk, filled milk, concentrated milk, any mixture of milk or skimmed milk and cream containing less than 10 percent butterfat, and 50 percent of the quantity by weight of any mixture of milk or skimmed milk and cream containing at least 10 percent but less than 12 percent butterfat. The term includes these products in fluid, frozen, fortified, or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as eggnog, yogurt, whey, ice cream mix, ice milk mix, milk shake base mix, evaporated or condensed milk or skimmed milk in either plain or sweetened form, and any product which contains 6 percent or more nonmilk fat (or oil). Fluid milk products which have been placed in containers for disposition to retail or wholesale outlets are referred to in this part as packaged fluid milk products.

6. In § 1015.25 the introductory text preceding paragraph (a) is revised to read as follows:

§ 1015.25 Pool milk.

"Pool milk" means fluid milk products (other than exempt milk) received or disposed of as specified in this section, except that with respect to filled milk the term shall include only the quantity proved to have been made from other fresh fluid milk products.

* * * * *

7. Section 1015.29 is added to read as follows:

§ 1015.29 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skimmed milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1015.55 paragraph (b)(3) is revised to read as follows:

§ 1015.55 Assignment to classes of skim milk and butterfat received.

* * * * *

(b) * * *

(3) Filled milk from any source (exclusive of receipts from other pool plants and regulated plants under other Federal orders with marketwide pools) which is not proved to have been made from other fresh fluid milk products and any other fluid milk products from producer-handlers under any Federal order, from exempt governmental agencies, or from exempt distributing plants under any New England Federal order in sequence beginning with the source most distant from Hartford according to its zone location;

* * * * *

9. In § 1015.63 paragraphs (e) and (f) are revised to read as follows:

§ 1015.63 Value of each handler's fluid milk products.

* * * * *

(e) Multiply by the applicable Class I price the quantities of:

(1) Pool milk under § 1015.25 (e) and (f) distributed as route disposition in the marketing area from the handler's nonpool plant; and

(2) Filled milk distributed as route disposition in the marketing area from the handler's nonpool plant which is excluded from pool milk only because it is not proved to have been made from other fresh fluid milk products.

(f) Multiply by the applicable Class II price the quantities of:

(1) Other source milk assigned to Class I milk under § 1015.55(b) (1) and (2);

(2) Other source milk assigned to Class I milk under § 1015.55(b) (3) and (4) and (d); and

(3) Product for which a value is determined under subparagraph (e)(2) of this section.

* * * * *

10. In § 1015.87 subparagraph (b) is revised to read as follows:

§ 1015.87 Payment of administration expense.

* * * * *

(b) The payment shall also apply to the quantity distributed as route disposition in the marketing area from a handler's nonpool plant for which a value is determined under § 1015.63(e), to the quantity of producer milk for which a cooperative association is the handler under § 1015.9(c), and to the quantity of producer milk for which the

cooperative association is the handler under § 1015.9(d), except that disposed of to pool plants or in ending inventory for the month.

11. In § 1015.94 paragraphs (a) and (d) are revised to read as follows:

§ 1015.94 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate two years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in the obligation, unless within the two-year period the market administrator notifies the handler in writing that the money is due and payable. Service of the notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of the producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which the handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund is on the payment is claimed, unless the handler, within the applicable period of time, files a petition under section 8c(15)(A) of the Act, claiming the money.

PART 1016—MILK IN THE UPPER CHESAPEAKE BAY MARKETING AREA

1. Section 1016.3 is revised to read as follows:

§ 1016.3 Definitions of plants.

(a) "Plant" means the land, buildings, surroundings, facilities and equipment operated by one or more persons, constituting a single operating unit or establishment for the receiving (other than transfer from one vehicle to another), processing or packaging of milk or milk products (including filled milk).

(b) "Pool plant" means a plant specified in subparagraph (1), (2), (3), or (4) of this paragraph that is neither a producer-handler plant nor a plant of a handler pursuant to § 1016.2(g)(5): *Provided,* That any plant qualified as a pool plant pursuant to subparagraph (2) of this paragraph in each of the months of October through February shall be a pool plant for the immediately following months of March through September unless the handler gives written notice to the market administrator on or before the first day of any such month(s) (March through September) that the plant is a nonpool plant for the remaining months through September: *And provided further,* That any such plant specified in subparagraph (2) of this paragraph which was a nonpool plant during any month of October through February shall not be a pool plant in any of the immediately following months of March through September in which it is operated by the same handler, an affiliate of the handler or by any person who controls or is controlled by the handler.

(1) A plant which during the month disposes of as Class I milk, except filled milk, on routes in the marketing area a quantity equal to not less than 10 percent of its total receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4)) and which disposes of as Class I milk, except filled milk, a quantity equal to not less than 50 percent of such receipts.

(2) A plant in any month of October through February in which a quantity of milk equal to not less than 50 percent, and in any month of March through September in which a quantity of milk equal to not less than 40 percent, of its receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4)) is moved to a plant(s) which disposes of as Class I milk, except filled milk, on routes in the marketing area a quantity equal to not less than 10 percent of its receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4)) and from other plants and which disposes of as Class I milk, except filled milk, a quantity equal to not less than 50 percent of such receipts: *Provided,* That in the case of a handler operating a pool plant qualified pursuant to subparagraph (1) of this paragraph and two or more plants approved by the appropriate health authority in the marketing area as a source of supply for such plant, such supply plants shall be considered as a unit (system) for purposes of plant qualification under this paragraph upon written notice to the market administrator by the handler designating the plants to be included and the period during which such designation shall apply. Such notice or notice of changes in designation shall be given on or before the first day of the first month to which such notice applies.

(3) A manufacturing plant, located in the marketing area, from which any fluid milk product is moved to a plant which is a pool plant pursuant to subparagraphs (1) and (4) of this paragraph if during the month not less than 90 percent of its receipts from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4)) are from Baltimore City permit holders who are members of a cooperative association of which 70 percent or more of the members are producers whose milk is received at other pool plants.

(4) A plant which disposes of as Class I milk, except filled milk, on routes in the marketing area a quantity equal to not less than 5 percent of its total receipts from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4)) and disposes of a quantity of milk equal to not less than 10 percent of such receipts either in such route disposition in the marketing area, or in quantities of skim milk and butterfat in the form of fluid milk products transferred or diverted to nonpool plants which dispose of such skim milk and butterfat on routes in the marketing area as Class I milk (considering such route disposition by each nonpool plant to be supplied out of such fluid milk products transferred or diverted to the nonpool plant to the extent that the skim milk and butterfat in the route disposition could have been so derived): *Provided,* That the plant herein qualified as a pool plant disposes of as Class I milk, except filled milk, a quantity equal to not less than 50 percent of its receipts of milk from dairy farmers: *And provided further,* That all plants as described in this subparagraph are operated by the same handler.

(c) "Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(1) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(2) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act;

(3) "Partially regulated distributing plant" means a nonpool plant that is neither a producer-handler plant, an other order plant nor a plant of a handler pursuant to § 1016.2(g)(5) and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month; and

(4) "Unregulated supply plant" means a nonpool plant that is neither a producer-handler plant, an other order plant nor a plant of a handler pursuant to § 1016.2(g)(5) and from which fluid milk products are shipped to a pool plant.

2. In § 1016.4, paragraph (a) is revised and a new paragraph (f) is added to read as follows:

§ 1016.4 Definitions of milk and milk products.

(a) "Fluid milk product" means milk, skim milk (including concentrated, reconstituted and fortified milk and skim milk) buttermilk, filled milk, milk drinks (plain or flavored) and (except eggnog, milk shake mix, ice cream mix, evaporated and plain or sweetened condensed milk or skim milk, sterilized products in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil)) any mixture in fluid form of cream and milk or skim milk containing less than 12 percent butterfat, and 50 percent of the quantity by weight of any such mixture containing at least 12 percent but less than 18 percent butterfat.

* * * * *

(f) "Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

3. In § 1016.30, subparagraph (3) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1016.30 Reports of receipts and utilization.

(a) * * *

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, showing separately in-area route disposition, except filled milk, and filled milk route disposition in the area.

(b) Each handler specified in § 1016.2 (g)(2) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that milk approved for fluid consumption by the appropriate health authority received from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

3a. In § 1016.32, paragraph (b) is revised to read as follows:

§ 1016.32 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

* * * * *

4. In § 1016.44, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1016.44 Transfers.

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

5. In § 1016.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1016.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(vi) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which approval by a duly constituted health authority for fluid disposition is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of fluid milk products from a handler pursuant to § 1016.2 (g)(5);

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products for which the handler requests Class II utilization which were received from unregulated supply plants, from other order plant(s) if not classified and priced pursuant to the order regulating the plant, and from dairy farmers who are not producers that were not subtracted pursuant to subparagraph (3) of this paragraph, but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of other source milk in the form of fluid milk products from unregulated supply plants, from other order plant(s) if not classified and priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, that were not subtracted pursuant to subparagraph (3) and (4)(i) of this paragraph, to the extent that the total of such receipts are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4) and in receipts in bulk from other order plants classified and priced pursuant to the applicable order that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph; and

(*c*)(*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in other source milk in the form of fluid milk products from unregulated supply plants, from other order plant(s) if not classified and priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (1) of this subparagraph;

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph, in excess of similar transfers to such plant if classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

* * * * *

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, from other order plant(s) if not classified or priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, that were not subtracted pursuant to subparagraphs (3)(v), (3)(vi), (4)(i), or (4)(ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from other order plants (except receipts from other order plant(s) not classified and priced pursuant to the order regulating such plant), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(vi) or (4)(iii) of this paragraph pursuant to the following procedure:

* * * * *

6. Section 1016.61 is revised to read as follows:

§ 1016.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all provisions of this part except as specified in paragraphs (c) and (d) of this section.

(a) Any plant qualified pursuant to § 1016.3(b) (1) or (4) which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act unless a greater volume of Class I milk, except filled milk, is disposed of from such plant on routes in this marketing area than in a marketing area pursuant to such other order.

(b) Any plant qualified pursuant to § 1016.3(b)(2) which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to the first proviso in § 1016.3(b) for each month during the preceding October through February.

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1016.30 and 1016.31) and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

7. In § 1016.62, paragraph (a)(1)(i) and (b) are revised to read as follows:

§ 1016.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1016.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1016.70(e) and a credit in the amount specified in § 1016.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

8. Section 1016.83 is revised to read as follows:

§ 1016.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1016.61, 1016.62, 1016.84, and 1016.86 and out of which he shall make all payments pursuant to §§ 1016.85 and 1016.86; *Provided,* That the market administrator shall offset any such payment due to any handler against payment due from such handler.

9. In § 1016.89, paragraphs (a) and (d) are revised to read as follows:

§ 1016.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c), terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant

to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1030—MILK IN CHICAGO REGIONAL MARKETING AREA

1. Section 1030.7 is revised as follows:

§ 1030.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet cream, and any mixture in fluid form of such products, including filled milk. It also includes sour cream and sour cream products which are labeled Grade A. Eggnog, including custards and puddings, ice cream mix, frozen dessert mix, yogurt, aerated cream products, evaporated and condensed milk or skim milk and sterilized products in hermetically sealed containers shall not be fluid milk products pursuant to this section. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

2. Section 1030.11 is revised as follows:

§ 1030.11 Pool plant.

"Pool plant" means a plant at which milk is received from dairy farmers, a facility at which milk received from farms in a tank truck is commingled with other milk for further shipment, or a plant at which milk is processed and packaged or manufactured, which plant or facility is described in paragraph (a), (b), or (c) of this section (except an other order plant or the plant of a producer-handler or an exempt distributing plant). If a portion of the plant is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition and is physically separated from the Grade A portion, such unapproved portion shall not be considered a part of the pool plant.

(a) A distributing plant from which there is disposed of during the month not less than the percentages set forth in subparagraphs (2) and (3) of this paragraph of the receipts specified in subparagraph (1). Two or more distributing plants of a handler shall be considered a unit for the purpose of subparagraph (3) of this paragraph in any month if the handler operating such plants has filed a written request with the market administrator prior to such month requesting that they be considered a unit.

(1) The total Grade A fluid milk products, except filled milk, received during the month at such plant, including producer milk diverted under § 1030.16, but excluding receipts of fluid milk products from other pool distributing plants and receipts from other order plants and unregulated supply plants which are assigned pursuant to § 1030.46(a)(4) (i) (a) and (ii) and the corresponding step of § 1030.46(b).

(2) Not less than 10 percent of such receipts is disposed of from such plant in the marketing area in the form of packaged fluid milk products, except filled milk, either on routes or moved to other plants from which it is disposed of in the marketing area on routes. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(3) Not less than 45 percent of such receipts is disposed of in the form of packaged fluid milk products, except filled milk, either on routes or moved to other plants. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(b) A supply plant, or a facility at which milk received from farms in a tank truck is commingled with other milk for further shipment, from which the quantity of fluid milk products, except filled milk, moved during the month in accordance with subparagraphs (1), (2), and (3) of this paragraph is not less than the percentages specified in subparagraphs (4) and (5) of this paragraph subject to subparagraphs (6), (7), and (8) of this paragraph, of the volume of Grade A milk received from dairy farmers at such plant or facility, including producer milk diverted under § 1030.16.

(1) To pool plants pursuant to paragraph (a) of this section;

(2) To plants of producer-handlers;

(3) To partially regulated distributing plants and assigned to Class I milk disposed of in the marketing area from such plants pursuant to § 1030.44(d)(3)(i);

(4) Such percentages shall be not less than 40 percent in each of the months of September, October, and November and 30 percent in all other months, except that a plant which is a pool plant pursuant to this paragraph during each of the months of August through December shall be a pool plant for each of the following months of January through July unless:

(i) The milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area; or

(ii) Written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting the plant be designated a nonpool plant for such month and each subsequent month through July during which it would not otherwise qualify as a pool plant.

(5) Reserved.

(6) The percentages specified in subparagraph (4) of this paragraph applicable during the months August–December shall be increased or decreased by up to 10 percentage points by the Director of the Dairy Division if he finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding the Director shall investigate the need for revision either on his own initiative or at the request of interested persons and if his investigation shows that a revision might be appropriate he shall issue a notice stating that revision is being considered and inviting data, views, and arguments with respect to the proposed revision: *Provided*, That if a plant which would not otherwise qualify as a pool plant during the month pursuant to subparagraph (4) of this paragraph would qualify as a pool plant as a result of this subparagraph, such plant shall be a nonpool plant for such month upon filing by the operator of such plant a written request for nonpool status with the market administrator.

(7) Two or more plants shall be considered a unit for the purpose of this paragraph if the following conditions are met:

(i) The plants included in a unit are owned or fully leased and operated by the handler establishing the unit. In the case of plants operated by cooperative associations two or more cooperative associations may establish a unit of designated plants by filing with the market administrator a written contractual agreement obligating each plant of the unit to ship milk as directed by such cooperatives;

(ii) The handler or cooperatives establishing a unit notify the market administrator in writing of the plants to be included therein prior to August 1 of each year and no additional plants shall be added to the unit prior to August 1 of the following year; and

(iii) The notification pursuant to subdivision (ii) of this subparagraph shall list the plants in the order in which they shall be excluded from the unit if the minimum shipping requirements are not met, such exclusion to be in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the minimum requirements.

(8) If, during August through December a handler notifies the market administrator in writing that a plant is unable to meet the requirements set forth herein because of a work stoppage due to a labor dispute between employer and employees, the market administrator, upon verification of the handler's claim, shall not include the receipts and utilization of skim milk and butterfat at such plant for those days from the date of notification through the last day of the work stoppage in determining the percentage of skim milk and butterfat shipped pursuant to this paragraph. When the work stoppage includes an entire month, the plant shall be considered to have met the minimum percentage shipping requirements in that month for pool plant status pursuant to this paragraph, but such relief shall not be granted for more than two consecutive months.

(c) A plant which is operated by a cooperative association and which is not a pool plant pursuant to paragraph (a) or (b) of this section shall be a pool plant if at least 50 percent of the Grade A milk of producers of such cooperative association is received at pool distributing plants of other handlers during the month and written application for pool plant status is filed with the market administrator on or before the first day of such month.

3. Section 1030.12 is revised as follows:

§ 1030.12 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk

from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1030.11 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than is so disposed of in the marketing area regulated pursuant to such other order.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not an other order plant, a producer-handler plant, or an exempt distributing plant and from which fluid milk products in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant that is not an other order plant, a producer-handler plant, or an exempt distributing plant from which fluid milk products are shipped during the month to a pool plant.

(e) "Exempt distributing plant" means a distributing plant operated by a governmental agency.

4. A new § 1030.19 is added as follows:

§ 1030.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1030.30, paragraph (b) is revised as follows:

§ 1030.30 Reports of receipts and utilization.

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk inside and outside marketing area on routes, and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

6. In § 1030.31, paragraphs (a) and (c) are revised as follows:

§ 1030.31 Other reports.

(a) Each producer-handler shall report the receipts and disposition of skim milk and butterfat at such plant at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator.

* * * * *

(c) Each handler operating a partially regulated distributing plant shall report for each such plant the information required of pool plant operators pursuant to § 1030.30 substituting receipts from dairy farmers for producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

* * * * *

7. In § 1030.32, paragraphs (b) and (c) are revised as follows:

§ 1030.32 Records and facilities.

* * * * *

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

* * * * *

8. In § 1030.44, paragraph (e)(5) is revised as follows:

§ 1030.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk and skim milk and butterfat allocated to the other classes shall be classified as Class II; and

* * * * *

9. Section 1030.46 is revised as follows:

§ 1030.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1030.45, the market administrator shall determine the classification of producer milk for each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1030.41(b) (7) and (9);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant in excess in each case of similar transfers to the same plant, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products which are from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order and from an exempt distributing plant;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another marketwide pool order.

(4) Subtract, in the order specified below from the pounds of skim milk remaining in Class II milk but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II milk utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers (or other pool plants, if applicable), and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in bulk, including diversions from an other order plant in excess of similar transfers and diversions to such plant, if Class II milk utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess

in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (d)(ii) of this paragraph;

(i) In series beginning with Class II milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II milk utilization of skim milk announced for the month by the market administrator pursuant to § 1030.22(k) or the percentage that Class II milk utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1030.44(a); and

(10) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II milk. Any amount so subtracted shall be known as "overage"; and

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section.

10. Section 1030.60 is revised as follows:

§ 1030.60 Obligation of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to § 1030.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1030.70 (a) through (e) at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1030.70(e) and a credit in the amount specified in § 1030.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1030.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1030.11(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products or in filled milk disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I milk price (after deducting the location adjustment rate for the zone in which the nonpool plant is located) subtract its value at the uniform price at the same location or at the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11. A new § 1030.61 is added as follows:

§ 1030.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to an other order plant as defined in § 1030.12(a) except as specified in paragraphs (a) and (b) of this section.

(a) Each handler operating a plant described in § 1030.12(a) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1030.30 and 1030.31) and allow verification of such reports by the market administrator.

(b) Each handler operating a plant subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

12. Section 1030.83 is revised as follows:

§ 1030.83 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund and out of which he shall make all payments from such fund pursuant to §§ 1030.60, 1030.61, 1030.84, 1030.85, and 1030.86: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

13. In § 1030.89, paragraphs (a) and (d) are revised as follows:

§ 1030.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraph (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to, the following:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to

which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

1. In § 1032.12, paragraphs (a) and (b) are revised to read as follows:

§ 1032.12 Pool plant.

* * * * *

(a) A distributing plant, other than that of a producer-handler or one described in § 1032.61, from which during the month:

(1) Disposition of fluid milk products, except filled milk, in the marketing area on routes is equal to 10 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1032.9(d), or from which an average of not less than 7,000 pounds per day of fluid milk products, except filled milk, is distributed on routes in the marketing area; and

(2) Total disposition of fluid milk products, except filled milk, on routes is equal to 50 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1032.9(d) during the months of August through February and 40 percent during all other months;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1032.9(d) is moved to and received at a pool plant(s) described in paragraph (a) of this section which have at least 50 percent Class I use (not including filled milk) of the total of such supply plant milk and producer milk receipts in the months of August through February and 40 percent in other months;

* * * * *

2. Section 1032.13 is revised to read as follows:

§ 1032.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further denied as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

3. Section 1032.16 is revised to read as follows:

§ 1032.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, plain or flavored milk and milk drinks (unmodified or fortified), including "dietary milk products" and reconstituted milk or skim milk, filled milk, concentrated milk not in hermetically sealed containers, cream (sweet or sour), and mixtures of cream and milk or skim milk, but not including the following: Aerated cream products, frozen storage cream, sour cream and sour cream mixtures not labeled Grade A, eggnog, yogurt, frozen dessert mixes, evaporated or condensed milk, and sterilized fluid milk products in hermetically sealed containers. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1032.19a is added to read as follows:

§ 1032.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1032.30, subparagraphs (3) and (5) of paragraph (a) and (c) are revised to read as follows:

§ 1032.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(5) Such other information with respect to the receipts and utilization of milk and milk products (including filled milk) as the market administrator may require;

* * * * *

(c) Each handler specified in § 1032.9 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk; and

* * * * *

6. In § 1032.43, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1032.43 Transfers and diversions.

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II;

* * * * *

7. In § 1032.45, subparagraphs (2), (3), (4), (5), (6), (7), (8), and the introductory text of subparagraph (9) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1032.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A

certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order.

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II;

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4) (iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4) (iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25; and

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II, if Class II utilization was requested by the transferee handler and the operator of the transferor plant requests such utilization;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4) (iv) or (5) (i) and (ii) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (4) (v) or (5) (iii) of this paragraph pursuant to the following procedure;

8. Section 1032.61 is revised to read as follows:

§ 1032.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except as specified in paragraphs (d) and (e).

(a) A distributing plant qualified pursuant to § 1032.12(a) which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products, except filled milk, is disposed of during the month from such plant as Class I route disposition in the marketing area regulated by the other order than as Class I route disposition in the Southern Illinois marketing area: *Provided,* That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such Class I route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order subject to the proviso of this paragraph;

(b) A distributing plant qualified pursuant to § 1032.12(a), which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk, except filled milk, is disposed of during the month in the Southern Illinois marketing area as Class I route disposition than as Class I route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation even though such plant has greater such Class I route disposition in the marketing area of the Southern Illinois order; and

(c) Any plant qualified pursuant to § 1032.12(c) for any portion of the period of February through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

(d) The operator of a plant specified in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

9. In § 1032.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1032.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1032.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts of such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1032.70(f) and a credit in the amount specified in § 1032.84(b) (2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under

a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher; and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

10. Section 1032.83 is revised to read as follows:

§ 1032.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," which shall function as follows: (a) All payments made by handlers pursuant to §§ 1032.61, 1032.62 (a) and (b), 1032.84, and 1032.86 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1032.85 and 1032.86: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler; and (b) all amounts subtracted pursuant to § 1032.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1032.80 in accordance with the requirements of § 1032.71(i).

11. In § 1032.90, paragraphs (a) and (d) are revised to read as follows:

§ 1032.90 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be completed upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists were received or handled; and

* * * * *

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1033—MILK IN THE GREATER CINCINNATI MARKETING AREA

1. Section 1033.9 is revised to read as follows:

§ 1033.9 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no fluid milk products from other dairy farmers or from sources other than pool plants and no nonfluid milk products for reconstitution into fluid milk products: *Provided,* That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a distributing plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

2. Section 1033.10 is revised to read as follows:

§ 1033.10 Plant.

"Plant" means the land and buildings together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which contains stationary milk holding facilities and is operated exclusively for the bulk handling or processing of milk or milk products (including filled milk). The term "plant" does not include distribution points (separate premises used primarily for the transfer to vehicles of packaged fluid milk products moved there from processing and packaging plants).

3. In § 1033.13, paragraphs (a) and (b) are revised to read as follows:

§ 1033.13 Pool plant.

* * * * *

(a) A distributing plant with:

(1) Route disposition, except filled milk, within the marketing area during the month of at least 15 percent of its total route disposition, except filled milk, such percentage to be exclusive of receipts from other plants of packaged fluid milk products priced as Class I milk under this or any other Federal order; and

(2) Total route disposition, except filled milk, amounting to not less than 50 percent of its total receipts of Grade A milk from dairy farmers, other plants (excluding receipts of bulk fluid milk products transferred or diverted to it as Class II milk from other plants), and cooperatives as handlers pursuant to § 1033.8 (but excluding any such milk diverted from such plant to a nonpool plant by the cooperative pursuant to § 1033.15(c)). Any plant which complies with such percentage requirement during the immediately preceding month shall continue to be a pool plant during the current month even if the minimum percentage requirement under this subparagraph is not met for the current month.

(b) A supply plant from which during the month the volume of fluid milk products, except filled milk, shipped directly to and received at plants qualified pursuant to paragraph (a) of this section and route disposition, except filled milk, from such plant within the marketing area, if any, is not less than 50 percent of the volume of Grade A milk received from dairy farmers at such plant (excluding receipts from other plants or as a diversion pursuant to § 1033.15). Any supply plant which meets the required percentage of this paragraph during each of the months of September through February shall continue to be so qualified for the following months of March through August, unless such operator in writing requests nonpool plant status for such plant. Such nonpool plant status shall be effective the first month following such notice and thereafter until the plant requalifies under this section on the basis of shipments.

4. Section 1033.14 is revised to read as follows:

§ 1033.14 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which there is route disposition in the marketing area during the month of fluid milk products in consumer-type packages or dispenser units.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

5. Section 1033.16 is revised to read as follows:

§ 1033.16 Fluid milk product.

Except as provided in paragraph (c) of this section, "fluid milk product" means the fluid form of:

(a) Milk, skim milk, buttermilk, flavored milk, milk drink, whipped cream, cream (sweet or sour), eggnog, concentrated milk, filled milk; and

(b) Any mixture of milk, skim milk or cream including fluid, frozen, or semi-frozen malted milk and milk shake mixtures containing less than 15 percent total milk solids.

(c) Excluded from this definition are: Frozen storage cream, aerated cream in dispensers, ice cream and frozen dessert mixes, pancake mix, evaporated and condensed milk, and any sour mixture of skim milk and butterfat in nonfluid form to which cheese or any food substance other than a milk product has been added and which is disposed of as other than sour cream. Also excluded is any product which contains 6 percent or more nonmilk fat (or oil).

6. A new § 1033.19a is added to read as follows:

§ 1033.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1033.30, paragraph (a) is revised to read as follows:

§ 1033.30 Monthly reports of receipts and utilization.

* * * * *

(a) The total pounds of skim milk and butterfat contained in or represented by:

(1) Producer milk, including own farm production and quantities diverted to nonpool plants;

(2) Fluid milk products received from other pool plants;

(3) Other source milk, with the identity of each source;

(4) Inventories of fluid milk products on hand at the beginning and end of the month in bulk and in packaged form, separately;

(5) Route disposition (except filled milk) inside the marketing area; and

(6) Route disposition of filled milk inside the marketing area;

* * * * *

8. In § 1033.31, paragraph (b) is revised to read as follows:

§ 1033.31 Other reports.

* * * * *

(b) Each handler specified in § 1033.8 (d) who operates a partially regulated distributing plant shall report as required of handlers operating pool plants pursuant to § 1033.30 (a) through (c), except dairy farmer receipts of Grade A milk shall be reported in lieu of producer milk. Such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area; and

* * * * *

9. Section 1033.33 is revised to read as follows:

§ 1033.33 Records and facilities.

Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products and filled milk received and disposed of in the same form; (b) the weights and tests for butterfat, and for other content, of all milk and milk products (including filled milk) handled; and (c) payments to producers and cooperative associations.

9a. In § 1033.41(b)(1), a new subdivision (vii) is added and reads as follows:

§ 1033.41 Classes of utilization.

* * * * *

(b) * * *

(1) * * *

(vii) Any product which contains 6 percent or more nonmilk fat (or oil);

* * * * *

10. In § 1033.43(d), subparagraph (5) is revised to read as follows:

§ 1033.43 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

11. In § 1033.46(a), subparagraphs (2), (4), (5), (8), and (9) are revised to read as follows:

§ 1033.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

* * * * *

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph; and

(*c*)(*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers to such plant, but not

in excess of the pounds of skim milk remaining in Class II milk if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(8) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4) (iv) and (5) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (4) (v) and (5) (iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be prorata to whichever of the following represents the higher proportion of all Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1033.22(k); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

* * * * *

12. In § 1033.61, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1033.61 Obligations of a handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1033.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1033.60(e) and a credit in the amount specified in § 1033.72(b) with respect to receipts from an unregulated supply plant except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. In § 1033.71, paragraph (a) is revised to read as follows:

§ 1033.71 Producer-settlement fund.

* * * * *

(a) All payments made by handlers pursuant to §§ 1033.61 (a) and (b), 1033.72, and 1033.92 shall be deposited in this fund, and all payments made pursuant to § 1033.73 shall be made out of this fund;

* * * * *

14. In § 1033.78, paragraphs (a) and (d) are revised to read as follows:

§ 1033.78 Termination of obligation.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part, shall terminate 2 years after the end of the calendar month during which skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

15. Section 1033.92 is revised to read as follows:

§ 1033.92 Plants subject to other Federal orders.

(a) The provisions of this part shall not apply, except as specified in paragraphs (b) and (c) of this section, to a distributing plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1033.13 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area on

routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area and to pool plants regulated pursuant to such other order during the current month and each of the 3 months immediately preceding.

(b) The operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler operating a distributing plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

PART 1034—MILK IN THE MIAMI VALLEY, OHIO, MARKETING AREA

1. Section 1034.10 is revised to read as follows:

§ 1034.10 Plant.

"Plant" means the land and buildings together with their surroundings, facilities, and equipment constituting a single operating unit or establishment which is operated exclusively by one or more persons and used for the bulk handling or processing of milk or milk products (including filled milk).

2. In § 1034.13, paragraphs (a) and (b) are revised to read as follows:

§ 1034.13 Pool plant.

* * * * *

(a) A distributing plant from which during the month:

(1) Route disposition (except filled milk) made within the marketing area is at least 15 percent of its total route disposition (except filled milk); and

(2) At least 50 percent of the total receipts of Grade A milk at such plant from dairy farmers, other plants (excluding receipts of bulk fluid milk products from other plants which are assigned as Class II milk pursuant to § 1034.45(a) (5) (i) and (iii) and (10)), and cooperatives as handlers pursuant to § 1034.8, including any such milk diverted to other plants pursuant to § 1034.15 by the handler operating such plant, is route disposition (except filled milk) during each of the months of August through January, at least 45 percent February and March, and at least 40 percent during other months, except that a plant which qualifies as a pool plant by complying with the preceding requirements of this subparagraph during the immediately preceding month shall continue to be a pool plant during the current month even if the minimum percentage requirement for the current month is not met.

(b) A supply plant from which during the month the volume of fluid milk products (except filled milk) shipped to and received at plants qualified pursuant to paragraph (a) of this section and route disposition (except filled milk) from such plant within the marketing area, if any, is not less than 50 percent of the volume of Grade A milk received from dairy farmers at such plant (including receipts from a handler pursuant to § 1034.8(c) but not receipts of other milk on diversion pursuant to § 1034.15). Any supply plant which is qualified by reason of meeting the required percentage of this paragraph during the months of August through March shall continue to be so qualified for the following months of April through July even if the required percentage pursuant to this paragraph is not met in the latter months, unless such operator requests the market administrator in writing that such plant should not be so qualified, such revised status to be effective the first month following such notice and thereafter until the plant requalifies under this section on the basis of shipments.

* * * * *

3. In § 1034.14, the introductory text immediately preceding paragraph (a) is revised to read as follows:

§ 1034.14 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

4. Section 1034.16 is revised to read as follows:

§ 1034.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored or cultured milk or skim milk, filled milk, buttermilk, concentrated milk, sweet or sour cream, and any fluid mixture of cream and milk or skim milk, including prepared milk shake mixes containing less than 15 percent total milk solids. The term includes these products in fluid, frozen (except cream), fortified or reconstituted form, but does not include sterilized cream in hermetically sealed metal or glass containers, eggnog, ice cream mix, or other frozen dessert mixes, aerated cream products, storage cream, cultured sour mixtures disposed of as other than sour cream unless labeled as a Grade A product, evaporated or condensed milk or skim milk in either plain or sweetened form, and a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1034.19 is added to read as follows:

§ 1034.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1034.30, paragraphs (a)(3) and (c) are revised to read as follows:

§ 1034.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization or disposition of all receipts required to be reported, including separate data relative to:

(i) Bulk fluid milk products on hand at the end of the month;

(ii) Packaged fluid milk products on hand at the end of the month;

(iii) Route disposition (except filled milk), inside and outside the marketing area; and

(iv) Route disposition of filled milk inside and outside the marketing area; and

* * * * *

(c) Each handler who operates a partially regulated distributing plant shall report for such plant the information required by paragraph (a) of this section, except that receipts of milk approved by any duly constituted health authority for fluid consumption in the marketing area shall be reported as if producer milk. Such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area.

7. Section 1034.33 is revised to read as follows:

§ 1034.33 Records and facilities.

Each handler, including any partially regulated handler, shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) Receipts of producer milk and other source milk and the utilization of such receipts at each of his plants;

(b) Weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products (including filled milk) handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month at each plant; and

(d) Payments to producers, other dairy farmers, and cooperative associations including the amount and nature of any deductions made and the disbursement of money so deducted.

8. In § 1034.43(d), subparagraph (5) is revised to read as follows:

§ 1034.43 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

9. In § 1034.45(a), subparagraphs (2), (4), (5), (8), and (9) are revised to read as follows:

§ 1034.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4) (vi) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

* * * * *

(4) Subtract successively from the pounds of skim milk remaining in each class in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product, provided that any such milk received as cottage cheese curd shall be subtracted directly from the handler's cottage cheese utilization;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(iv) Receipts of fluid milk products from a plant exempt pursuant to § 1034.60(b);

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph, for which the handler requests Class II utilization (other than cottage cheese manufacture) but not in excess of the pounds of skim milk remaining in such Class II uses;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such pool plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4) (vi) of this paragraph; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph;

(*2*) Should such computation result in a quantity to be subtracted from Class II, which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4) (vi) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(8) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4) (v) and (5) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4) (vi) and (5) (iii) of this paragraph:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of all Class II milk.

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1034.22(I); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

* * * * *

10. Section 1034.61 is revised to read as follows:

§ 1034.61 Plants subject to other Federal orders.

The provisions of this part shall not apply except as specified in paragraphs (c) and (d) of this section:

(a) A distributing plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant qualified as a pool plant pursuant to § 1034.13(a) and a greater volume of

fluid milk products (except filled milk) is disposed of from such plant to retail or wholesale outlets in the Miami Valley, Ohio, marketing area and to pool plants under this part than in the marketing area and to pool plants regulated by such other order during the current month and each of the 3 months immediately preceding.

(b) A supply plant meeting the requirements of § 1034.13(b) which also continues to have pool plant status under another Federal order.

(c) The operator of a plant specified in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

11. In § 1034.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1034.62 Obligation of a handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1034.70 had such plant been a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant, transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order is so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1034.70(f) and a credit in the amount specified in § 1034.84 (b) (2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12. Section 1034.83 is revised to read as follows:

§ 1034.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1034.61, 1034.62, 1034.84, and 1034.86 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1034.85 and 1034.86, except that any payments due to any handler shall be offset by any payments due from such handler; and

(b) All amounts subtracted pursuant to § 1034.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1034.80 in accordance with the requirements of § 1034.71(i).

13. In § 1034.100, paragraphs (a) and (d) are revised to read as follows:

§ 1034.100 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1035—MILK IN THE COLUMBUS, OHIO, MARKETING AREA

1. Section 1035.7 is revised to read as follows:

§ 1035.7 Fluid milk product.

"Fluid milk products" means the fluid form of milk, skim milk, filled milk, buttermilk, concentrated milk, milk drinks (plain or flavored including dietary milk, prepared milk shake mixes containing 15 percent or less of total milk solids and eggnog), sweet or sour cream, or any mixture in fluid form of milk, skim milk or cream (except storage cream, aerated cream products, ice cream mix, cultured sour mixtures which are not labeled "Grade A", evaporated or condensed milk and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

2. Section 1035.8 is revised to read as follows:

§ 1035.8 Route.

"Route" means a delivery (including a sale from a plant store) of a fluid milk product(s) to a wholesale or retail stop(s) other than to a milk or filled milk plant(s) or to a food processing plant(s) for use other than for fluid consumption.

3. Section 1035.9 is revised to read as follows:

§ 1035.9 Fluid milk plant.

"Fluid milk plant" means a plant or other facilities which are used in the

receipt, preparation, or processing of milk which is approved by a duly constituted health authority for fluid disposition as Grade A milk of filled milk and all or a portion of such milk of filled milk is:

(a) Disposed of during the month in the form of a fluid milk product(s) in the marketing area on a route(s); or

(b) Moved to a plant described in paragraph (a) of this section in the form of a fluid milk product(s).

4. In § 1035.10, paragraphs (a) and (b) are revised to read as follows:

§ 1035.10 Pool plant.

* * * * *

(a) Any fluid milk plant from which the volume of Class I milk, except filled milk, disposed of on a route(s) is equal to not less than 50 percent of the Grade A milk described in § 1035.12(a) received at such plant from dairy farmers and from other plants during the month and more than 15 percent of such receipts are disposed of as Class I milk, except filled milk, on routes in the marketing area: *Provided,* That the 50 percent requirement of this paragraph shall apply only during the months of January, February, October and November to a fluid milk plant which operates routes all of which service only the Campus of Ohio State University, Columbus, Ohio; or

(b) Any fluid milk plant which receives milk from dairy farmers described in § 1035.12(a) and from which fluid milk products, except filled milk, equal to not less than 50 percent of the milk received at such plant from such dairy farmers during the month is moved to a plant(s) described in paragraph (a) of this section: *Provided,* That if such shipments are not less than 50 percent of the receipts of milk from such dairy farmers at such plant during the immediately preceding period of August through November, such plant shall, unless written application for nonpool plant status is received by the market administrator from the operator of such plant on or before March 1 of any year, be designated as a pool plant for the months of March through July of such year.

5. In § 1035.11, the introductory text immediately preceding paragraph (a), and paragraphs (c) and (d) are revised to read as follows:

§ 1035.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which milk, skim milk, filled milk, or cream is shipped to a pool plant.

6. Section 1035.15 is revised as follows:

§ 1035.15 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, who distributes any portion of such milk on a route in the marketing area and who receives no fluid milk products from other dairy farmers or nonpool plants and no nonfluid milk products for reconstitution into fluid milk products: *Provided,* That such person provides proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

7. A new § 1035.19 is added to read as follows:

§ 1035.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1035.30, paragraph (b) is revised to read as follows:

§ 1035.30 Reports of receipts and utilization.

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported by each handler pursuant to this section, including separate statements of his disposition of fluid milk products (except filled milk) and filled milk on routes in the marketing area.

* * * * *

9. In § 1035.31, paragraph (b) is revised to read as follows:

§ 1035.31 Other reports.

* * * * *

(b) Each handler specified in § 1035.14 (c) who operates a partially regulated distributing plant shall report as required pursuant to § 1035.30, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include separate statements showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and the amount of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area: *Provided,* That a handler making payments pursuant to § 1035.63(b) need not report payments pursuant to § 1035.30(d) to dairy farmers.

* * * * *

10. Section 1035.32 is revised to read as follows:

§ 1035.32 Records and facilities.

Each handler and producer-handler shall maintain and make available to the market administrator, his agent, or such other person as the Secretary may designate, during the usual hours of business, such accounts and records of his operations and such facilities, as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat handled, including all milk products and filled milk received and disposed of in the same form; (b) the weights and tests for butterfat and for other contents, of all milk and milk products (including filled milk) handled; and (c) payments to producers and cooperative associations.

11. In § 1035.43(e), subparagraph (5) is revised to read as follows:

§ 1035.43 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

12. In § 1035.46(a), subparagraphs (2), (3), (4), (7), and (8) are revised to read as follows:

§ 1035.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim

milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another marketwide pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3) (iv) and (4) (i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3) (v) and (4) (ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1035.22(1) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

* * * * *

13. In § 1035.63, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1035.63 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1035.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1035.60(e) and a credit in the amount specified in § 1035.71(c) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

14. Section 1035.64 is revised to read as follows:

§ 1035.64 Plants subject to other Federal orders.

(a) The provisions of this part, except paragraph (b) of this section, shall not apply to a milk plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1035.10 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in the Columbus, Ohio, marketing area to retail or wholesale outlets and other pool plants than in the marketing area regulated pursuant to such other order during the current month and each of the three months, immediately preceding: *Provided,* That the operator of a plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

15. Section 1035.70 is revised to read as follows:

§ 1035.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1035.64 and 1035.71 shall be deposited in this fund, and all payments made pursuant to § 1035.72 (a) and (b) shall be made out of this fund; and

(b) All amounts subtracted pursuant to § 1035.61(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1035.72 in accordance with the requirements of § 1035.61(i).

16. In § 1035.92, paragraphs (a) and (d) are revised to read as follows:

§ 1035.92 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;
(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and
(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation, is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

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

1. Section 1036.7 is revised to read as follows:

§ 1036.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, concentrated milk, cream, and mixtures of such cream or milk and skim milk.

2. Sections 1036.9 and 1036.10 are revised to read as follows:

§ 1036.9 Distributing plant.

"Distributing plant" means a plant in which:

(a) Milk approved by a duly constituted health authority for fluid consumption is processed or packaged and which has route disposition in the marketing area during the month; or
(b) Filled milk is processed or packaged and which has route disposition in the marketing area during the month.

§ 1036.10 Supply plant.

"Supply plant" means a plant from which:

(a) A fluid milk product acceptable to a duly constituted health authority is transferred or diverted during the month to a pool plant; or
(b) Filled milk is transferred during the month to a pool plant.

3. Section 1036.11 is revised to read as follows:

§ 1036.11 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section that is not an other order plant or a producer-handler plant.

(a) A distributing plant that has route disposition, except filled milk, during the month of not less than 50 percent (40 percent for each month of April through August) of the total receipts of fluid milk products, except filled milk, that are approved by a duly constituted health authority for fluid consumption and that are physically received at such plant or diverted as producer milk to a nonpool plant pursuant to § 1036.16 and that has route disposition, except filled milk, in the marketing area during the month of not less than 15 percent of such receipts.

(b) A supply plant from which during the months of September, October, and November not less than 50 percent, and in all other months not less than 40 percent, of the total quantity of milk approved by a duly constituted health authority for fluid consumption physically received (including that diverted from other plants) at such plant from dairy farmers and handlers pursuant to § 1036.13(d) or diverted as producer milk pursuant to § 1036.16 to pool plants and nonpool plants is transferred or diverted to and physically received in the form of fluid milk products, except filled milk, at pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of September through February shall be a pool plant for the months of March through August unless the milk received at the plant does not continue to meet the requirements of a duly constituted health authority or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant.

4. In § 1036.12, the introductory text and paragraph (a) are revised to read as follows:

§ 1036.12 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) Except as provided in paragraphs (c)(2) and (d)(2) of this section, "other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1036.11 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area as route disposition and to pool plants qualified on the basis of route disposition in this marketing area than is so disposed of from such plant in the marketing area regulated pursuant to such other order.

* * * * *

5. Section 1036.14 is revised to read as follows:

§ 1036.14 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant;
(b) Receives no fluid milk products from sources other than his own farm production and pool plants;
(c) Uses no nonfluid milk products for reconstitution into fluid milk products; and
(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing and packaging business are the personal enterprise and risk of such person.

6. A new § 1036.22 is added to read as follows:

§ 1036.22 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk products, and contains less than 6 percent nonmilk fat (or oil).

7. In § 1036.30, the introductory text and paragraph (b) are revised to read as follows:

§ 1036.30 Reports of receipts and utilization.

On or before the eighth day after the end of each month, each handler (except a handler pursuant to § 1036.13 (e) or (f)) shall report to the market administrator for such month with respect to each plant at which milk is received or at which filled milk is processed or packaged, reporting in detail and on forms prescribed by the market administrator:

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing:
(1) The respective amounts of skim milk and butterfat in route disposition in the marketing area, showing separately the in-area route disposition of filled milk; and
(2) For a handler pursuant to § 1036.13(b), the amount of reconstituted skim milk in route disposition in the marketing area; and

* * * * *

8. In § 1036.33, paragraphs (b) and (c) are revised to read as follows:

§ 1036.33 Records and facilities.

* * * * *

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

* * * * *

8a. In § 1036.41(b), subparagraphs (1) and (2) are revised to read as follows:

§ 1036.41 Classes of utilization.

* * * * *

(b) * * *

(1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), sour cream, sour cream products (e.g., dips), eggnog, yogurt, aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, a product which contains six percent or more nonmilk fat (or oil), milk shake mix containing not less than 12 percent total milk solids, and sterilized products in hermetically sealed glass or metal containers;

(2) Skim milk and butterfat in fluid milk products delivered in bulk form to and used at a commercial food processing establishment (other than a milk or filled milk plant) in the manufacture of packaged food products (other than milk products and filled milk) for consumption off the premises;

* * * * *

9. In § 1036.43(d), subparagraph (5) is revised to read as follows:

§ 1036.43 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

10. In § 1036.45(a), subparagraphs (2), (3), (4) and (7), and the introductory text of subparagraph (8) are revised to read as follows:

§ 1036.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class II pursuant to § 1036.41(b)(6) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which appropriate health approval is not established and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant that are in excess of similar transfers to the same plant and that were not subtracted pursuant to subparagraphs (3)(v) and (4)(ii) of this paragraph:

* * * * *

11. In § 1036.62, paragraphs (a)(1) and (b) are revised to read as follows:

§ 1036.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) The obligation that would have been computed pursuant to § 1036.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1036.60(e) and a credit in the amount specified in § 1036.74(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1036.30 a similar report for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1036.11(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat in the plant's route disposition in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location or at the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12. A new § 1036.64 is added and reads as follows:

§ 1036.64 Obligation of handler operating an other order plant.

Each handler who operates an other order plant that is regulated under an

order providing for individual-handler pooling shall pay to the market administrator for the producer-settlement fund, on or before the 25th day after the end of the month, an amount computed as follows:

(a) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to the route disposition in each marketing area; and

(b) Compute the value of the quantity of reconstituted skim milk assigned in paragraph (a) of this section to route disposition in this marketing area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

13. Section 1036.73 is revised to read as follows:

§ 1036.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments pursuant to §§ 1036.62, 1036.64, and 1036.74 and out of which he shall make all payments pursuant to § 1036.75: *Provided,* That the market administrator shall offset the payment due to a handler against payments due from such handler.

14. In § 1036.79, paragraphs (a) and (d) are revised to read as follows:

§ 1036.79 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handlers' utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers; the name of such producers(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

1. Section 1040.9 is revised to read as follows:

§ 1040.9 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a dairy farm and a milk plant from which fluid milk products are distributed in the marketing area and who received fluid milk products only from his own production or by transfer from a pool plant and no nonfluid milk products for reconstitution into fluid milk products; and

(b) Provides proof that (1) the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts by transfer from a pool plant); and (2) the operation of the processing business is the personal enterprise and risk of such person.

2. Section 1040.12 is revised to read as follows:

§ 1040.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, buttermilk, yogurt, filled milk, cream (exclusive of frozen and sour cream), and any mixture in fluid form of cream and milk or skim milk (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

3. Section 1040.13 is revised to read as follows:

§ 1040.13 Route.

"Route" means a delivery (including a delivery by a vendor or sale from a plant or plant store) of any fluid milk product (except bulk cream) classified as Class I to a wholesale or retail outlet other than a delivery to any milk or filled milk plant.

4. In § 1040.16, paragraph (a) is revised to read as follows:

§ 1040.16 Pool plant.

* * * * *

(a) A distributing plant, other than a producer-handler plant or plants exempt pursuant to § 1040.90 and § 1040.91, from which total distribution of fluid milk products, except filled milk, on routes during the month or during either of the 2 months immediately preceding is not less than 50 percent of receipts of producer milk and fluid milk products, except filled milk, from supply plants and cooperative associations pursuant to § 1040.7(c).

* * * * *

5. In § 1040.17, paragraphs (a) and (c) are revised to read as follows:

§ 1040.17 Call percentage.

* * * * *

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

* * * * *

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

* * * * *

6. In § 1040.18, the introductory text immediately preceding paragraph (a) and paragraph (d) are revised to read as follows:

§ 1040.18 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which a fluid milk product is shipped during the month to a pool plant.

7. A new § 1040.21 is added to read as follows:

§ 1040.21 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1040.30, a new paragraph (d) is added and paragraph (b) is revised to read as follows:

§ 1040.30 Monthly reports of receipts and utilization.

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and a statement showing separately in-area route disposition of filled milk; and

* * * * *

(d) The quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area by each handler specified in § 1040.7(b) who

operates a partially regulated distributing plant.

9. Section 1040.32 is revised to read as follows:

§ 1040.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk poducts and filled milk received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk, and other contents of all milk, and milk products (including filled milk) handled; and (c) payments to producers and cooperative associations.

10. In § 1040.43(e), subparagraph (5) is revised to read as follows:

§ 1040.43 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products, shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class III; and

* * * * *

11. In § 1040.46(a), subparagraphs (2), (4), (5), (8), and (9) are revised to read as follows:

§ 1040.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

* * * * *

(4) Subtract in the order specified below, from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than a fluid milk product, provided that any such milk received as cottage cheese or cottage cheese curd shall be subtracted directly from the handler's cottage cheese utilization (Class II);

(ii) Receipts of fluid milk products (except filled milk) that are not approved by a duly constituted health authority for fluid consumption in the marketing area and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II or Class III, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph:

(*a*) For which the handler requests Class III utilization; or

(*b*) In series beginning with Class III, which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from a cooperative association pursuant to § 1040.7(c), receipts from pool plants of other handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers to such plant, if Class III utilization was requested by the operator of such plant and the handler;

* * * * *

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (4)(iv) and (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (4)(v) and (5)(ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated combined Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1040.27(l) or the percentage that combined Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

* * * * *

12. In § 1040.66, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1040.66 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1040.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III milk (or Class II) if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1040.60(e) and a credit in the amount specified in § 1040.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1040.62 at the same location or at the Class III price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

13. Section 1040.83 is revised to read as follows:

§ 1040.83 Producer-equalization fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-equalization

fund" into which he shall deposit all payments received pursuant to §§ 1040.66, 1040.84, and 1040.91, and out of which he shall make all payments pursuant to § 1040.85.

14. Section 1040.91 is revised to read as follows:

§ 1040.91 Handlers subject to other Federal orders.

(a) A handler who operates a plant at which during the month milk is fully subject to the classification, pricing, and payment provisions of another marketing agreement or order issued pursuant to the Act and the disposition of fluid milk products, except filled milk, in the other Federal marketing area exceeds that in the Southern Michigan marketing area shall be exempt for such month from all provisions of this part except §§ 1040.31, 1040.32, and 1040.33 and paragraph (b) of this section.

(b) Each handler operating a pool distributing plant described in § 1040.16(a) that is exempt pursuant to paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

15. In § 1040.100, paragraphs (a) and (d) are revised to read as follows:

§ 1040.100 Termination of obligations.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's report of utilization of the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1041—MILK IN THE NORTHWESTERN OHIO MARKETING AREA

1. Section 1041.9 is revised to read as follows:

§ 1041.9 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a dairy farm and a distributing plant;

(b) Receives only milk of his own production or fluid milk products which are priced as Class I milk under an order issued pursuant to the Act and no nonfluid milk products for reconstitution into fluid milk products; and

(c) Provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources used in his own farm production and the operation of the processing and packaging facilities for fluid milk products are conducted as his personal enterprise and at his own risk.

2. In § 1041.10, the introductory text immediately preceding paragraph (a) is revised to read as follows:

§ 1041.10 Plant.

"Plant" means the land and buildings, together with their surroundings, facilities and equipment constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products (including filled milk). The term "plant" does not include:

* * * * *

3. Section 1041.12 is revised to read as follows:

§ 1041.12 Supply plant.

"Supply plant" means a plant from which milk, skim milk, filled milk or cream is shipped during the month to a plant qualified as a pool plant under § 1041.13(a).

4. In § 1041.13, paragraphs (a) and (b) are revised to read as follows:

§ 1041.13 Pool plant.

* * * * *

(a) A distributing plant with route disposition, except filled milk, during the month, or in 5 of the immediately preceding 6 months, of not less than 50 percent of the total Grade A milk received at such plant from dairy farmers (excluding any such milk received by diversion from a plant at which such milk is fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act), pool supply plants and through reload points, and with at least 15 percent of such route disposition made within the marketing area during the month.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is represented in shipments of fluid milk products, except filled milk, to a plant described under paragraph (a) of this section. If a plant meets the above requirement in this paragraph in each of the months of September through December, such plant shall qualify under this paragraph until the end of the following August, unless the plant operator requests nonpool status for such plant; in the latter event nonpool plant status shall be effective the first month following the filing of a request in writing to the market administrator and shall continue until the plant requalifies under this section on the basis of actual shipments.

5. Section 1041.14 is revised to read as follows:

§ 1041.14 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which there is route disposition in the marketing area during the month of fluid milk products in consumer-type packages or dispenser units.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products are shipped to a pool plant.

6. Section 1041.16 is revised to read as follows:

§ 1041.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored or cultured milk or skim milk, buttermilk, concentrated milk, eggnog, sweet or sour cream, filled milk, and any mixture of fluid cream and milk or skim milk. Cultured sour mixtures disposed of as other than sour cream and

yogurt shall be considered as fluid milk products only if disposed of under a Grade A label. The term includes these products in fluid, frozen (except cream), fortified or reconstituted form, but does not include sterilized products in hermetically sealed containers, and such products as milkshake mix, ice cream mix, and other frozen dessert mixes, aerated cream products, frozen cream, cultured sour mixtures (disposed of as other than sour cream and not disposed of under a Grade A label), pancake mixes, evaporated or sweetened condensed milk, or skim milk in either plain or sweetened form, and a product which contains 6 percent or more nonmilk fat (or oil).

7. A new § 1041.21 is added to read as follows:

§ 1041.21 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1041.30, paragraph (f) is revised to read as follows:

§ 1041.30 Reports of receipts and utilization.

* * * * *

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including separate statements of the route disposition of fluid milk products (except filled milk) and filled milk in the marketing area; and

* * * * *

9. In § 1041.31, paragraph (b) is revised to read as follows:

§ 1041.31 Other reports.

* * * * *

(b) On or before the 7th day after the end of each month, each handler who operates a partially regulated distributing plant shall report the information required of handlers operating pool plants pursuant to § 1041.30, except that receipts in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the amount of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area.

10. Section 1041.33 is revised to read as follows:

§ 1041.33 Records and facilities.

(a) Each handler shall maintain detailed and summary records showing all receipts, movements and disposition of milk and milk products (including filled milk) during each month, and the quantities of milk and milk products (including filled milk) in the inventories at the beginning and end of each month.

(b) For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(1) Verify the information contained in the reports submitted in accordance with this part;

(2) Weigh, sample and test milk and milk products (including filled milk); and

(3) Make such examination of records, operations, equipment and facilities as the market administrator deems necessary for the purpose specified in this paragraph.

11. In § 1041.44(d), subparagraph (5) is revised to read as follows:

§ 1041.44 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

12. In § 1041.46(a), subparagraphs (2), (3), (4), (7), and (8) are revised to read as follows:

§ 1041.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II:

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(*c*)(*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plants, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any

class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) and (4)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk.

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1041.27(m); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

* * * * *

13. Section 1041.61 is revised to read as follows:

§ 1041.61 Plants subject to other Federal orders.

(a) The provisions of this part except §§ 1041.30, 1041.31, 1041.32, and 1041.33 and paragraph (b) of this section, shall not apply to a distributing plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant qualified as a pool plant pursuant to § 1041.13 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in the Northwestern Ohio marketing area to retail or wholesale outlets and to other pool plants than in the marketing area regulated pursuant to such other order during the current month and each of the three months immediately preceding, unless the Secretary determines that the applicable order should more apropriately be determined on some other basis. The operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may request and permit his verification of such reports; and

(b) Each handler operating a distributing plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

14. In § 1041.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1041.62 Obligations of a handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1041.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1041.70(e) and a credit in the amount specified in § 1041.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

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* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

15. In § 1041.91, paragraphs (a) and (d) are revised to read as follows:

§ 1041.91 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that the money is due and payable. Service of the notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following:

(1) The amount of the obligation;

(2) The month during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1043—MILK IN THE UPSTATE MICHIGAN MARKETING AREA

1. In § 1043.8, paragraph (a) is revised to read as follows:

§ 1043.8 Pool plant.

* * * * *

(a) A distributing plant other than that of a producer-handler, or one described in § 1043.82 or § 1043.83, from which during the month:

(1) Disposition of fluid milk products, except filled milk, on routes in the marketing area equals or exceeds the smaller of:

(i) Twenty percent of such plant's receipts from qualified dairy farmers, or

(ii) 150,000 pounds; and

(2) Total disposition of fluid milk products, except filled milk, on routes during the month equals or exceeds 50 percent of receipts of fluid milk products, except filled milk, from qualified dairy farmers and supply plants.

* * * * *

2. Section 1043.12 is revised to read as follows:

§ 1043.12 Producer-handler.

"Producer-handler" means a person who operates a dairy farm and a distributing plant and who received no fluid milk products except from his own production or by transfer from a pool plant, and receives no nonfluid milk products for reconstitution into fluid milk products: *Provided,* That such person provides proof that the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts by transfer from a pool plant) and the operation of the processing business is the personal enterprise and risk of such person.

3. Section 1043.16 is revised to read as follows:

§ 1043.16 Fluid milk product.

"Fluid milk product" means milk, flavored milk, skim milk, buttermilk, filled milk, half-and-half, or other mixtures of cream and milk containing less than 18 percent butterfat.

4. Section 1043.17 is revised to read as follows:

§ 1043.17 Route.

"Route" means a delivery (including delivery by a vendor, or sale from a plant or plant store) of any fluid milk product, other than a delivery in bulk form to any milk or filled milk processing plant.

5. In § 1043.18, the introductory text immediately preceding paragraph (a) and paragraph (d) are revised to read as follows:

§ 1043.18 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which a fluid milk product is shipped during the month to a pool plant.

6. A new § 1043.19 is added to read as follows:

§ 1043.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1043.30(c), subparagraph (2) is revised to read as follows:

§ 1043.30 Monthly reports of receipts and utilization.

* * * * *

(c) * * *

(2) The utilization or disposition of such receipts. Each handler shall report separately the respective amounts of skim milk and butterfat disposed of on routes (other than to pool plants) in the marketing area as Class I milk, except filled milk, and as filled milk. The report for each handler pursuant to § 1043.9(b) shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

* * * * *

8. Section 1043.33 is revised to read as follows:

§ 1043.33 Exempt handler reports.

Each handler exempt pursuant to § 1043.82 or § 1043.83 shall report to the market administrator his disposition of fluid milk products on routes in the marketing area and a report showing separately in-area route sales of filled milk at such time and in such manner as the market administrator shall prescribe.

9. Section 1043.34 is revised to read as follows:

§ 1043.34 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records, of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products or filled milk received and disposed of in the same form, (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products (including filled milk) handled, (c) inventories of all milk and milk products (including filled milk) on hand at the beginning and end of each month, and (d) payments to producers and cooperative associations.

9a. In § 1043.41(b), subparagraph (2) is revised to read as follows:

§ 1043.41 Classes of utilization.

* * * * *

(b) * * *

(2) Skim milk and butterfat disposed of as fluid cream or in any product which contains 6 percent or more nonmilk fat (or oil);

* * * * *

10. In § 1043.43(d), subparagraph (5) is revised to read as follows:

§ 1043.43 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II or Class III; and

* * * * *

11. In § 1043.46(a), subparagraphs (2), (3), (4), (7), and (8) are revised to read as follows:

§ 1043.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and cream received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product or cream;

(ii) Receipts of fluid milk products (except filled milk) and cream that are not approved by a duly constituted health authority for fluid consumption,

and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products and cream from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another marketwide pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II or Class III but not in excess of such quantity:

(i) Receipts of fluid milk products and cream from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II or Class III utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products and cream in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II or Class III utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products and cream from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products and cream in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) and (4)(ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1043.22(j) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

* * * * *

12. Section 1043.71 is revised to read as follows:

§ 1043.71 Producer-equalization fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to §§ 1043.72, 1043.83, and 1043.84 (including any adjustments thereto pursuant to § 1043.76) and out of which he shall make all payments pursuant to § 1043.73 (including any adjustments thereto pursuant to § 1043.76).

13. In § 1043.78, paragraphs (a) and (d) are revised to read as follows:

§ 1043.78 Termination of obligations.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the skim milk and butterfat involved in such obligation, unless, within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

14. Section 1043.83 is revised to read as follows:

§ 1043.83 Milk subject to other Federal orders.

(a) Milk received at the plant of a handler at which the handling of milk is fully subject during the month to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk (excluding filled milk) in the other Federal marketing area, either during the month or during the average of the 12 preceding months, exceeds that in the Upstate Michigan marketing area shall be exempted for such month from all the provisions hereof except as specified in paragraphs (b) and (c) of this section, unless the Secretary determines that such plant is more appropriately regulated under this part.

(b) Each handler operating a plant specified in paragraph (a) of this section shall with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler operating a plant specified in § 1043.8(a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

15. In § 1043.84, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1043.84 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1043.61 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1043.60(e) and a credit in the amount specified in § 1043.72(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk

in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributin plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1043.61 at the same location or at the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

1. Section 1044.6 is revised as follows:

§ 1044.6 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, flavored milk drinks, buttermilk, filled milk, half and half and cream (sweet or sour).

2. Section 1044.7 is revised as follows:

§ 1044.7 Route.

"Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk or filled milk processing plant.

3. Section 1044.8 is revised as follows:

§ 1044.8 Fluid milk plant.

"Fluid milk plant" means the premises, buildings and facilities of any milk receiving, processing or packaging plant handling milk eligible for distribution in the marketing area as Grade A milk or conforming to the requirements of Michigan Act No. 169, Public Acts 1929, as amended:

(a) From which any fluid milk product, except filled milk, is disposed of during the month in the marketing area on routes except as provided in § 1044.81; or

(b) From which any milk or skim milk, except skim milk in filled milk, is delivered to plants described in paragraph (a) of this section on ten or more days in any of the months of July through December or on three or more days in any of the months of January through June.

4. Section 1044.9 is revised as follows:

§ 1044.9 Nonfluid milk plant.

"Nonfluid milk plant" means any milk or filled milk receiving, manufacturing or processing plant other than a fluid milk plant. The following categories of nonfluid milk plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonfluid milk plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonfluid milk plant that is neither an other order plant nor a producer-handler plant and from which a fluid milk product is shipped during the month to a fluid milk plant.

5. Section 1044.19 is added as follows:

§ 1044.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milk fat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1044.30, paragraph (a)(2) is revised as follows:

§ 1044.30 Monthly reports of receipts and utilization.

* * * * *

(a) * * *

(2) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing in-area and outside area route disposition of filled milk; and

* * * * *

7. Section 1044.34 is revised as follows:

§ 1044.34 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of all his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products (including filled milk) received and disposed of in the same form;

(b) The weights and tests for butterfat, skim milk and other content of all milk and milk products (including filled milk) handled;

(c) Inventories of all dairy products (including filled milk) on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

8. In § 1044.43, paragraph (d)(5) is revised as follows:

§ 1044.43 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

9. In § 1044.46, subparagraphs (3), (4) and (7)(i) of paragraph (a) are revised as follows:

§ 1044.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) that are not approved by a duly constituted health authority, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk at all fluid milk plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other fluid milk plant handlers and in receipts in bulk from other order plants; and

(*c*)(*1*) Multiply any resulting plus quantity by the percentage that receipts

of skim milk in fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph, remaining at this plant is of all such receipts remaining at all fluid milk plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other fluid milk plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other fluid milk plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) * * *

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3) (iv), (4) (i) or (ii) of this paragraph; and

* * * * *

10. In § 1044.75, paragraphs (a) and (d) are revised as follows:

§ 1044.75 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's report of utilization of the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or association or, if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

11. Section 1044.82 is revised as follows:

§ 1044.82 Handlers subject to other Federal orders.

The provisions of this part shall not apply to a handler with respect to the operation of a fluid milk plant during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and the disposition of fluid milk products, except filled milk, in the other Federal marketing area exceeds that in the Michigan Upper Peninsula marketing area: *Provided,* That the operator of a fluid milk plant which is exempted from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. Section 1046.9 is revised to read as follows:

§ 1046.9 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, distributes any portion of such milk in the marketing area on a route and receives no fluid milk products from other dairy farmers or nonpool plants and no nonfluid milk products for reconstitution into fluid milk products: *Provided,* That such person provides proof satisfactory to the market administrator that (a) the care and management of all of the dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

2. In § 1046.12, paragraph (a) is revised to read as follows:

§ 1046.12 Pool plant.

* * * * *

(a) A city plant, other than a plant operated by a producer-handler, which meets the following requirements:

(1) For each of the months of May through October not less than 30 percent and for each of the months of November through April not less than 50 percent of the fluid milk products, except filled milk, received during the 2 months immediately preceding from persons described in § 1046.7(a), from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), from country plants and from pool plants in containers not larger than a gallon are disposed of as Class I milk, except filled milk, from such plant during such 2-month period to all outlets except such disposition to pool plants in containers larger than a gallon: *Provided,* That, if such utilization percentage for the 2 preceding months cannot be ascertained by the market administrator, the respective percentages shall apply to receipts and sales during the current month; and

(2) An amount of Class I milk, except filled milk, equal to not less than an average of 13,500 pounds per day or not less than 10 percent of the fluid milk products, except filled milk, received during the current month from persons described in § 1046.7(a), from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), and from country plants is distributed on routes in the marketing area;

* * * * *

3. In § 1046.13, the introductory text immediately preceding paragraph (a) and paragraphs (c) and (d) are revised as follows:

§ 1046.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products are shipped to a pool plant.

4. Amend § 1046.15 to read as follows:

§ 1046.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, flavored milk, milk drinks (plain or flavored), reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, pancake mix, evaporated milk, condensed milk, aerated cream products, eggnog, and cultured sour mixtures not labeled as Grade A) which are neither

sterilized nor packaged in hermetically sealed containers. This definition shall not include a product which contains 6 percent or more non-milk fat (or oil).

5. Section 1046.17 is revised to read as follows:

§ 1046.17 Route.

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor) of a fluid milk product(s) to a wholesale or retail outlet(s) other than to a milk or filled milk plant(s). A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets without intermediate movement to another milk or filled milk plant.

6. A new § 1046.19a is added to read as follows:

§ 1046.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1046.30, paragraphs (a)(5) and (b) are revised to read as follows:

§ 1046.30 Reports of receipts and utilization.

(a) * * *

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including separate statements of the disposition of fluid milk products, except filled milk, and filled milk on routes in the marketing area.

* * * * *

(b) Each handler specified in § 1046.8(d) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

8. Section 1046.33 is revised to read as follows:

§ 1046.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts, records, and reports of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products (including filled milk) handled;

(c) Payments to producers, including supporting records of all deductions and written authorization from each producer of the rate per hundredweight or other method for computing hauling charges on such producer milk; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products (including filled milk) on hand at the beginning and end of each month.

9. In § 1046.44, aragraphs (d), (e), and (f)(5) are revised to read as follows:

§ 1046.44 Transfers.

* * * * *

(d) As Class I milk, if transferred in bulk (in the form of milk, skim milk, filled milk or cream) or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located 250 airline miles or more as determined by the market administrator, from the nearer of the City Halls in either Louisville, Ky., or Evansville, Ind.

(e) As Class I milk, if transferred in bulk (in the form of milk, skim milk, filled milk or cream) or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant located less than 250 airline miles as determined by the market administrator, from the nearer of the City Halls in either Louisville, Ky., or Evansville, Ind., unless the requirements of subparagraphs (1) and 2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

10. In § 1046.46(a), subparagraphs (2), (3), (4), (7), and (8) are revised to read as follows:

§ 1046.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products, except filled milk, for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from pool plants of other handlers, from a cooperative association as a handler pursuant to § 1046.8(c), and in bulk receipts from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(*c*)(*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) and (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made:

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) and (4)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1046.22(m); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

* * * * *

11. Section 1046.61 revised to read as follows:

§ 1046.61 Plants subject to other Federal orders.

(a) Unless determined otherwise by the Secretary, the provisions, except paragraph (b) of this section, of this part shall not apply to a milk plant during any month in which the milk at such plant would be subject to the pricing and pooling provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1046.12 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in the Louisville-Lexington-Evansville marketing area to other pool plants and to retail or wholesale outlets than in the marketing area regulated pursuant to such other order during the current month: *Provided,* That the operator of a plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) Each handler operating a plant specified in § 1046.12(a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

12. In § 1046.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1046.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1046.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1046.70(e) and a credit in the amount specified in § 1046.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. Section 1046.83 is revised to read as follows:

§ 1046.83 Producer-Settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1046.61, 1046.62, 1046.84, and 1046.86 and out of which he shall make all payments pursuant to §§ 1046.85 and 1046.86: *Provided,* That payments due any handler shall be offset by payments due from such handler.

14. In § 1046.89, paragraphs (a) and (d) are revised to read as follows:

§ 1046.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report of the skim milk and butterfat involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled, and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deductions of set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1049—MILK IN THE INDIANA MARKETING AREA

1. Section 1049.9 is revised to read as follows:

§ 1049.9 Producer-handler.

"Producer-handler" means a person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants, and no nonfluid milk products for reconstitution into fluid milk products: *Provided,* That such person provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources used in his own farm production and the operation of the processing and distributing business are at the personal enterprise and risk of such person.

2. In § 1049.12, paragraph (a) is revised to read as follows:

§ 1049.12 Pool plant.

* * * * *

(a) A distributing plant with:

(1) Total route sales, exclusive of packaged fluid milk products received from other plants and filled milk, in an amount not less than 50 percent of Grade A milk received at such plant during the month from dairy farmers (excluding receipts of producer milk by diversion pursuant to § 1049.14) and supply plants, except that a plant meeting such percentage requirement for the preceding month may remain qualified under this subparagraph in the current month; and

(2) Route sales within the marketing area during the month of at least 10 percent of such receipts, such route sales to be exclusive of packaged fluid milk products received from other plants and filled milk: *Provided,* That any plant meeting the requirements of this paragraph in each of the months of September through May, inclusive, shall continue to have pool plant status in the months of June, July, and August, immediately following if fluid milk products, except filled milk, are disposed of from the plant in the marketing area on routes during such month.

* * * * *

3. In § 1049.13, the introductory text immediately preceding paragraph (a) is revised to read as follows:

§ 1049.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

4. Section 1049.15 is revised to read as follows:

§ 1049.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, filled milk, buttermilk, milk drinks (plain or flavored), "fortified" products, "dietary" milk products, concentrated milk or skim milk, reconstituted milk, skim milk, or milk drinks (plain or flavored), and cream or any mixture in fluid form of cream, milk or skim milk (except eggnog, yogurt, milk shake mix, frozen dessert mix, sour cream, aerated cream products, evaporated and plain or sweetened condensed milk or skim milk, and sterilized products packaged in hermetically sealed metal or glass containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. Section 1049.17 is revised to read as follows:

§ 1049.17 Route.

"Route" means a delivery (including that custom-packaged for another person, disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1049.41(a)(1) other than a delivery in bulk form to any milk or filled milk processing plant.

6. A new § 1049.19 is added to read as follows:

§ 1049.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1049.30, paragraph (b) is revised to read as follows:

§ 1049.30 Reports of receipts and utilization.

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including separate statements of the disposition of Class I milk, except filled milk, and filled milk on routes inside the marketing area; and

* * * * *

8. Section 1049.31 is revised to read as follows:

§ 1049.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) Each handler specified in § 1049.8 (c) who operates a partially regulated distributing plant shall report as required of handlers operating pool plants pursuant to § 1049.30, except that receipts in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

9. Section 1049.33 is revised to read as follows:

§ 1049.33 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

(d) Payments to producers or dairy farmers, as the case may be, and cooperative associations, including the amount and nature of any deductions and the disbursement of moneys so deducted.

10. In § 1049.44(d), subparagraph (5) is revised to read as follows:

§ 1049.44 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

11. In § 1049.46(a) paragraphs (2), (3), (4), (7), and (8) are revised to read as follows:

§ 1049.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(*c*) (*1*) Multiple any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk, in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs, (3)(v) and (4)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk;

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1049.27(m); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

* * * * *

12. Section 1049.61 is revised to read as follows:

§ 1049.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as the operator of a plant specified in paragraph (a), (b), or (c) of this section the provisions of this part shall not apply, except as specified in paragraphs (d) and (e) of this section:

(a) A distributing plant from which the Secretary determines a greater proportion of fluid milk products (except filled milk) is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and such plant is fully subject to regulation of such other order: *Provided*, That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition (except filled milk) on routes is made in such other marketing

area, unless, notwithstanding the provisions of this paragraph, it is regulated by such other order;

(b) A distributing plant which meets the requirements set forth in § 1049.12 (a) which also meets the requirements of another order on the basis of its distribution in such other marketing area and from which the Secretary determines a greater quantity of milk (except filled milk) is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other order;

(c) A supply plant which during the month is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1049.12(b) and a greater volume of fluid milk products (except filled milk) is moved to pool distributing plants qualified on the basis of route sales in this marketing area;

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section, shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator; and

(e) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

13. In § 1049.62, paragraphs (a) and (b) (1) (i) are revised to read as follows:

* * * * *

§ 1049.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is greater, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price;

(b) Except as a handler may elect the option pursuant to paragraph (a) of this section, an amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1049.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1049.70(e) and a credit in the amount specified in § 1049.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

14. Section 1049.81 is revised to read as follows:

§ 1049.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1049.61, 1049.62, 1049.82, 1049.84, and 1049.88 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1049.83, 1049.84, and 1049.88, except that any payments due to any handler shall be offset by any payments due from such handler; and

(b) All amounts subtracted pursuant to § 1049.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1049.80 in accordance with the requirements of § 1049.71(i).

15. In § 1049.87, paragraphs (a) and (d) are revised to read as follows:

§ 1049.87 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

1. In § 1050.12 paragraphs (a) and (b) are revised to read as follows:

§ 1050.12 Pool plant.

* * * * *

(a) A distributing plant, other than that of a producer-handler or one described in § 1050.61, from which during the month:

(1) Disposition of fluid milk products, except filled milk, in the marketing area on routes is equal to 10 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1050.9 (d), or from which an average of not less than 7,000 pounds per day of fluid milk products, except filled milk, is distributed on routes in the marketing area; and

(2) Total disposition of fluid milk products, except filled milk, on routes is equal to 50 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1050.9(d) during the months of August through February and 40 percent during all other months;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1050.9(d) is moved to and received at a pool plant(s) described in paragraph (a) of this section which have at least 50 percent Class I use (not including filled milk) of the total of such supply plant milk and producer milk receipts in the months of August through February and 40 percent in other months;

* * * * *

2. Section 1050.13 is revised to read as follows:

§ 1050.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

3. Section 1050.16 is revised to read as follows:

§ 1050.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, plain or flavored milk and milk drinks (unmodified or fortified), including "dietary milk products" and reconstituted milk or skim milk; filled milk; concentrated milk not in hermetically sealed containers, cream (sweet or sour), and mixtures of cream and milk or skim milk, but not including the following: Aerated cream products, frozen storage cream, sour cream and sour cream mixtures not labeled Grade A, eggnog, yogurt, frozen dessert mixes, evaporated or condensed milk, and sterilized fluid milk products in hermetically sealed containers. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1050.19a is added to read as follows:

§ 1050.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1050.30 subparagraphs (3) and (5) of paragraph (a) and paragraph (c) are revised to read as follows:

§ 1050.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(5) Such other information with respect to the receipts and utilization of milk and milk products (including filled milk) as the market administrator may require;

* * * * *

(c) Each handler specified in § 1050.9 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk; and

* * * * *

6. In § 1050.43, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1050.43 Transfers and diversions.

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II;

* * * * *

7. In § 1050.45, subparagraphs (2), (3), (4), (5), (6), (7), (8), and the introductory text of subparagraph (9) preceding subdivision (i) of paragraph (a) are revised to read as follows:

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II;

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4) (iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4) (iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25; and

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in

Class II, if Class II utilization was requested by the transferee handler and the operator of the transferor plant requests such utilization;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4)(iv) or (5) (i) and (ii) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (4)(v) or (5)(iii) of this paragraph pursuant to the following procedure:

* * * * *

8. Section 1050.61 is revised to read as follows:

§ 1050.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except as specified in paragraphs (d) and (e):

(a) A distributing plant qualified pursuant to § 1050.12(a) which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products, except filled milk, is disposed of during the month from such plant as Class I route disposition in the marketing area regulated by the other order than as Class I route disposition in the Central Illinois marketing area: *Provided,* That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such Class I route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order subject to the proviso of this paragraph;

(b) A distributing plant qualified pursuant to § 1050.12(a) which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk, except filled milk, is disposed of during the month in the Central Illinois marketing area as Class I route disposition than as Class I route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation even though such plant has greater such Class I route disposition in the marketing area of the Central Illinois order;

(c) Any plant qualified pursuant to § 1050.12(c) for any portion of the period of February through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act;

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1050.30 through 1050.32) and allow verification of such reports by the market administrator; and

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

9. In § 1050.62 paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1050.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1050.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts of such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1050.70(f) and a credit in the amount specified in § 1050.84 (b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

10. Section 1050.83 is revised to read as follows:

§ 1050.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," which shall function as follows: (a) All payments made by handlers pursuant to §§ 1050.61, 1050.62, 1050.84, and 1050.86 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1050.85 and 1050.86: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler; and (b) all amounts subtracted pursuant to § 1050.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1050.80 in accordance with the requirements of § 1050.71(i).

11. In § 1050.90 paragraphs (a) and (d) are revised to read as follows:

§ 1050.90 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and

butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1060—MILK IN THE MINNESOTA-NORTH DAKOTA MARKETING AREA

1. Section 1060.11 is revised to read as follows:

§ 1060.11 Producer-handler.

Producer-handler means any person who meets all of the following conditions:

(a) Operates a dairy farm and a distributing plant;

(b) Receives no milk during the month from other dairy farmers or from sources other than pool plants and not more than 3,000 pounds of milk and fluid milk products (including the milk equivalent of nonfluid products which are reconstituted into fluid milk products) during the month from any source;

(c) Receives no nonfluid milk products from any source for reconstitution into fluid milk products except that received within the limitations set forth in paragraph (b) of this section;

(d) Such person must provide proof satisfactory to the market administrator that (1) the care and management of all the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person, and (2) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

2. Section 1060.18 is revised to read as follows:

§ 1060.18 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, filled milk, concentrated milk, buttermilk, milk drinks (plain or flavored), sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk. The term includes these products in fluid, frozen, fortified (including "dietary" milk products) or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as yogurt, eggnog, aerated cream in dispensers, ice cream mix, frozen dessert mix and evaporated or condensed milk or skim milk. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

3. A new § 1060.19 is added, to read as follows:

§ 1060.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

4. Section 1060.20 is revised to read as follows:

§ 1060.20 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed and/or packaged. Separate facilities used only as a reload point for transferring bulk milk or filled milk from one tank truck to another shall not be a plant under this definition. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

5. In § 1060.23, paragraphs (a) and (b) are revised to read as follows:

§ 1060.23 Pool plant.

* * * * *

(a) A distributing plant from which during the month there is disposed:

(1) As Class I milk, except filled milk, on routes in the marketing area not less than 15 percent of Grade A milk receipts at such plant; and

(2) As Class I milk, except filled milk, on routes or by transfer to another plant and classified as Class I pursuant to § 1060.44 not less than the applicable percentage of such plant's receipts of Grade A milk:

(i) March through June, 20 percent;

(ii) July through February, 25 percent: *Provided,* That all distributing plants operated by a handler may be considered as one plant for the purpose of meeting the applicable percentage requirement of this subparagraph if the handler submits a written request to the market administrator prior to the delivery period for which such consideration is requested; and

(b) A supply plant from which not less than 25 percent of its producer receipts at such plant during the month is shipped as fluid milk products, except filled milk, to pool plants qualified pursuant to paragraph (a) of this section: *Provided,* That a supply plant which qualified pursuant to this paragraph in each of the immediately preceding months of August through November shall be a pool plant for the months of March through June unless the plant operator requests the market administrator in writing that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

6. In § 1060.24, the introductory text preceding paragraph (a), and paragraphs (c) and (d) are revised to read as follows:

§ 1060.24 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are shipped during the month to a distributing plant, and is neither an other order plant nor a producer-handler plant.

7. In § 1060.35, paragraphs (e) and (h) are revised to read as follows:

§ 1060.35 Reports of receipts and utilization.

* * * * *

(e) A separate statement showing the disposition of fluid milk products on routes in the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(h) Each handler specified in § 1060.10(d) who operates a partially regulated distributing plant shall report as required in this section, except that receipts of Grade A milk shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

7a. In § 1060.38, paragraphs (b) and (c) are revised to read as follows:

§ 1060.38 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

* * * * *

8. In § 1060.44, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1060.44 Transfers.

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

9. Section 1060.46 is revised to read as follows:

§ 1060.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1060.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1060.41(b)(5);

(2) Subtract from the pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order, and from exempt institutions as defined in § 1060.60(b);

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph;

(*a*) For which the handler requests Class II utilization; or

(*b*) The pounds of skim milk in receipts which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) the sum of the pounds of skim milk in producer milk, receipts of fluid milk products from pool plants of other handlers, and receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(v) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the transferee handler but not in excess of the pounds of skim milk remaining in Class II milk;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products in bulk on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (4)(iv) or (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4)(v) or (5)(ii) of this paragraph;

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1060.32(1) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1060.44(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

10. The introductory text of § 1060.61 which precedes paragraph (a) is revised to read as follows:

§ 1060.61 Plants subject to other Federal orders.

The provisions of this order shall not apply with respect to a plant of a handler specified in paragraph (a) or (b) of this section except as specified in paragraphs (c) and (d):

* * * * *

§ 1060.61 [Amended]

10a. In paragraph (a) of § 1060.61, the phrase "fluid milk products" as it appears in the text preceding the proviso is changed to read "fluid milk products, except filled milk,"; and the phrase "Class I disposition" as it appears in the proviso is changed to read "Class I disposition, except filled milk".

10b. In § 1060.61, paragraph (b) is revised and new paragraphs (c) and (d) are added to read as follows:

§ 1060.61 Plants subject to other Federal orders.

* * * * *

(b) A distributing plant which meets the requirements set forth in § 1060.23(a) which also meets the requirements of another marketing order on the basis of its distribution in such other marketing area and from which the Secretary determines a greater quantity of fluid milk products, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing order.

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1060.35 through 1060.37) and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a) or (b) of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

11. In § 1060.62, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1060.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1060.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1060.70(f) and a credit in the amount specified in § 1060.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct (except that deducted under a similiar provision of another order issud pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price), and add for the qauntity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12. In § 1060.83, paragraph (a) is revised to read as follows:

§ 1060.83 Producer-settlement fund.

* * * * *

(a) Payments made by handlers pursuant to §§ 1060.61, 1060.62, 1060.84 and 1060.86.

* * * * *

13. In § 1060.89, paragraphs (a) and (d) are revised to read as follows:

§ 1060.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1062—MILK IN THE ST. LOUIS-OZARKS MARKETING AREA

1. Section 1062.12 is revised to read as follows:

§ 1062.12 Pool plant.

"Pool plant" means:

(a) Any distributing plant, other than that of a producer-handler or one described in § 1062.61, which:

(1) Has disposition during the month of fluid milk products, except filled milk, on routes and in packaged form to pool distributing plants, which, after subtraction of the quantity of packaged fluid milk products, except filled milk, received from other pool plants, is equal to at least 50 percent of such plant's total receipts of Grade A fluid milk products from dairy farmers (including milk diverted by the plant operator), supply plants and cooperative associations as handlers pursuant to § 1062.8(d), exclusive of packaged fluid milk products, except filled milk, received from other pool plants, and has route disposition in the marketing area in an amount equal to 10 percent or more of such receipts or an average of not less than 7,000 pounds per day, whichever is less; or

(2) Qualified as a pool plant in the immediately preceding month on the basis of the performance standards described in subparagraph (1) of this paragraph;

(b) Any supply plant from which during the month 50 percent or more of the Grade A milk received from dairy farmers and cooperative associations in their capacity as a handler pursuant to § 1062.8(d) is shipped to a plant(s) described in paragraph (a) of this section. Any supply plant which has shipped to a plant(s) described in paragraph (a) of this section the required percentages of its receipts during each of the months of September through February shall be designated a pool plant in each of the following months of March through August unless the plant operator requests the market administrator in writing that such plant not be a pool plant. Such nonpool plant status shall be effective the first month following such notice and thereafter until the plant again qualifies as a pool plant on the basis of shipments;

(c) Any plant which is operated by or under contract to a cooperative association, or a federation of cooperatives, if:

(1) The operator of such plant(s) requests pool status, and 50 percent or more of all the Grade A milk from farms of the member producers of such cooperative or federation including milk delivered by the cooperative as a handler pursuant to § 1062.8(d) has been shipped to and physically received at pool distributing plants during the current month or the previous 12-month period ending with

the current month, either directly from producer member farms or by transfer from such association plant(s); and

(2) Such a plant does not qualify during the month as a "pool plant" under another market pool order issued pursuant to the Act by making shipments of milk to plants which qualify as "pool plants" under such other order; or

(3) Such plant meets the requirements of subparagraph (2) of this paragraph and met the requirements of subparagraph (1) of this paragraph in the preceding month.

2. Section 1062.13 is revised to read as follows:

§ 1062.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act;

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant which has route disposition of fluid milk products in consumer-type packages or dispenser units in the marketing area during the month; and

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

3. Section 1062.16 is revised to read as follows:

§ 1062.16 Fluid milk products.

"Fluid milk product" means milk, skim milk, concentrated milk, buttermilk, flavored milk, milk drinks (plain or flavored), fortified milk or skim milk (including "dietary milk products"), filled milk, reconstituted milk or skim milk, sour cream and sour cream mixtures labeled Grade A, cream or any mixture in fluid form of milk or skim milk and cream (except frozen or aerated cream, ice cream or frozen dessert mixes, eggnog, sour cream or sour cream mixtures not labeled Grade A, dips not labeled Grade A, and sterilized milk and milk products hermetically sealed in metal or glass containers and so processed either before or after sealing so as to prevent microbial spoilage). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. Section 1062.17 is revised to read as follows:

§ 1062.17 Route disposition.

"Route disposition" or "disposed of on routes" means any deliver of a fluid milk product to a retail or wholesale outlet (including any delivery through a vendor, or a sale in packaged form from a plant or plant store) except a delivery to another plant or to commercial food establishments pursuant to § 1062.41(b)(4).

5. A new § 1062.19 is added to read as follows:

§ 1062.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1062.30, paragraphs (a) (3), (4) and (b) are revised to read as follows:

§ 1062.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization or disposition of all quantities required to be reported, including separate statements of quantities;

(i) Of fluid milk products on hand at the end of the month;

(ii) Of route disposition of fluid milk products in the marketing area, and route disposition of filled milk in and outside the marketing area; and

(4) Such other information with respect to receipts and utilization as the market administrator may request;

(b) Each handler described in § 1062.8(b) shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk and such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

* * * * *

7. In § 1062.33, paragraph (b) is revised to read as follows:

§ 1062.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

* * * * *

8. In § 1062.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1062.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph (e), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid products shall be classified as Class I milk, and skim milk and butterfat allocated to another class shall be classified as Class II milk; and

* * * * *

9. In § 1062.46(a), subparagraphs (2), (3), (4), (5), (6), (7), and the introductory text of subparagraph (8) preceding subdivision (i) are revised to read as follows:

§ 1062.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order or from a plant exempt pursuant to § 1062.60(b);

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II milk but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph;

(*a*) For which the handler requests Class II milk utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II milk utilization was requested by the operator of such plant and the handler;

(iii) The pounds of skim milk in receipts of milk by diversion from an other

order plant for which Class II utilization was requested by the receiving handler and by the diverting handler under the other order, but not in excess of the pounds of skim milk remaining in Class II milk;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

* * * * *

10. Section 1062.61 is revised to read as follows:

§ 1062.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e):

(a) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition, except filled milk, during the month in such other Federal order marketing area is greater than was so disposed of in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition, except filled milk, during the month in this marketing area is greater than was so disposed of in such other Federal order marketing area but which plant is, nevertheless, fully regulated under such other Federal order;

(c) A supply plant meeting the requirements of § 1062.12(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of March through August if such plant retains automatic pooling status under this part;

(d) The operator of a plant specified in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1062.30 through 1062.32) and allow verification of such reports by the market administrator; and

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in the marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

11. In § 1062.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1062.62 Obligations of handlers operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1062.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or any other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1062.70(e) and a credit in the amount specified in § 1062.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

(b) An amount computed as follows:

(1) Determine the respective amounts of route disposition (other than to pool plants) of skim milk and butterfat disposed of in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content: and

(5) From the value of such milk at the Class I milk price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II milk price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12. Section 1062.83 is revised to read as follows:

§ 1062.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1062.61, 1062.62, 1062.84, and 1062.86, and out of which he shall make all payments to handlers pursuant to §§ 1062.85 and 1062.86. The market administrator shall offset the payment due to a handler against payments due from such handler.

13. In § 1062.89, paragraphs (a) and (d) are revised to read as follows:

§ 1062.89 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * * * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

1. In § 1063.10, paragraphs (a) and (b) are revised as follows:

§ 1063.10 Pool plant.

* * * * *

(a) A distributing plant from which:

(1) The volume of Class I packaged fluid milk products, except filled milk, disposed of during the month either on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets or moved to other plants, less receipts of packaged fluid milk products other than filled milk from other pool distributing plants, is not less than 45 percent of the total Grade A fluid milk products, except filled milk, received at such plant, exclusive of receipts of packaged fluid milk products from other pool distributing plants and receipts from other order plants which are assigned pursuant to § 1063.46(a)(4)(ii) and the corresponding step of § 1063.46(b); and

(2) Not less than 15 percent of such receipts during the month are so disposed of in the marketing area on routes.

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to plants qualified pursuant to paragraph (a) of this section is not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of December through August, unless written application is filed with the market administrator on or before the 1st day of any of the months of December through August to be designated a nonpool plant for such month and for each subsequent month through August.

* * * * *

2. Section 1063.11 is revised as follows:

§ 1063.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped during the month to a pool plant.

3. Section 1063.15 is revised as follows:

§ 1063.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), filled milk, cream or any mixture in fluid form of skim milk and butterfat (except aerated cream products, products containing cheese and labeled as such, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1063.18 is added as follows:

§ 1063.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1063.30, paragraph (f) is revised as follows:

§ 1063.30 Reports of receipts and utilization.

* * * * *

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

6. In § 1063.31, paragraph (c)(1) is revised as follows:

§ 1063.31 Other reports.

* * * * *

(c) * * *

(1) As required pursuant to § 1063.30, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk.

* * * * *

7. In § 1063.44, paragraph (e)(5) is revised as follows:

§ 1063.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

8. In § 1063.46, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised as follows:

§ 1063.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Substract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying

the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk, including diversions, from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph;

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1063.22(m) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

* * * * *

9. Section 1063.61 is revised as follows:

§ 1063.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a handler who operates a plant specified in paragraph (a) of this section except as specified in paragraphs (b) and (c):

(a) A distributing plant, a supply plant or a plant otherwise qualified as a pool plant pursuant to § 1063.10(c) during any month in which such plant would be subject to the classification and pricing provision of another order issued pursuant to the act unless the disposition of fluid milk products, except filled milk, from such plant to pool plants qualified under § 1063.10 and to retail and wholesale outlets in the Quad Cities-Dubunque marketing area exceeds such disposition to retail and wholesale outlets in such other marketing area and to pool plants regulated by such other order;

(b) Each handler operating a plant described in paragraph (a) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1063.30) and allow verification of such reports by the market administrator.

(c) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the non-pool plant and subtract its value at the Class II price.

10. In § 1063.62, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1063.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1063.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1063.70(e) and a credit in the amount specified in § 1063.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11. Section 1063.83 is revised as follows:

§ 1063.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1063.61, 1063.62, 1063.84, and 1063.86 and out of which he shall make all payments to handlers pursuant to §§ 1063.85 and 1063.86.

12. In § 1063.89, paragraphs (a) and (d) are revised as follows:

§ 1063.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in

the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

1. Section 1064.12 is revised as follows:

§ 1064.12 Pool plant.

"Pool plant" means a plant (except a plant exempt pursuant to § 1064.60 or § 1064.62) specified in paragraph (a), (b), or (c) of this section:

(a) A distributing plant from which during the month or the immediately preceding month:

(1) Not less than 15 percent of the total Grade A fluid milk products, except filled milk, received at such plant, including producer milk diverted to other plants pursuant to § 1064.15 by the handler operating such plant is disposed of in the marketing area on routes in the form of fluid milk products, except filled milk, and

(2) Not less than the following percentage of the total Grade A fluid milk products, except filled milk, received at such plant, including producer milk diverted to other plants pursuant to § 1064.15 by the handler operating such plant is disposed of on routes in the form of fluid milk products, except filled milk: *Provided,* That the combined receipts and disposition of each handler who operates more than one distributing plant, each of which meets the performance requirement of subparagraph (1) of this paragraph, shall be used in determining the percentages specified in this subparagraph:

(i) April through June, 35 percent;

(ii) September and October, 50 percent; and

(iii) All other months, 45 percent.

(b) A supply plant from which during the month the volume of Grade A fluid milk products, except filled milk, shipped to and received at pool plants pursuant to paragraph (a) of this section and/or disposed of in the marketing area as Class I, except filled milk, on routes is not less than 30 percent during November, December, and January and not less than 50 percent during all other months of the volume of Grade A milk received from dairy farmers at such plant (including receipts from a handler pursuant to § 1064.7(c) except receipts of diverted milk pursuant to § 1064.15): *Provided,* That any supply plant which is a pool plant during September through January shall be pooled for the following months of February through August if the required percentages pursuant to this paragraph are not met, unless such operator requests the market administrator in writing that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

(c) A supply plant which is operated by a cooperative association in any month in which the member producer milk of such cooperative association received during the month at pool distributing plants either by transfer from such supply plant or directly from member producers' farms is equal to or in excess of the following percentages of such cooperatives' total member producer milk: September, October, November, December, and January, 65 percent; all other months, 50 percent. If two or more cooperative associations desire to qualify, a supply plant operated by one of such cooperatives as a pool plant on the basis of their combined deliveries to pool distributing plants and have filed a request to this effect in writing with the market administrator on or before the first day of the month the agreement is effective, such a supply plant shall be a pool plant during the month if the above specified percentages of the total member producer milk of such cooperative associations was received during the month at pool distributing plants.

2. Section 1064.13 is revised as follows:

§ 1064.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant (except the plant of a handler pursuant to § 1064.7(f), an other order plant, or a producer-handler plant) from which fluid milk products in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant which is not an other order plant, a producer-handler plant, or a plant of a handler pursuant to § 1064.7(f) from which a fluid milk product is shipped during the month to a pool plant.

3. Section 1064.17 is revised as follows:

§ 1064.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, fortified milk or skim milk, reconstituted milk or skim milk, filled milk, sweet or sour cream and any mixture of such cream and milk or skim milk (including such mixtures containing less than the required butterfat standard for cream but not including any cultured sour mixtures to which cheese or any food substance other than a milk product has been added in an amount not less than 3 percent by weight of the finished product) and concentrated (frozen or fresh) milk, flavored milk, or flavored milk drinks which are neither sterilized nor in hermetically sealed cans. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1064.17a is added as follows:

§ 1064.17a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1064.30, paragraphs (e) and (h) are revised as follows:

§ 1064.30 Reports of receipts and utilization.

* * * * *

(e) The disposition of fluid milk products on routes wholly outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(h) Each handler specified in § 1064.7(d) who operates a partially regulated distributing plant shall report as required in this section, with receipts in Grade A milk reported in lieu of those in producer milk. Such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk.

6. In § 1064.33, paragraphs (b) and (d) are revised as follows:

§ 1064.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products (including filled milk) handled;

* * * * *

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product (including filled milk) on hand at the beginning and at the end of each month.

7. In § 1064.44, paragraph (e)(5) is revised as follows:

§ 1064.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I and skim milk and butterfat allocated to the other class shall be classified as Class III; and

* * * * *

8. Section 1064.46 is revised as follows:

§ 1064.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1064.45, the market administrator shall determine the classification

of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III, the pounds of skim milk classified as Class III pursuant to § 1064.41(c)(7);

(2) Subtract from the remaining pounds of skim milk in each class, the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(vi) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract, in the order specified below, from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products, except filled milk, for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of fluid milk products from a handler pursuant to § 1064.7(f);

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another marketwide pool order.

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II milk or Class III milk but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products that were not subtracted pursuant to subparagraph (3)(v) of this paragraph from an unregulated supply plant:

(*a*) For which the handler requests Class II or Class III in series beginning with the requested class; or

(*b*) In series beginning with Class III, which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, receipts from other pool plants, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph; and

(ii) Receipts of fluid milk products that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph in bulk from an other order plant in excess of similar transfers to such plant, if Class II or Class III was requested by the operators of both plants in series beginning with the requested class;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in inventory of fluid milk products at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(v) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(vi) or (4)(ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated combined Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1064.22(m) or the percentage that combined Class II and Class III utilization remaining is of the total remaining utilization of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1064.44(a); and

(10) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. In § 1064.61, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1064.61 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1064.70 shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1064.70(e) and a credit in the amount specified in § 1064.84(a)(2)(ii) with respect to receipts, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

10. Section 1064.62 is revised as follows:

§ 1064.62 Plants subject to other Federal orders.

The provisions of this part shall not apply to any plant which meets the requirements of paragraph (a), (b), or (c) of this section, except as specified in paragraphs (d) and (e) of this section.

(a) A distributing plant qualified pursuant to § 1064.12 which also meets the pooling requirements of another Federal order and a greater volume of fluid milk products, except filled milk, was disposed of during the month on routes in such other marketing area and to pool plants qualified on the basis of route distribution in such other marketing

area than was so disposed of in this marketing area except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its fluid product disposition, except filled milk, is made in the above described manner in such other marketing area, unless, notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A distributing plant qualified pursuant to § 1064.12 which also meets the pooling requirements of another Federal order and a greater volume of fluid milk products, except filled milk, was disposed of during the month on routes in this marketing area and to pool plants qualified on the basis of route distribution in this marketing area than was so disposed of in such other Federal order marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A supply plant meeting the requirements of § 1064.12, which also meets the pooling requirements of another Federal order, from which greater direct marketing area route disposition in the form of fluid milk products, except filled milk, and qualifying shipments are made to plants regulated under such other order than are made in this marketing area on routes in the form of fluid milk products, except filled milk, and to plants regulated under this part, except that during the months of February through August if the operator of such plant gives written notification to the market administrator on or before the 1st day of any such month that he elects to maintain automatic pool status for such plants under this part for the month and each subsequent month through August.

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1064.30 through 1064.32) and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

11. In § 1064.83, paragraph (a) is revised as follows:

§ 1064.83 Producer-settlement fund.

* * * * *

(a) Payments made by handlers pursuant to § 1064.61 (a) and (b), § 1064.62 (e), and §§ 1064.84 and 1064.86.

* * * * *

12. In § 1064.89, paragraphs (a) and (d) are revised as follows:

§ 1064.89 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING IOWA

1. Section 1065.9 is revised to read as follows:

§ 1065.9 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and the operator of a distributing plant, and who meets all of the following conditions:

(a) Receipts of fluid milk products at his plant are solely milk of his own production and fluid milk products from pool plants of other handlers;

(b) Receives no nonfluid milk products for reconstituting into fluid milk products; and

(c) The maintenance, care and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging and distribution of the milk (including filled milk) are the personal enterprise and the personal risk of such person.

2. In § 1065.12, paragraphs (a) and (b) are revised to read as follows:

§ 1065.12 Pool plant.

* * * * *

(a) A distributing plant from which a volume of Class I milk, except filled milk, equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers, supply plants (exclusive of plants qualifying as pool plants pursuant to this paragraph), and cooperative associations pursuant to § 1065.8 (d), is disposed of during the month on routes and not less than 15 percent of such receipts are so disposed of in the marketing area; and

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 50 percent of the Grade A milk received at such plant from dairy farmers and cooperative associations pursuant to § 1065.8(d) during such month. A supply plant that qualifies as a pool plant in each of the immediately preceding months of August through December shall be a pool plant for the succeeding months of January through July, unless the plant operator requests the market administrator, in writing, that such plant not be a pool plant, such nonpool plant status to be effective the first month following such notice and thereafter until the plant again qualifies as a pool plant on the basis of shipments.

* * * * *

3. In § 1065.13, the introductory text preceding paragraph (a), and paragraphs (c) and (d) are revised to read as follows:

§ 1065.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant

from which fluid milk products are shipped during the month to a pool plant.

4. Section 1065.16 is revised to read as follows:

§ 1065.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, yogurt, milk drinks (plain or flavored), filled milk, concentrated milk (frozen or fresh), cream, cultured or sour cream or any mixture in fluid form of milk or skim milk and cream (except frozen cream, a product which contains 6 percent or more nonmilk fat (or oil), aerated cream products, ice cream mix, frozen dessert mixes, eggnog, evaporated or condensed milk, sterilized products packaged in hermetically sealed metal or glass containers, and cultured sour mixtures of cream and milk or skim milk to which cheese or any other food substance other than a milk product has been added and not labeled as Grade A).

5. A new § 1065.19 is added, to read as follows:

§ 1065.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1065.30, subparagraph (3) of paragraph (a), and paragraph (b) are revised to read as follows:

§ 1065.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization in each class of the quantities required to be reported, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(b) Each handler specified in § 1065.8 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk shall be reported in lieu of those in producer milk; such report shall include separate statements showing the respective amounts of skim milk and butterfat disposed of on routes (other than to pool plants) in the marketing area as Class I milk and the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

* * * * *

7. Section 1065.33 is revised to read as follows:

§ 1065.33 Records and facilities.

Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat required to be reported pursuant to § 1065.30;

(b) The weights and tests for butterfat and other contents of all milk and milk products (including filled milk) received or utilized; and

(c) Payments to producers or cooperative associations.

8. In § 1065.44, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1065.44 Transfers.

* * * * *

(f) * * *

(5) For the purposes of this paragraph if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to Class II under the other order shall be classified as Class III; and

* * * * *

9. Section 1065.46 is revised to read as follows:

§ 1065.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1065.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1065.41(c)(8);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, in sequence beginning with Class III from the pounds of skim milk remaining in Classes II and III, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II or Class III utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph,

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such a plant, if Class II or Class III utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1065.22(1) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers

according to the classification assigned pursuant to § 1065.44(a);

(10) Subtract pro rata from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from a cooperative association in its capacity as a handler pursuant to § 1065.8(d); and

(11) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the precedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

10. Section 1065.61 is revised to read as follows:

§ 1065.61 Plants subject to other Federal orders.

The provisions of this part, except §§ 1065.32 through 1065.34 and as specified in paragraph (c) of this section shall not apply to a handler with respect to the operation of plants described in paragraphs (a) or (b).

(a) A plant qualified pursuant to § 1065.12(a) from which a lesser volume of fluid milk products (not including filled milk) is disposed of in the Nebraska-Western Iowa marketing area than in the marketing area of another marketing agreement or order issued pursuant to the Act and which is fully subject to the classification and pricing provisions of such other agreement or order;

(b) Any plant qualified pursuant to § 1065.12(b) for any portion of the period of January through July, inclusive, that producer milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

(c) Each handler operating a plant specified in paragraph (a), of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketing pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

11. In § 1065.62, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1065.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1065.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1065.70(e) and a credit in the amount specified in § 1065.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

12. Section 1065.81 is revised to read as follows:

§ 1065.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1065.61, 1065.62 (a) and (b), 1065.82, and 1065.84 and out of which he shall make all payments to handlers pursuant to §§ 1065.83 and 1065.84.

13. In § 1065.87, paragraphs (a) and (d) are revised to read as follows:

§ 1065.87 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on skim milk and butterfat involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service if such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists were received or handled; and

(3) If the obligation is payable to one or more producer(s) or association of producers, the names of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

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

1. Section 1068.7 is revised to read as follows:

§ 1068.7 Route.

"Route" means any delivery either inside or outside the marketing area (including disposition by a vendor or from a plant store or from vending machines) of any item of Class I milk to a wholesale

or retail stop, including any governmentally operated institution, but (except for filled milk) excluding any disposition of skim milk or butterfat not eligible for sale in fluid form as Grade A milk or cream in the marketing area from a nonpool plant to any other plant or to a commercial processor of foods.

2. Section 1068.8 is revised to read as follows:

§ 1068.8 Plant.

"Plant" means the entire land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, maintained and operated at the same location primarily for the receiving, processing or other handling of milk or milk products (including filled milk). Under this definition any separate portion of a premises or facilities qualified under § 1068.9(b) used to receive, process, or otherwise handle milk or filled milk shall be deemed to be a separate plant. This definition shall not include any building, premises, facilities, or equipment used primarily (a) to hold or store bottled milk or milk products (including filled milk) in finished form in transit for wholesale or retail distribution on a route(s), or (b) to transfer milk from one conveyance to another in transit from farm to plant of first receipt.

3. In § 1068.9, paragraphs (a) and (b) are revised to read as follows:

§ 1068.9 Pool plant.

* * * * *

(a) A plant in which milk is processed or packaged and from which not less than 15 percent of its total disposition of Class I milk, except filled milk, during the month either by the operator of such plant or by another person is made within the marketing area on a route(s): *Provided,* That the total quantity of Class I milk, except filled milk, disposed of from such plant during the month either inside or outside the marketing area, is equal to 30 percent or more of such plant's total receipts of skim milk and butterfat eligible for sale in fluid form as Grade A milk within the marketing area in any of the months of January through June, or to 50 percent or more of such total receipts in any of the months of July through December; or

(b) Any plant from which during any month 40 percent or more of such plant's total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to (1) a plant(s) which has qualified pursuant to paragraph (a) of this section, (2) any other plant(s) located within the marketing area from which Class I milk, not including filled milk, is disposed of within the marketing area on a route(s), or (3) a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities: *Provided,* That if during each of the months of August, September, and October, 40 percent or more of such plant's receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant through the following July: *And provided further,* That any deliveries of milk by a cooperative association during the months of August, September, and October directly from a farm(s) of its producer member(s) to a plant(s) described in paragraph (a) of this section may be considered, for purposes of this paragraph, as having been received first at a plant of such cooperative association.

* * * * *

4. In § 1068.10, the introductory text preceding paragraph (a), and paragraphs (c) and (d) are revised to read as follows:

§ 1068.10 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which a fluid milk product is shipped during the month to a pool plant.

5. Section 1068.15 is revised to read as follows:

§ 1068.15 Producer-handler.

Producer-handler means any person who meets all of the following conditions:

(a) Operates a dairy farm and a distribution plant at which Grade A milk of his own production is processed and packaged, and disposed of as Class I milk on routes in the marketing area;

(b) Receives no milk from the farms of other dairy farmers nor fluid milk products from any other source, except receipts of not more than 50,000 pounds (3.5 percent milk equivalent of butterfat) in the form of milk or filled milk during the month by transfer from pool plants of other handlers;

(c) Receives no nonfluid milk products from any source for use in reconstituting fluid milk products;

(d) Has route disposition consisting only of skim milk and butterfat obtained from his own farm production except that received pursuant the exception set forth in paragraph (b) of this section; and

(e) The maintenance, care and management of the dairy animals and other resources necessary to produce such milk and the processing, packaging, or distribution of milk (including filled milk) are the personal enterprise, and the personal risk, of such person.

6. Section 1068.19 is revised to read as follows:

§ 1068.19 Fluid milk product.

"Fluid milk product" means milk, skim milk (including reconstituted skim milk), filled milk, concentrated milk, buttermilk, flavored milk, flavored milk drinks (except any such item disposed of as animal feed and sterilized milk, cream, or milk drinks in metal containers hermetically sealed), cream (sweet or sour, including "Smetana" and similar sour cream products and mixtures of cream and milk or skim milk containing less butterfat than the legal standard for cream): *Provided,* That when nonfat milk solids are added for "fortification" the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same mixture and butterfat content. This definition also shall not include a product which contains 6 percent or more nonmilk fat (or oil).

7. A new § 1068.17 is added, to read as follows:

§ 1068.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk products; and contains less than 6 percent nonmilk fat (or oil).

8. Section 1068.30 is revised to read as follows:

§ 1068.30 Monthly reports of receipts and utilization.

(a) On or before the 10th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 1068.13(a) shall report, separately for each pool plant, to the market administrator for the preceding month with respect to all milk and milk products (including filled milk), except any milk product defined as Class II milk which is disposed of in the form in which received without further processing or packaging by the handler, received at each pool plant, the following:

(1) The quantities of skim milk and the quantities of butterfat contained in milk received from producers (including such handler's own production) and contained in milk and filled milk received from producer-handlers and other pool plants.

(2) The quantities of skim milk and quantities of butterfat contained in other source milk, with the sources thereof;

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including on a skim milk equivalent basis any nonfat milk solids used to fortify (or as an additive to) any milk product (including filled milk) as described in § 1068.45, and including the quantities of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products (including filled milk);

(4) A separate statement of the disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

(5) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

(b) Each handler specified in § 1068.13 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes (other than to pool plants) in the marketing area as Class I milk, and the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(c) Each handler specified in § 1068.13 (e) who operates an unregulated supply plant shall report as required in paragraph (a) of this section, except that the receipts in Grade A milk shall be reported in lieu of those in producer milk.

9. In § 1068.33, paragraph (d) is revised to read as follows:

§ 1068.33 Records and facilities.

* * * * *

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product (including filled milk) on hand at the beginning and at the end of each month.

10. In § 1068.44, paragraph (c), and subparagraph (5) of paragraph (f) are revised to read as follows:

§ 1068.44 Transfers.

* * * * *

(c) As Class I milk if moved to a nonpool plant by a cooperative association directly from the farm of the producer and the nonpool plant is one from which milk (including filled milk) is disposed of in fluid form on routes;

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

11. Section 1068.45 is revised to read as follows:

§ 1068.45 Computation of milk in each class.

For each month the market administrator shall correct mathematical and other obvious errors in the monthly report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler: *Provided,* That when nonfat milk solids derived from nonfat dry milk, condensed skim milk, and any other product condensed from milk or skim milk, are utilized by such handler either (a) to fortify (or as an additive to) fluid milk, flavored milk, skim milk, or any other milk product (including filled milk), or (b) for disposition by a handler in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

12. Section 1068.46 is revised to read as follows:

§ 1068.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1068.45, the market administrator shall determine the classification of produced milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1068.41(b)(5);

(2) Subtract from the pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from a cooperative association as a handler pursuant to the proviso of § 1068.13(a), receipts from pool plants of other handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1068.22(i) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1068.44(a);

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

13. Section 1068.61 is revised to read as follows:

§ 1068.61 Producer-handlers.

Any handler claiming producer-handler status shall furnish to the market administrator, for verification, evidence of his qualifications as a producer-handler pursuant to § 1068.15 and shall furnish evidence of subsequent changes

made in the manner of producing, securing, or distributing milk (including filled milk) that affect such qualifications as a producer-handler; such verification by the market administrator shall be made within 15 days of receipt of the evidence and shall be effective as of the first day of the month during which vertification is made.

14. Section 1068.62 is revised to read as follows:

§ 1068.62 Milk under more than one Federal order.

Milk received at a plant qualified as a pool plant under § 1068.9 shall be exempt from the provisions of this part except as specified in paragraphs (c) and (d) of this section if all the conditions of paragraphs (a) and (b) of this section are met:

(a) The Secretary determines that a greater quantity of milk in fluid form is disposed of from such plant to another regulated area as defined in another marketing agreement or order issued pursuant to the act either on routes or through plants regulated by such other marketing agreement or order than is disposed of from such plant in the Minneapolis-St. Paul marketing area either on routes or through other pool plants; and

(b) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from this part;

(c) The handler of such milk shall make reports to the market administrator with respect to his total receipts and utilization or disposition of skim milk and butterfat at such times and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with § 1068.33.

(d) A handler, with respect to milk exempt from the terms of the Minneapolis-St. Paul order as provided in this section, if such milk is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

15. Section 1068.63 is revised to read as follows:

§ 1068.63 Butterfat in fluid skim milk.

For classification purposes, pursuant to §§ 1068.40 through 1068.46, butterfat in skim milk either disposed of to others or used in the manufacture of milk products (including filled milk) shall be accounted for at a butterfat content of 0.065 percent, unless the handler has adequate records of the actual butterfat content of such skim milk.

16. In § 1068.64, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1068.64 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1068.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant for an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1068.70(d) and a credit in the amount specified in § 1068.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1068.71 applicable at such location or at the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

17. Section 1068.83 is revised to read as follows:

§ 1068.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1068.62, 1068.64, 1068.84, and 1068.86 and out of which he shall make all payments due handlers pursuant to §§ 1068.85 and 1068.86: *Provided*, That the market administrator shall offset any payments due any handler against payments due from such handler.

18. In § 1068.93, paragraphs (a) and (d) are revised to read as follows:

§ 1068.93 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

PART 1069—MILK IN THE DULUTH-SUPERIOR MARKETING AREA

1. In § 1069.7, paragraphs (a) and (b) are revised to read as follows:

§ 1069.7 Pool plant.

* * * * *

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which fluid milk products are pasteurized or packaged and from which there is disposed of during the month as Class I milk, except filled milk, on routes an amount equal to 50 percent or more of total receipts of Grade A milk at such plant from dairy farmers, from other plants, and from cooperative associations in their capacity as handlers and from which there is disposed of as Class I milk, except filled milk, on routes in the marketing area an amount equal to 10 percent or more of such total receipts: *Provided,* That such Class I sales distribution (not including filled milk) in the marketing area averages at least 500 pounds per day;

(b) Any plant, hereinafter referred to as a "supply pool plant", from which during the month 50 percent or more of its supply of Grade A milk from dairy farmers is moved to a distributing pool plant(s): *Provided,* That any supply plant which has qualified as a pool plant in each of the months of September, October, and November shall be a pool plant for each of the following months of December through August unless written request for nonpool status is furnished in advance to the market administrator.

* * * * *

2. Section 1069.8 is revised to read as follows:

§ 1069.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped during the month to a pool plant.

3. Section 1069.14 is revised to read as follows:

§ 1069.14 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk flavored milk, flavored milk drinks, filled milk, concentrated milk or milk drinks not in hermetically sealed cans, cream, and fluid mixtures of cream and milk or skim milk, including reconstituted milk or skim milk, but not including frozen cream, aerated cream products, eggnog, or ice cream and frozen dessert mixes. This definition shall not include a product which contains six percent or more nonmilk fat (or oil).

4. A new § 1069.18 is added, to read as follows:

§ 1069.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1069.30, subparagraph (5) of paragraph (a), and paragraph (b) are revised to read as follows:

§ 1069.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(b) Each handler specified in § 1069.9 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include separate statements showing the quantity of fluid milk products disposed of on routes (other than to pool plants) in the marketing area as Class I milk, and the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(6) In § 1069.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1069.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

7. Section 1069.46 is revised to read as follows:

§ 1069.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1069.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1069.41(b)(5);

(2) Subtract from the remaining pound of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim drinks (plain or flavored), cream or any milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity;

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph;

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from a handler pursuant to § 1069.9(d), receipts from pool plants of other handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk

products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1069.22(k) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1069.44(a);

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

8. Section 1069.61 is revised to read as follows:

§ 1069.61 Plants subject to other Federal orders.

(a) Except as set forth in paragraph (b) of this section, the provisions of this part shall not apply to a plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless:

(1) Such plant is qualified as a pool plant pursuant to § 1069.7 and a greater volume of Class I milk, except filled milk, is disposed of from such plant in the Duluth-Superior marketing area than in the marketing area regulated pursuant to such other order, or

(2) The Secretary determines that the applicable order should more appropriately be determined on some other basis.

(b) Each handler in his capacity as an operator of a plant which, pursuant this section, is made partially exempt from the provisions of this part shall:

(1) With respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1069.30 through 1069.32) and allow verification of such reports by the market administrator; and

(2) If such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(i) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(ii) Compute the value of the quantity assigned in subparagraph (1) to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

9. In § 1069.62, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1069.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1069.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1069.70(e) and a credit in the amount specified in § 1069.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1069.71 at the same location or at the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

10. Section 1069.83 is revised to read as follows:

§ 1069.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1069.61, 1069.62, 1069.84, and 1069.86, and out of which he shall make payments to handlers pursuant to §§ 1069.85 and 1069.86: *Provided,* That any payments due to any handler shall be offset by any payments due such handler.

11. In § 1069.89, paragraphs (a) and (d) are revised to read as follows:

§ 1069.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

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

1. Section 1070.10 is revised as follows:

§ 1070.10 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk, except filled milk, equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided,* That if such shipments are not less than 50 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year.

(c) A cooperative association with respect to Grade A milk received from dairy farmers at their farms in a tank truck owned or operated by such cooperative association and delivered in such tank truck to a pool plant: *Provided,* That such milk shall be deemed to have been received by the cooperative association at the location of the pool plant to which it is delivered by the tank truck and such location shall be deemed to be the location of such cooperative association in its capacity as the operator of a pool plant.

(d) A plant (1) which is approved by a duly constituted health authority for the handling of Grade A milk; (2) which is operated by a cooperative association; and (3) from which the milk transferred by the association to plants of other handlers specified in paragraph (a) of this section plus that delivered by such association pursuant to paragraph (c) of this section and that delivered directly from the farms of members of such association to such plants is Grade A milk delivered by producers who are members of the association. If written application is filed with the market administrator on or before the 5th day of any month, such plant may be designated a nonpool plant for such month and for any subsequent months, except such plant shall be a nonpool plant during any month in which it would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless the disposition of fluid milk products, except filled milk, from such plant to pool plants qualified under § 1070.10 and to retail and wholesale outlets in the Cedar Rapids-Iowa City marketing area exceeds such disposition to retail and wholesale outlets in such other marketing area and to pool plants regulated by such other order.

2. Section 1070.11 is revised as follows:

§ 1070.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped during the month to a pool plant.

3. Section 1070.13 is revised as follows:

§ 1070.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers or from a cooperative association in its capacity as the operator of a pool plant pursuant to § 1070.10(c) and whose disposition of fluid milk products does not exceed that (a) received from a pool plant, (b) processed from milk of his own production, or (c) processed from fluid milk products received from a pool plant.

4. Section 1070.15 is revised as follows:

§ 1070.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), filled milk, cream or any mixture in fluid form of skim milk and cream (except aerated cream products, ice cream mix, evaporated or condensed milk and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1070.18 is added as follows:

§ 1070.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1070.30, paragraph (f) is revised as follows:

§ 1070.30 Reports of receipts and utilization.

* * * * *

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

7. In § 1070.31, paragraph (c)(1) is revised as follows:

§ 1070.31 Other reports.

* * * * *

(c) * * *

(1) As required pursuant to § 1070.30, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and shall include a statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

* * * * *

8. In §1070.32, paragraphs (b) and (c) are revised as follows:

§ 1070.32 Records and facilities.

* * * * *

(b) The weights and butterfat and other content of all milk, skim milk cream and other milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * *

9. In § 1070.44, paragraph (e)(5) is revised as follows:

§ 1070.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

10. In § 1070.46, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised as follows:

§ 1070.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(iv) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or.

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipt of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1070.22(1) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

11. Section 1070.61 is revised as follows:

§ 1070.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a handler who operates a plant specified in paragraph (a) of this section except as specified in paragraphs (b) and (c):

(a) A distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the disposition of fluid milk products, except filled milk, from such plant to pool plants qualified under § 1070.10 and to retail and wholesale outlets in the Cedar Rapids-Iowa City marketing area exceeds such disposition to retail and wholesale outlets in such other marketing area and to pool plants regulated by such other order.

(b) Each handler operating a plant described in paragraph (a) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1070.30 and 1070.31) and allow verification of such reports by the market administrator.

(c) Each handler operating a plant specified in paragraph (a), of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

12. In § 1070.62, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1070.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1070.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1070.70(e) and a credit in the amount specified in § 1070.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. Section 1070.83 is revised as follows:

§ 1070.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1070.61, 1070.62, 1070.84, and 1070.86, and out of which he shall make all payments to handlers pursuant to §§ 1070.85 and 1070.86.

14. In § 1070.89, paragraphs (a) and (d) are revised as follows:

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

PART 1071—MILK IN THE NEOSHO VALLEY MARKETING AREA

1. In § 1071.7, the introductory text and paragraph (a) are revised to read as follows:

§ 1071.7 Pool plant.

"Pool plant" means any milk plant described in paragraph (a) or (b) of this section, which is approved by the appropriate health authority having jurisdiction in the marketing area, except the plant of a producer-handler or a plant exempt pursuant to § 1071.61.

(a) Any plant, hereinafter referred to as a "distributing pool plant" from which:

(1) During the current delivery period there is distributed as Class I milk, except filled milk, on routes in the marketing area, an amount equal to 10 percent or more of such plant's Grade A receipts from dairy farmers as specified in subparagraph (2) of this paragraph; and

(i) During the current delivery period there is disposed of as Class I milk, except filled milk, an amount not less than an applicable percentage of such plant's Grade A receipts as specified in subparagraph (2) of this paragraph as follows: (*a*) April through August, 30 percent; and (*b*) September through March, 45 percent; or

(ii) During five of the six immediately preceding delivery periods, such plant was a pool plant by virtue of meeting the specifications pursuant to subdivision (i) of this subparagraph; and

(2) The Grade A receipts from dairy farmers to be used in calculating the percentages specified in subparagraph (1) of this paragraph, for each plant shall include all receipts of Grade A milk from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1071.9(c)(3) subject to the following provisions:

(i) Milk diverted to another plant for the account of the operator of the plant from which the milk was diverted shall be included in the receipts of the plant from which diverted for the purposes of this section, if the milk is claimed as diverted on the report of the diverting handler filed for the month pursuant to § 1071.30 (if such claim is made by the diverting handler, milk so diverted shall be excluded from the receipts of the plant to which diverted); and

(ii) Milk received at a plant operated by a cooperative association from another cooperative association acting as a handler pursuant to § 1071.9(c)(2) shall be excluded from the cooperative association's plant receipts for the purposes of this section.

* * * * *

2. Section 1071.8 is revised to read as follows:

§ 1071.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are distributed on routes in the marketing area in consumer-type packages or dispenser units during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved during the month to a pool plant qualified pursuant to § 1071.7 and which is neither an other order plant nor a producer-handler plant.

3. Section 1071.11 is revised to read as follows:

§ 1071.11 Producer-handler.

"Producer-handler" means any person who, with the approval of any health authority having jurisdiction in the marketing area, processes milk from his own farm production and disposes of all or a portion of such milk as Class I milk within the marketing area, who receives no milk from producers, and who disposes of no fluid milk products in excess of those (a) received from a pool plant, (b) received from an other order plant that are classified and priced as Class I milk under the other order, and (c) from milk of his own production.

4. Section 1071.16 is revised to read as follows:

§ 1071.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, filled milk, flavored milk drinks, cream, cultured sour cream, and any mixture (except bulk ice cream mix, eggnog, and aerated cream) of cream and milk or skim milk. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1071.17 is added to read as follows:

§ 1071.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. Section 1071.30 is revised to read as follows:

§ 1071.30 Reports of receipts and utilization.

On or before the 7th day after the end of each delivery period, each handler shall report to the market administrator in the detail and on forms prescribed by

the market administrator for each plant as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Receipts for his account of producer milk;

(2) Milk and milk products (including filled milk) received from other pool plants and from a cooperative association which is a handler pursuant to § 1071.9(c);

(3) Other source milk; and

(4) Inventories on hand at the beginning and the end of the delivery period;

(b) The utilization of all skim milk and butterfat required to be reported by this section, and a statement showing separately in-area and outside area route disposition of filled milk;

(c) Such other information with respect to the receipts and utilization of milk and milk products (including filled milk) as the market administrator may require; and

(d) Each handler specified in § 1071.9 (b) who operates a partially regulated distributing plant shall report as required in this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

7. Section 1071.33 is revised to read as follows:

§ 1071.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat in producer milk and all other skim milk and butterfat in milk and milk products (including filled milk) handled during the month and in inventories at the beginning and end of the month.

(b) The weights of butterfat and skim milk in all milk and milk products (including filled milk) handled; and

(c) Payments to producers and cooperative associations.

8. In § 1071.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1071.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

9. In § 1071.46(a), subparagraphs (2), (4), (5), (7), and (8) are revised to read as follows:

§ 1071.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such rceipts; and

(ii) From Class I milk, the remainder of such receipts;

* * * * *

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (4) (iv) of this paragraph;

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and substracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, from cooperative handlers pursuant to § 1071.9(c), and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph; in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (4) (v) or (5) (i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pusuant to subparagraphs (4) (v) or (5) (ii) of this paragraph;

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1071.22(1) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

* * * * *

10. Section 1071.61 is revised to read as follows:

§ 1071.61 Handlers subject to other orders.

In the case of any handler (as defined in this section) who the Secretary determines disposed of a greater portion of his milk as Class I milk, except filled milk, in another marketing area regulated by another milk marketing agreement or order issued pursuant to the Act, or who otherwise is determined pursuant to the provisions of another milk marketing agreement or order to be subject to the pricing and payment provisions of such agreement or order, the provisions of this order shall not apply except as specified in paragraphs (a) and (b) of this section:

(a) Each handler operating a plant described above shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) Each handler operating a plant described above, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

11. In § 1071.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1071.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1071.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1071.70(d) and a credit in the amount specified in § 1071.93(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in filled milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12. Section 1071.92 is revised to read as follows:

§ 1071.92 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit payments made by handlers pursuant to §§ 1071.61, 1071.62, 1071.93, and 1071.95 and out of which he shall make payments to handlers pursuant to §§ 1071.94 and 1071.95: *Provided,* That payments due to any handler shall be offset by payments due from such handler.

13. In § 1071.98, paragraphs (a) and (d) are revised to read as follows:

§ 1071.98 Termination of Obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

1. In § 1073.9, paragraph (a) is revised to read as follows:

§ 1073.9 Producer-handler.

* * * * *

(a) His disposition of fluid milk products does not exceed his own farm production, receipts of fluid milk products from pool plants and receipts of packaged fluid milk products from other order plants; and

* * * * *

2. In § 1073.12, subparagraph (1) of paragraph (a) is revised to read as follows:

§ 1073.12 Pool plant.

* * * * *

(a) * * *

(1) Disposes of through route disposition fluid milk products, except filled milk, in an amount equal to 25 percent or more during the months of March through July and 35 percent during all other months of such plant's total receipts of Grade A milk direct from dairy farmers, supply plants and cooperative associations in their capacity as a handler pursuant to § 1073.8(d) and has route disposition in the marketing area in an amount equal to 10 percent or more of such receipts. In any case in which the entire quantity of fluid milk products, except filled milk, disposed of in packages in a particular size and form is received in such packages from other plants, all such disposition shall be credited to the plant from which such packages were received and shall be deducted from the appropriate disposition of the receiving plant; or

* * * * *

3. Section 1073.13 is revised to read as follows:

§ 1073.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act;

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant which has route disposition of fluid milk products in consumer-type packages or dispenser units in the marketing area during the month; and

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped to a pool plant.

4. Section 1073.16 is revised to read as follows:

§ 1073.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, filled milk, concentrated milk disposed of for fluid consumption other than in hermetically sealed metal or glass containers, buttermilk, flavored milk, yogurt, milk drinks (plain or flavored) "modified or fortified," including "dietary milk products" and reconstituted milk or skim milk, sour cream and sour cream products labeled Grade

A, cream or any mixture in fluid form of milk or skim milk and cream (except frozen or aerated cream, ice cream or frozen dessert mixes, eggnog and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains six percent or more nonmilk fat (or oil).

5. A new § 1073.19 is added to read as follows:

§ 1073.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1073.30, subparagraph (3) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1073.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization or disposition of all quantities required to be reported, including separate statements of quantities:

(i) Of bulk fluid milk products on hand at the end of the month;

(ii) Of packaged fluid milk products on hand at the end of the month; and

(iii) Of route disposition of fluid milk products in the marketing area;

(iv) Of in-area route disposition of filled milk; and

(v) Of outside area route disposition of filled milk; and

* * * * *

(b) Each handler described in § 1073.8 (b) shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those of producer milk and a statement showing the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area; and

* * * * *

7. In § 1073.33, paragraph (b) is revised to read as follows:

§ 1073.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products (including filled milk) handled;

* * * * *

8. In § 1073.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1073.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph (e), if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk and butterfat allocated to another class shall be classified as Class III milk; and

9. In § 1073.46, subparagraphs (2), (3), (4), (5), (6), (7), (8), and the introductory text of subparagraph (9) preceding subdivision (i), of paragraph (a) are revised to read as follows:

§ 1073.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4) (v) of this paragraph as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II or III milk but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (4) (iv) of this paragraph:

(*a*) For which the handler requests Class III (or Class II) milk utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph in excess of similar transfers to such plant, if Class III (or Class II) milk utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (4) (iv) or (5) (i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4) (v) or (5) (ii) of this paragraph:

10. Section 1073.61 is revised to read as follows:

§ 1073.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e):

(a) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition, except filled milk, during the month in such other Federal order marketing area is greater than was so disposed of in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of such Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition, except filled milk, during the month in this marketing area is greater than was so disposed of in such other Federal order marketing area but which plant is nevertheless, fully regulated under such other Federal order; and

(c) A supply plant meeting the requirements of § 1073.12(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to

plants regulated under this part, except during the months of December through July if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1073.30 through 1073.32) and allow verification of such reports by the market administrator;

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

11. In § 1073.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1073.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1073.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstructed skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1073.70(g) and a credit in the amount specified in § 1073.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I milk price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III milk price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price at the location of the nonpool plant less the value of such skim milk at the Class III price.

12. Section 1073.83 is revised to read as follows:

§ 1073.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1073.61, 1073.62, 1073.84, and 1073.86, and out of which he shall make all payments to handlers pursuant to §§ 1073.85 and 1073.86. Immediately after computing the uniform prices for each month, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 1073.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

13. In § 1073.89, paragraphs (a) and (d) are revised to read as follows:

§ 1073.89 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1075—MILK IN THE BLACK HILLS, S. DAK., MARKETING AREA

1. Section 1075.12 is revised to read as follows:

§ 1075.12 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk, except filled milk, equal to not less than 20 percent of the Grade A milk received at such plant from producers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) in the marketing area.

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided,* That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year.

2. Section 1075.13 is revised to read as follows:

§ 1075.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped during the month to a pool plant.

3. Section 1075.15 is revised to read as follows:

§ 1075.15 Producer-handler.

"Producer-handler" means any person who operates both a dairy farm(s) and a distributing plant at which each of the following conditions are met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes in the marketing area; and

(c) The butterfat or skim milk disposed of in the form of fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products in bulk or in packaged form from pool plants of other handlers: *Provided,* That such person shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer and the processing, packaging, and distribution of the milk are and continue to be the personal enterprise of and at the personal risk of such person in his capacity as a handler.

4. Section 1075.18 is revised to read as follows:

§ 1075.18 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, milk drinks (plain or flavored), cream or any mixture in fluid form of milk, skim milk, and cream (except ice cream mix, evaporated or condensed milk, a product which contains 6 percent or more nonmilk fat (or oil), and sterilized products packaged in hermetically sealed containers).

5. A new § 1075.23 is added to read as follows:

§ 1075.23 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1075.30, paragraph (f) is revised and a new paragraph (h) is added to read as follows:

§ 1075.30 Reports of receipts and utilization.

* * * * *

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including separate statements of the route disposition of Class I milk outside the marketing area and on routes in the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(h) Each handler who operates a partially regulated distributing plant shall report as required in paragraphs (a) through (g) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk; such report shall include separate statements showing the quantity of fluid milk products disposed of on routes in the marketing area and the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

7. Section 1075.32 is revised to read as follows:

§ 1075.32 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month; and

(d) Payments to approved dairy farmers and cooperative associations.

8. In § 1075.44, subparagraph (5) of paragraph (d) is revised to read as follows:

§ 1075.44 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph if the transferee order provides for more than two classes of utilization skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

9. Section 1075.46 is revised to read as follows:

§ 1075.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1075.45, the market administrator shall determine the classification of milk received at each plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1075.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph as follows:

(i) From Class II milk the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order.

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(c)(1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3)(iv), (4)(i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (3)(v) or (4)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk;

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1075.27(k); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1075.44;

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

10. Section 1075.61 is revised to read as follows:

§ 1075.61 Plants subject to other Federal orders.

(a) Except as set forth in paragraphs (b) and (c) of this section, the provisions of this part shall not apply to an other order plant during any month unless such plant is qualified as a pool plant pursuant to § 1075.12 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant to retail or wholesale outlets in the Black Hills marketing area and to pool plants under this part than in the marketing area and to pool plants regulated pursuant to such other order;

(b) The operator of a plant specified in paragraph (a) of this section which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1075.30) and allow verification of such reports by the market administrator;

(c) Each handler operating a distributing plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

11. In § 1075.62, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1075.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) The obligation that would have been computed pursuant to § 1075.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted

average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1075.70(e) and a credit in the amount specified in § 1075.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products or in filled milk disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11a. In § 1075.74, paragraph (a) is revised to read as follows:

§ 1075.74 Notification of handlers.

* * * * *

(a) The amount and value of milk or filled milk in each class pursuant to §§ 1075.46 and 1075.70 and the totals of such amounts and values;

* * * * *

12. Section 1075.83 is revised to read as follows:

§ 1075.83 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1075.61, 1075.62, 1075.84, 1075.85, and 1075.86; *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

13. In § 1075.89, paragraphs (a) and (d) are revised to read as follows:

§ 1075.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrators) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to § 8c(15)(A) of the act, a petition claiming such money.

PART 1076—MILK IN THE EASTERN SOUTH DAKOTA MARKETING AREA

1. Section 1076.9 is revised to read as follows:

§ 1076.9 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and the operator of a distributing plant, and who meets all of the following conditions:

(a) Receipts of fluid milk products at his plant are solely milk of his own production and from pool plants of other handlers;

(b) Receives no nonfluid milk products from any source for use in reconstituting fluid milk products; and

(c) The maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk (including filled milk) are the personal enterprise and the personal risk of such person.

2. In § 1076.12, paragraphs (a) and (b) are revised to read as follows:

§ 1076.12 Pool plant.

* * * * *

(a) A distributing plant from which a volume of Class I milk, except filled milk, equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers, cooperative associations pursuant to § 1076.8(d) and from supply plants is disposed of during the month on routes and not less than 15 percent of such receipts are disposed of as Class I milk, except filled milk, on routes in the marketing area; and

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 35 percent of the Grade A milk received at such plant from dairy farmers and cooperative associations pursuant to § 1076.8(d) during such month. If such shipments are not less than 50 percent of such receipts during each of the immediately preceding months of September through November, such plant shall be a a pool plant for the months of March through June, unless the operator of such plant requests the market administrator in writing that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and such plant shall thereafter be a nonpool plant until it again qualifies as a pool plant on the basis of the shipping requirements set forth in this paragraph.

* * * * *

3. Section 1076.13 is revised to read as follows:

§ 1076.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, and from which fluid milk products are shipped during the month to a pool plant.

4. Section 1076.16 is revised to read as follows:

§ 1076.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, filled milk, milk drinks (plain or flavored), cream (sweet or sour) and any mixture in fluid form of skim milk and cream (except frozen cream, aerated cream, ice cream, ice cream and frozen dessert

mixes, a product which contains six percent or more nonmilk fat (or oil), and sterilized products in hermetically sealed containers).

5. Section 1076.17 is revised to read as follows:

§ 1076.17 Route.

"Route" means a delivery (including delivery by a vendor or a sale from a plant store, or distribution center) of any fluid milk product to retail or wholesale outlets, except a delivery in bulk form to a milk (including filled milk) processing plant. The route disposition of a handler shall be attributed to the processing and packaging plant from which the Class I milk is moved to retail or wholesale outlets without intermediate movement to another processing plant.

6. A new § 1076.19 is added to read as follows:

§ 1076.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than six percent nonmilk fat (or oil).

7. In § 1076.30, subparagraph (3) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1076.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization in each class of the quantities required to be reported, including a separate statement of the disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(b) Each handler specified in § 1076.8 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes (other than to pool plants) in the marketing area as Class I milk, and the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

* * * * *

8. Section 1076.33 is revised to read as follows:

§ 1076.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat required to be reported pursuant to § 1076.30;

(b) The weight and butterfat and other content of all milk, skim milk, cream, and other milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

9. In § 1076.44, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1076.44 Transfers.

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

10. Section 1076.46 is revised to read as follows:

§ 1076.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1076.45, the market administrator shall determine the classification of producer milk received by each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1076.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order.

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subpargaraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1076.27(l) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds

of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1076.44(a);

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from a cooperative association in its capacity as a handler pursuant to § 1076.8(d) according to the classification assigned pursuant to § 1076.44(e); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determined the weighted average butterfat content of producer milk in each class.

11. Section 1076.61 is revised to read as follows:

§ 1076.61 Plants subject to other Federal orders.

The provisions of this part, except §§ 1076.32 through 1076.34 and as specified elsewhere in this section, shall not apply to a handler with respect to the operation of plants described in paragraph (a) or (b).

(a) A plant qualified pursuant to § 1076.12(a) from which a lesser volume of fluid milk products, except filled milk, is disposed of in the Eastern South Dakota marketing area than in the marketing area of another marketing agreement or order issued pursuant to the Act and which is fully subject to the classification and pricing provisions of such other agreement or order;

(b) Any plant qualified pursuant to § 1076.12(b) for any portion of the period of March through June, inclusive, that producer milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

(c) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

12. In § 1076.62, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1076.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1076.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1076.70(e) and a credit in the amount specified in § 1076.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products or in filled milk disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. Section 1076.76 is revised to read as follows:

§ 1076.76 Notification of handlers.

On or before the 12th day of each month the market administrator shall notify each handler with respect to each of his pool plants:

(a) The amount and value of milk (including filled milk) in each class computed pursuant to §§ 1076.46 and 1076.70 and the totals of such amounts and values;

(b) The uniform price computed pursuant to § 1076.72 or § 1076.73, whichever is applicable;

(c) The amount, if any, due such handler from the producer-settlement fund; and

(d) The total amounts to be paid by such handler pursuant to §§ 1076.82 and 1076.85.

14. Section 1076.81 is revised to read as follows:

§ 1076.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1076.61, 1076.62, 1076.82, and 1076.84 and out of which he shall make all payments to handlers pursuant to §§ 1076.83 and 1076.84: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from each handler.

15. In § 1076.86, paragraphs (a) and (d) are revised to read as follows:

§ 1076.86 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which

the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to § 8c(15)(A) of the Act, a petition claiming such money.

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

1. Section 1078.10 is revised as follows:

§ 1078.10 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk, except filled milk, equal to more than an average of 1,000 pounds per day or not less than 15 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other plants) in the marketing area.

(b) A supply plant for the month in which shipments of milk, skim milk or cream are made to distributing plants which are pool plants on not less than 10 days in any of the months of September, October, and November and on not less than 5 days in other months: *Provided,* That a supply plant which was not a pool plant for each of the immediately preceding months of September, October, and November shall not be a pool plant for any month during which none of the milk, skim milk or cream from such plant would be allocated to Class I milk pursuant to the procedure specified in § 1078.46(a)(3) and the corresponding step of § 1078.46(b) at a distributing plant which is a pool plant.

2. Section 1078.11 is revised as follows:

§ 1078.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped during the month to a pool plant.

3. Section 1078.15 is revised as follows:

§ 1078.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), filled milk, cream or any mixture in fluid form of skim milk and cream (except aerated cream products, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1078.19 is added as follows:

§ 1078.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milk fat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1078.30, paragraph (f) is revised as follows:

§ 1078.30 Reports of receipts and utilization.

* * * * *

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk.

6. In § 1078.32, paragraphs (b) and (c) are revised as follows:

§ 1078.32 Records and facilities.

* * * * *

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * *

7. In § 1078.44, paragraph (e)(5) is revised as follows:

§ 1078.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

8. In § 1078.46, subparagraphs (3), (4), and (7) of paragraph (a) are revised as follows:

§ 1078.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

* * * * *

9. Section 1078.61 is revised as follows:

§ 1078.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 1078.10 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant to retail or wholesale outlets and to pool plants in the North Central Iowa marketing area than in the marketing area regulated pursuant to such other order: *Provided,* That the operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utiliza-

tion or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1078.30) and allow verification of such reports by the market administrator.

10. In § 1078.86, paragraphs (a) and (d) are revised as follows:

§ 1078.86 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

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

1. Section 1079.10 is revised as follows:

§ 1079.1 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk, except filled milk, equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts or an average of not less than 7,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area: *Provided,* That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided,* That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year: *And provided further,* That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

2. Section 1079.11 is revised as follows:

§ 1079.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped during the month to a pool plant.

3. Section 1079.13 is revised as follows:

§ 1079.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers or from sources other than pool plants and whose disposition of fluid milk products does not exceed that (a) received from a pool plant, (b) processed from milk of his own production, or (c) processed from fluid milk received from a pool plant.

4. Section 1079.15 is revised as follows:

§ 1079.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), filled milk, cream or any mixture in fluid form of skim milk and cream (except aerated cream products, sour cream, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1079.19 is added as follows:

§ 1079.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1079.30, paragraphs (f) and (g) are revised as follows:

§ 1079.30 Reports of receipts and utilization.

* * * * *

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk in the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

(g) Each handler operating a partially regulated distributing plant shall report as required in this section substituting receipts from dairy farmers for receipts of producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

7. In § 1079.32, paragraphs (b) and (c) are revised as follows:

§ 1079.32 Records and facilities.

* * * * *

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * *

8. In § 1079.44, paragraph (e)(5) is revised as follows:

§ 1079.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

9. In § 1079.46, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised as follows:

§ 1079.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract successively from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph, remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3) (iv), (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3) (v) or (4) (iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk;

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1079.27(1); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

* * * * *

10. Section 1079.61 is revised as follows:

§ 1079.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a handler who operates a plant specified in paragraph (a) of this section except as specified in paragraphs (b) and (c);

(a) A distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the disposition of fluid milk products, except filled milk, from such plant to pool plants qualified under § 1079.10 and to retail and wholesale outlets in the Des Moines, Iowa, marketing area exceeds such disposition to retail and wholesale outlets in such other marketing area and to pool plants regulated by such other order;

(b) Each handler operating a plant described in paragraph (a) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1079.30 and 1079.31) and allow verification of such reports by the market administrator.

(c) Each handler operating a plant specified in paragraph (a), of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

11. In § 1079.62, paragraphs (a) (1) (i) and (b) are revised as follows:

§ 1079.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1079.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1079.70(e) and a credit in the amount specified in § 1079.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12. Section 1079.83 is revised as follows:

§ 1079.83 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1079.61, 1079.62, 1079.84, 1079.85, and 1079.86: *Provided,* That the market administrator shall offset the payment due to a handler against payments due from such handler.

13. In § 1079.89, paragraphs (a) and (d) are revised as follows:

§ 1079.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraph (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator received the handler's utilization report on skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calender month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

PART 1090—MILK IN THE CHATTANOOGA, TENN., MARKETING AREA

1. In § 1090.7, paragraphs (a) and (b) are revised to read as follows:

§ 1090.7 Pool plant.

* * * * *

(a) Milk distributing plant approved or recognized by a duly constituted health authority for the receiving or processing of Grade A milk and from which Class I milk, except filled milk, equal to not less than 50 percent of its receipts of milk from other pool plants and from approved dairy farmers is disposed of during the month on routes and from which Class I milk, except filled milk, equal to not less than 15 percent of its total Class I disposition, except filled milk, is disposed of during the month on routes in the marketing area;

(b) Milk supply plant which, during the month, ships fluid milk products, except filled milk, approved or recognized by a duly constituted health authority as eligible for distribution under a Grade A label in a volume equal to not less than 50 percent of its receipts of milk from approved dairy farmers to a plant specified in paragraph (a) of this section: *Provided,* That any plant which qualifies as a pool plant pursuant to this paragraph in each of the months of August through February shall be designated as a pool plant for the following months of March through July unless the operator of such plant files with the market administrator prior to the first day of any of the months of March–July a written request for withdrawal; or

* * * * *

2. Sections 1090.8, 1090.10, 1090.12, and 1090.14 are revised to read as follows:

§ 1090.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant,

from which fluid milk products are shipped to a pool plant.

§ 1090.10 Producer-handler.

"Producer-handler" means an approved dairy farmer who:

(a) Operates a plant from which Class I milk is disposed of on routes in the marketing area;

(b) Receives no fluid milk products from other dairy farmers or from sources other than pool plants;

(c) Uses no nonfluid milk products for reconstitution into fluid milk products; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing, packaging, and distribution business are the personal enterprise and risk of such person.

§ 1090.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, flavored milk, flavored milk and skim milk drinks, yogurt, cream (sweet or sour) or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, a product which contains 6 percent or more nonmilk fat (or oil), ice cream and ice milk mix and aerated cream).

§ 1090.14 Route.

"Route" means any delivery (including delivery by a vendor or a sale from a plant or plant store) of milk or any milk product (including filled milk) classified as Class I milk pursuant to § 1090.41(a) other than a delivery to any milk or filled milk processing plant.

3. A new § 1090.20 is added and reads as follows:

§ 1090.20 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

4. In § 1090.30, paragraphs (a)(5) and (b) are revised to read as follows:

§ 1090.30 Reports of receipts and utilization.

(a) * * *

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including separate statements as to the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

(b) Each handler specified in § 1090.9(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and in quantity of reconstituted skim milk in such disposition.

* * * * *

5. In § 1090.44, the introductory text of paragraph (d) and subparagraph (5) of paragraph (f) are revised to read as follows:

§ 1090.44 Transfers.

* * * * *

(d) As Class I milk, if transferred in the form of milk, skim milk, or filled milk in bulk or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

6. In § 1090.46(a), subparagraphs (1–a), (2), (3), (4), and (7) and the introductory text of subparagraph (8) are revised to read as follows:

§ 1090.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(1–a) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in packaged fluid milk products, except filled milk made from reconstituted skim milk, received from an unregulated supply plant or the pounds of skim milk classified as Class I milk and transferred or diverted during the month to such plant, whichever is less;

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, excluding a quantity equal to the pounds of skim milk subtracted pursuant to subparagraphs (1–a) and (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, excluding a quantity equal to the pounds of skim milk subtracted pursuant to subparagraphs (1–a), (3)(iv) and (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) and (4)(ii) of this paragraph:

* * * * *

7. In § 1090.61, paragraph (a) is revised and a new paragraph (c) is added and reads as follows:

§ 1090.61 Plants subject to other Federal orders.

* * * * *

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk, except filled milk, is disposed of from

such plant to retail or wholesale outlets (except pool plants or nonpool plants) in the Chattanooga, Tennessee, marketing area than in the marketing area regulated pursuant to such order

* * * * *

(c) Each handler operating a plant described in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

8. In § 1090.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1090.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1090.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1090.70(e) and a credit in the amount specified in § 1090.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, substract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the location of the nonpool plant less the value of such skim milk at the Class II price.

9. Section 1090.81 is revised to read as follows:

§ 1090.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1090.61, 1090.62, 1090.82, and 1090.84, and out of which he shall make all payments pursuant to §§ 1090.83 and 1090.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

10. In § 1090.87, paragraph (a) is revised to read as follows:

§ 1090.87 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled, and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

PART 1094—MILK IN THE NEW ORLEANS, LA., MARKETING AREA

1. Section 1094.7 is revised to read as follows:

§ 1094.7 Route.

"Route" means any delivery of a fluid milk product from a milk processing plant to wholesale or retail outlets (including any delivery by a vendor and from a plant store or through a vending machine) other than a delivery to any milk or filled milk receiving and/or processing plant.

1a. In § 1094.10, paragraph (a) is revised to read as follows:

§ 1094.10 Pool plant.

* * * * *

(a) A distributing plant, other than that of a producer-handler or one described in § 1094.63(a), from which during the month:

(1) Disposition in the marketing area of fluid milk products, except filled milk, on routes is at least the lesser of a daily average of 1,500 pounds or 20 percent of receipts from dairy farmers, cooperatives in their capacities as handlers pursuant to § 1094.12(d) and supply plants; and

(2) Total disposition of fluid milk products, except filled milk, on routes is 50 percent or more of receipts from dairy farmers, cooperatives in their capacities as handlers pursuant to § 1094.12(d) and supply plants;

* * * * *

2. Section 1094.11 is revised to read as follows:

§ 1094.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

3. Section 1094.13 is revised to read as follows:

§ 1094.13 Producer-handler.

Producer-handler means a dairy farmer who operates a distributing plant at which no fluid milk or fluid milk products are received during the month except his own production or transfers from

a pool plant(s) and which has no receipts of nonfluid milk products disposed of as Class I milk.

4. Section 1094.17 is revised to read as follows:

§ 1094.17 Fluid milk product.

Fluid milk product means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, filled milk, concentrated milk or skim milk, fortified milk or skim milk, flavored milk, flavored milk drinks (including eggnog) yogurt, cream (other than frozen storage cream), cultured sour cream, sour cream products labeled Grade A and any mixture of cream and milk or skim milk in fluid form (other than ice cream mixes, other frozen dessert mixes and sterilized products contained in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1094.19a is added to read as follows:

§ 1094.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1094.30, subparagraph (6) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1094.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(6) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including a separate statement with respect to Class I milk disposed of inside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk.

* * * * *

(b) Each handler specified in § 1094.12 (b) who operates a partially regulated distributing plant shall report in the same manner as required in paragraph (a) of this section with respect to all receipts and utilization, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk and base and excess milk. Such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk.

7. In § 1094.44, subparagraph (5) of paragraph (d) is revised to read as follows:

§ 1094.44 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

8. In § 1094.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1094.46 Allocation of skim milk and butterfat in each class.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, receipts from a cooperative association in its capacity as a handler pursuant to § 1094.12(d) and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3) (v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler; and

(iii) Receipts of milk by diversion from an other order plant for which Class II utilization was requested by the receiving handler and by the diverting handler under the other order;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3) (iv) or (4) (i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (3) (v) or (4) (ii) of this paragraph:

* * * * *

9. In § 1094.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1094.62 Obligations of handlers operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1094.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1094.70(e) and a credit in the amount specified in § 1094.82(b) (2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of

as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act:

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

10. Section 1094.63 is revised to read as follows:

§ 1094.63 Plants subject to other Federal orders.

The handler operating a plant specified in paragraphs (a) or (b) of this section shall be exempt from all provisions of this part except §§ 1094.32, 1094.34 and 1094.35 and as specified in paragraph (c):

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless a greater volume of Class I milk, except filled milk, is disposed of during the month on routes in the New Orleans marketing area than in the marketing area defined in such other order;

(b) Any supply plant which would be subject to the classification and pricing provision of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to § 1094.10(c).

(c) Each handler operating a plant specified in paragraph (a) of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

11. Section 1094.81 is revised to read as follows:

§ 1094.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1094.62, 1094.63, 1094.82, and 1094.84, and out of which he shall make all payments pursuant to §§ 1094.83 and 1094.84: *Provided,* That, any payments due to any handler shall be offset by any payments due from such handler.

12. In § 1094.87, paragraph (a) is revised to read as follows:

§ 1094.87 Termination of obligations.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers; or if the obligation is payable to the market administrator, the account for which it is to be paid.

PART 1096—MILK IN THE NORTHERN LOUISIANA MARKETING AREA

1. Section 1096.10 is revised to read as follows:

§ 1096.10 Plant.

"Plant" means the land, buildings together with their surroundings, facilities and equipment whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received and/or processed or packaged: *Provided,* That a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distributing depot for fluid milk products in transit on routes shall not be a plant under this definition.

2. In § 1096.13, paragraphs (a) and (b) are revised to read as follows:

§ 1096.13 Pool plant.

* * * * *

(a) A distributing plant other than the plant of a producer-handler from which a volume of Class I milk, except filled milk, not less than 50 percent of the Grade A milk received at such plant from dairy farmers and a cooperative association in its capacity as a handler pursuant to § 1096.8(d) is disposed of during the month on routes unless the volume so disposed of in the marketing area is less than 10 percent of such receipts or less than 1,500 pounds on a daily average;

(b) A supply plant from which a volume of fluid milk products not less than 50 percent of its Grade A receipts from dairy farmers and from a cooperative association in its capacity as a handler pursuant to § 1096.8(d) is transferred during the month to a distributing plant(s) from which a volume of Class I milk, except filled milk, not less than 50 percent of its receipts of Grade A milk from dairy farmers, cooperative associations, and from other plants is disposed of on routes during the month and the volume so disposed of in the marketing area is at least 10 percent of such receipts or a daily average of 1,500 pounds whichever is less: *Provided,* That any plant which was a pool plant pursuant to this paragraph in each of the months of September through January shall be a pool plant in each of the following months of February through August in which it does not meet the shipping requirements, unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for the remaining months through August; and

* * * * *

3. Section 1096.15 is revised to read as follows:

§ 1096.15 Fluid milk product.

"Fluid milk product" means all the skim milk (including concentrated and reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk and milk drinks, filled milk, cream, cultured sour cream and any mixture of cream and milk or skim milk (except eggnog, aerated cream products, ice cream, ice cream mix, ice milk, ice milk mix, frozen desserts, frozen cream, evaporated milk, condensed milk, sterilized milk products packaged in hermetically sealed containers and any product which contains 6 percent or more nonmilk fat (or oil)): *Provided,* That when any such product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content.

4. Section 1096.21 is revised to read as follows:

§ 1096.21 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and

pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month, but which is neither an other plant nor a producer-handler plant.

5. A new § 1096.22 is added to read as follows:

§ 1096.22 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1096.30, subparagraphs (2) and (3) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1096.30 Reports of receipts and utilization.

(a) * * *

(2) Utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the route disposition of fluid milk products on routes outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

(3) Such other information with respect to the receipts and utilization of milk and milk products (including filled milk) as the market administrator may require;

(b) Each handler specified in § 1096.8 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk;

* * * * *

7. In § 1096.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1096.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph (e), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

8. In § 1096.46, subparagraphs (2), (3), (4), (5), (6), (7), and the introductory text to subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1096.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to suparagraph (3) (v) as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(2–a) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order or from a plant exempt pursuant to § 1096.60(b);

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) (*a*) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*1*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(2) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph; and

(3) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*b*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3) (iv) or (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool

plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (3)(v) or (4)(iii) of this paragraph pursuant to the following procedure:

9. Section 1096.61 is revised to read as follows:

§ 1096.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a plant specified in paragraph (a) or (b) of this section except as specified in paragraphs (c) and (d):

(a) A distributing plant meeting the requirements of § 1096.13(a) which also meets the pooling requirements of another Federal order and from which the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, and which was fully subject to the classification and pooling provisions of such other order;

(b) A distributing plant meeting the requirements of § 1096.13(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is disposed of on routes in such other marketing area but which plant is nevertheless fully regulated under such other Federal order;

(c) The operator of a plant specified in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator; and

(d) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

10. In § 1096.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1096.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1096.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1096.70(e) and a credit in the amount specified in § 1096.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11. Section 1096.81 is revised to read as follows:

§ 1096.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1096.61, 1096.62, 1096.82, and 1096.84 and out of which he shall make payments to handlers pursuant to §§ 1096.83 and 1096.84: *Provided,* That payments due to any handler shall be offset by any payment due from such handler.

12. In § 1096.87, paragraphs (a) and (b) are revised to read as follows:

§ 1096.87 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1097—MILK IN THE MEMPHIS, TENN., MARKETING AREA

1. Section 1097.7 is revised to read as follows:

§ 1097.7 Fluid milk plant.

(a) Any milk processing or packaging plant from which a volume of Class I

milk, except filled milk, equal to an average of 1,000 pounds or more per day, or not less than 5.0 percent of the Class I milk, except filled milk, of such plant is disposed of during the month as Class I milk on route disposition in the marketing area;

(b) Any plant from which during the month fluid milk products (bulk or packaged), except filled milk, in excess of 70,000 pounds are moved to and received at a plant(s) described pursuant to paragraph (a) of this section.

1a. Section 1097.8 is revised to read as follows:

§ 1097.8 Route disposition.

"Route disposition" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk products to a retail or wholesale outlet other than a delivery to a milk or filled milk plant. A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets, without intermediate movement to another milk or filled milk plant.

2. Section 1097.9 is revised to read as follows:

§ 1097.9 Nonfluid milk plant.

"Nonfluid milk plant" means any milk or filled milk manufacturing, processing or packaging plant other than a fluid milk plant. The following categories of nonfluid milk plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonfluid milk plant that is neither an other order plant nor a producer-handler plant, from which Class I milk in consumer-type packages or dispenser units is distributed on routes in the marketing area during the month.

(d) "Unregulated supply plants" means a nonfluid milk plant from which fluid milk products are moved during the month to a fluid milk plant and which is not an other order plant nor a producer-handler plant.

3. Section 1097.16 is revised to read as follows:

§ 1097.16 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, plain or flavored milk drinks, sweet and sour cream (except aerated cream, frozen cream, and sterilized cream packaged in hermetically sealed containers not labeled as Grade A); filled milk; and any mixture in fluid form of milk, skim milk, and cream except mixes for frozen dairy products. Eggnog and sour cream mixtures to which cheese or any food substance other than a milk product has been added shall be considered as fluid milk products only if disposed of under a Grade A label. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1097.19 is added to read as follows:

§ 1097.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1097.30, paragraph (e) is revised to read as follows:

§ 1097.30 Reports of receipts and utilization.

* * * * *

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk.

* * * * *

6. In § 1097.32, paragraphs (b) and (c) are revised to read as follows:

§ 1097.32 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled; and

(c) The pounds of skim milk and butterfat contained in or represented by all milk and milk products (including filled milk) on hand at the beginning and end of each month.

7. In § 1097.44, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1097.44 Transfers.

* * * * *

(f) * * *

(5) For purposes of this paragraph (f), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

8. In § 1097.46, subparagraphs (3), (4), and (7) of paragraph (a) are revised to read as follows:

§ 1097.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(4) Subtract in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph;

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from fluid milk plants of other handlers, from cooperative associations which are handlers pursuant to § 1097.10(c), and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3) (iv) or (4) (i) of this paragraph:

(ii) Receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4) (ii) of this paragraph;

* * * * *

9. Section 1097.61 is revised to read as follows:

§ 1097.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraph (a) or (b) of this section, the provisions of this part shall not apply except that such handler shall with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may prescribe and allow verification of such reports by the market administrator:

(a) A plant qualified pursuant to § 1097.7 (a) or (b) which would be fully regulated pursuant to the provisions of another order issued pursuant to the Act and from which the market administrator determines that a greater volume of fluid milk products, except filled milk,

was disposed of during the month from such plant as Class I route disposition in the marketing area regulated by the other order and as fluid milk products transferred as Class I milk to plants fully regulated by such other order than as Class I route disposition in the Memphis, Tenn., marketing area and as fluid milk products transferred as Class I milk to other fluid milk plants: *Provided,* That a plant which was a fluid milk plant pursuant to § 1097.7 (a) or (b) under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of fluid milk products, except filled milk, is disposed of as Class I milk on routes in such other marketing area or to plants fully subject to such other order, unless the other order requires regulation of the plant without regard to its qualifying as a fluid milk plant for regulation under this order subject to the proviso of this paragraph; and

(b) A plant qualified pursuant to § 1097.7 (a) or (b) which meets the requirements for fully regulated plants under another Federal order and from which the market administrator determines a greater volume of fluid milk products, except filled milk, is disposed of during the month as Class I route disposition in the Memphis, Tenn., marketing area and as fluid milk products transferred as Class I milk to other fluid milk plants than as Class I route disposition in the other marketing area and fluid milk products transferred as Class I milk to plants fully regulated by such other order, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation under the particular circumstances described herein of having greater Class I disposition under the Memphis, Tenn., order.

10. In § 1097.98, paragraphs (a) and (d) are revised to read as follows:

§ 1097.98 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1098—MILK IN THE NASHVILLE, TENN., MARKETING AREA

1. Section 1098.9 is revised to read as follows:

§ 1098.9 Producer-handler.

"Producer-handler" means a person who:

(a) Produces milk and operates an approved plant;

(b) Uses no nonfluid milk products for reconstitution into fluid milk products; and

(c) Receives no fluid milk products during the month except milk of his own production and transfers from pool plants.

2. In § 1098.11, paragraphs (a) and (b) are revised to read as follows:

§ 1098.11 Pool plant.

* * * * *

(a) A plant at which during the month fluid milk products are processed or packaged and from which (1) disposition of fluid milk products, except filled milk, on routes is at least 50 percent of total receipts of Grade A milk and (2) fluid milk products, except filled milk, distributed on routes in the marketing area are at least 15 percent of its total disposition of fluid milk products, except filled milk, on routes.

(b) A plant from which during the month there has been delivered to plants described in paragraph (a) of this section fluid milk products, except filled milk, approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume not less than 50 percent of its receipts of milk from approved dairy farmers: *Provided,* That any plant which qualified as a pool plant pursuant to this paragraph in each of the months of August through February shall be designated as a pool plant for the following months of March through July, unless the operator of such plant files with the market administrator a written requests for withdrawal prior to the first day of the month for which nonpool status is requested, in which case the plant shall remain a nonpool plant until it again qualifies for pool status.

* * * * *

3. Sections 1098.12, 1098.15, and 1098.18 are revised to read as follows:

§ 1098.12 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products are shipped to a pool plant.

§ 1098.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, flavored milk, flavored milk drinks, yogurt, cream (sweet and sour), or any mixture in fluid form of skim milk and butterfat components of milk (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix, a product which contains 6 percent or more nonmilk fat (or oil), aerated cream and sour cream mixtures to which cheese or any food substance other than a milk product has been added and which is not disposed of under a Grade A label).

§ 1098.18 Route.

"Route" means any delivery (including delivery by a vendor or a sale from a plant store) of fluid milk products other than a delivery to a milk or filled milk processing plant.

4. A new § 1098.19 is added and reads as follows:

§ 1098.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than six percent nonmilk fat (or oil).

5. In § 1098.30, paragraphs (a) and (e) are revised to read as follows:

§ 1098.30 Reports of receipts and utilization.

* * * * *

(a) The quantities of skim milk and butterfat contained in producer milk (showing separately such milk received

from a cooperative association pursuant to § 1098.8(c)), except that a handler as specified in § 1098.8(d) who operates a partially regulated distributing plant shall report receipts of Grade A milk from dairy farmers in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and the quantity of reconstituted skim milk in such disposition;

* * * * *

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

6. Section 1098.33 is revised to read as follows:

§ 1098.33 Records and facilities.

Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat, and shall, during the usual hours of business, make available to the market administrator, or his representative, such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat, and in case of errors or omissions, ascertain the correct figures; (b) weigh, sample and test butterfat content of all milk and milk products (including filled milk) handled; (c) verify deductions authorized by producers and the disbursement of moneys so deducted; and (d) make such examinations of operations, equipment, and facilities as the market administrator deems necessary.

7. In § 1098.41(b), subparagraph (3–a) is revised to read as follows:

§ 1098.41 Classes of utilization.

* * * * *

(b) * * *

(3–a) Disposed of in bulk fluid milk products to bakeries, candy factories, soup factories and similar establishments at which the fluid milk products were used in the manufacture of food products other than milk products (including filled milk);

* * * * *

8. In § 1098.44, the introductory text of paragraph (d) and and subparagraph (5) of paragraph (e) are revised to read as follows:

§ 1098.44 Transfers.

* * * * *

(d) As Class I milk, if transferred in bulk as milk, filled milk, skim milk or cream or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

9. In § 1098.46(a), subparagraphs (2), (3), (4), and (7) and the introductory text of subparagraph (8) are revised to read as follows:

§ 1098.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) and (4)(ii) of this paragraph:

10. Section 1098.80 is revised to read as follows:

§ 1098.80 Producer-settlement fund.

The market administrator shall maintain a producer-settlement fund into which he shall deposit the appropriate payments made by handlers pursuant to §§ 1098.81, 1098.87, 1098.91, and 1098.92 and out of which he shall make appropriate payments required pursuant to §§ 1098.82 and 1098.87.

11. In § 1098.88, paragraphs (a) and (d) are revised to read as follows:

§ 1098.88 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligations, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler

any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

12. Section 1098.91 is revised to read as follows:

§ 1098.91 Handlers subject to other Federal orders.

(a) Except as specified in paragraphs (b) and (c) of this section, the provisions of this part shall not apply to a handler with respect to the operation of a plant during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and in which the disposition of fluid milk products, except filled milk, from such plant in the other Federal marketing area exceeds that in the Nashville, Tenn., marketing area: *Provided,* That on the basis of a written application made either by the plant operator or by the cooperative association supplying milk to such operator's plant, at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) Class I disposition made under limited term contracts to governmental bases and institutions;

(b) Each handler operating a plant described in paragraph (a) of this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator; and

(c) Each handler operating a plant described in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

13. In § 1098.92, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1098.92 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1098.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1098.70(e) and a credit in the amount specified in § 1098.81(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the location of the nonpool plant less the value of such skim milk at the Class II price.

PART 1099—MILK IN THE PADUCAH, KY., MARKETING AREA

1. Section 1099.8 is revised to read as follows:

§ 1099.8 Pool plant.

"Pool plant" means:

(a) A distributing plant from which 45 percent or more of its receipts of milk from dairy farmers producing milk under a Grade A dairy farm permit or rating issued by a duly constituted health authority (including milk of such dairy farmers diverted by the plant operator), from cooperative associations in their capacity as handlers pursuant to § 1099.10(e) and fluid milk products, except filled milk, from other plants is disposed of as Class I milk, except filled milk, on route disposition during the month and from which a daily average of 3,000 pounds or more per day, or 10 percent or more of such receipts, whichever is less, is disposed of as fluid milk products, except filled milk, on route disposition in the marketing area: *Provided,* That a plant which qualifies as a pool plant by complying with the foregoing requirements during any month shall be a pool plant during the following month; or

(b) A distributing plant or supply plant from which the volume of milk, skim milk and cream shipped to pool plants qualified pursuant to paragraph (a) of this section, or disposed of as Class I milk, except filled milk, on route distribution is equal to not less than 50 percent of the receipts of milk from dairy farmers producing milk under a Grade A dairy farm permit or rating issued by a duly constituted health authority (including milk of such dairy farmers diverted by the plant operator), from cooperative associations in their capacity as handlers pursuant to § 1099.10(e) and fluid milk products, except filled milk, received from other plants: *Provided,* That if a supply plant ships to pool plants qualified pursuant to paragraph (a) of this section, milk, skim milk and cream equal to at least 75 percent of its receipts of milk from such dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1099.10(e) in October and November and 35 percent of such milk in three additional months during the period from August through January, such plant shall, upon written application to the market administrator on or before the end of such period, be designated as a pool plant until the end of any month during the succeeding August through January period in which the milk of such plant is disposed of in such a way that it becomes impossible for the plant to reestablish its qualification under the term of this proviso.

2. Section 1099.9 is revised to read as follows:

§ 1099.9 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packagers or dispenser units are distributed on route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant (other than a producer-handler plant or an other order plant) from which fluid milk products are shipped to a pool plant.

3. Section 1099.15 is revised to read as follows:

§ 1099.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk and flavored milk drinks (modified or fortified, including dietary products) and reconstituted milk or skim; filled milk; concentrated milk not sterilized in hermetically sealed containers; cream, sweet and sour; and mixtures of cream and milk or skim milk but not including the following: Frozen cream, aerated cream products, cultured sour cream mixtures other than sour cream, eggnog and boiled custard, ice cream, and ice cream and ice milk mixes, and cream or mixtures of cream with milk or skim milk sterilized in hermetically sealed containers. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

3a. Section 1099.16 is revised to read as follows:

§ 1099.16 Route disposition.

"Route disposition" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk products to a retail or wholesale outlet other than a milk or filled milk plant. A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets.

4. A new § 1099.19 is added to read as follows:

§ 1099.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. Section 1099.30 is revised to read as follows:

§ 1099.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month, reports for such month shall be made to the market administrator in the detail and on forms prescribed by the market administrator:

(a) Each handler other than one specified in § 1099.10(b) shall report the following:

(1) The quantities of skim milk and butterfat contained in all receipts at each of his distributing and supply plants of (i) producer milk, showing separately that from cooperative associations pursuant to § 1099.10(e), (ii) in fluid milk products received from pool plants, and (iii) other source milk;

(2) The quantities of skim milk and butterfat contained in produced milk diverted to nonpool plants pursuant to § 1099.13, the names of the producers so diverted, and the plant to which diverted;

(3) The utilization of all skim milk and butterfat required to be reported pursuant to paragraphs (1) and (2) of this paragraph, including a statement showing the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

(4) Inventories of Class I milk on hand at the beginning and end of the month;

(5) The name and address of each producer from whom milk was not received during the previous months and the date on which milk was first received from such producer;

(6) The name and address of each producer who discontinues deliveries of milk and the date on which milk was last received from such producer; and

(7) Each handler with respect to fluid milk products disposed of for animal feed or dumped shall report to the market administrator such information and at such time as a market administrator may require.

(b) Each handler specified in § 1099.10(b) shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk and such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat respectively in fluid milk products and the quantity thereof which is reconstituted skim milk.

6. Section 1099.33 is revised to read as follows:

§ 1099.33 Records and facilities.

Each handler shall keep adequate records of receipts and utilization of milk and milk products (including filled milk) and shall during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The amount and nature of deductions authorized by producers and disbursements of any money so deducted; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk and milk products (including filled milk) on hand at the beginning and end of the month.

7. In § 1099.43, subparagraph (5) of paragraph (d) is revised to read as follows:

§ 1099.43 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph (d), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

8. In § 1099.45, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are amended to read as follows:

§ 1099.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an

order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, and dairy farmers who are not producers:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants and dairy farmers who are not producers which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph;

* * * * *

9. Section 1099.61 is revised to read as follows:

§ 1099.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section, the provisions of this part shall not apply except as specified in paragraphs (d) and (e):

(a) A distributing plant qualified pursuant to § 1099.8 which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products, except filled milk, is disposed of during the month from such plant as Class I route disposition in the marketing area regulated by the other order than as Class I route disposition in the Paducah, Ky., marketing area: *Provided,* That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such Class I route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order subject to the proviso of this paragraph: *And provided further,* on the basis of a written application made either by the plant operator or by the cooperative association supplying milk to such operator's plant, at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I route dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) Class I route disposition made under limited term contracts to governmental bases and institutions;

(b) A distributing plant qualified pursuant to § 1099.8 which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk, except filled milk, is disposed of during the month in the Paducah marketing area as Class I route disposition than as Class I route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation even though such plant has greater such Class I route disposition in the marketing area of the Paducah, Ky., order;

(c) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to the proviso of § 1099.8(b) during the preceding August through January period;

(d) The operator of a plant specified in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

10. In § 1099.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1099.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1099.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1099.70(e) and a credit in the amount specified in § 1099.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on route disposition in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11. Section 1099.81 is revised to read as follows:

§ 1099.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers, pursuant to §§ 1099.61, 1099.62, 1099.82, and 1099.84 shall be deposited in this fund, and all payments made pursuant to §§ 1099.83 and 1099.84 shall be made out of this fund: *Provided,* That payments due to any handler shall be offset by payments due from such handler; and

(b) All amounts subtracted pursuant to § 1099.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1099.80 in accordance with the requirements of § 1099.71(i).

12. In § 1099.89, paragraphs (a) and (d) are revised to read as follows:

§ 1099.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

1. Sections 1101.7, 1101.9, 1101.10, and 1101.17 are revised to read as follows:

§ 1101.7 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and an approved plant from which Class I milk is disposed of on routes in the marketing area;

(b) Receives no fluid milk products from other dairy farmers or from sources other than pool plants;

(c) Uses no nonfluid milk products for reconstitution into fluid milk products; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing, packaging and distribution business are the personal enterprise and risk of such person.

§ 1101.9 Pool plant.

"Pool plant" means:

(a) An approved plant from which a volume of Class I milk, except filled milk, equal to not less than 50 percent of its receipts of producer milk and milk and skim milk from other pool plants is disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (including plant stores): *Provided,* That not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area; and

(b) An approved plant from which at least 50 percent of the hundredweight of its producer milk received during the month is shipped in the form of milk, skim milk or cream to a plant qualified pursuant to paragraph (a) of this section and classified as Class I milk: *Provided,* That if such shipments amount to not less than 65 percent of the producer milk of such plant during each of the preceding months of August through February, such plant may, upon written application to the market administrator on or before March 1 of any year be designated as a pool plant for the months of March through July of such year.

§ 1101.10 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products are shipped to a pool plant.

§ 1101.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, flavored milk, flavored milk drinks, cream, and any cream product except frozen cream and ice cream mix. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

2. A new § 1101.18 is added to read as follows:

§ 1101.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, culture, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product including stabilizers emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

3. In § 1101.30, paragraph (a)(5) and (b) are revised to read as follows:

§ 1101.30 Reports of receipts and utilization.

(a) * * *

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

(b) Each handler specified in § 1101.11(b) who operates a partially regulated distributing plant, shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and the quantity of reconstituted skim milk in such disposition.

* * * * *

4. Section 1101.32 is revised to read as follows:

§ 1101.32 Records and facilities.

Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample, and test for butterfat content all milk and milk products (including filled milk) handled; (c) verify payment to producers; and (d) make such examination of operations, equipment, and facilities, as are necessary and essential to the proper administration of this subpart or any amendments thereto.

5. In § 1101.44, the introductory text of paragraph (c) and subparagraph (5) of paragraph (d) are revised to read as follows:

§ 1101.44 Transfers.

* * * * *

(c) As Class I milk, if transferred in bulk in the form of milk, filled milk, skim milk or cream or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

6. In § 1101.46(a), subparagraphs (2), (3), (5), (6), and (8) and the introductory text of subparagraph (9) are revised to read as follows:

§ 1101.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk in receipts of packaged fluid milk products, except filled milk made from reconstituted skim milk, from an unregulated supply plant or the pounds of skim milk classified as Class I milk and transferred during the month to such nonpool plant, whichever is less;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (5) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

* * * * *

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, excluding a quantity equal to the pounds of skim milk subtracted pursuant to subparagraphs (2) and (5)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (5) (v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (5)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, excluding a quantity equal to the pounds of skim milk subtracted pursuant to subparagraphs (2), (5)(iv), and (6)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (5)(v) and (6)(ii) of this paragraph:

* * * * *

7. Section 1101.81 is revised to read as follows:

§ 1101.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1101.82, 1101.84, 1101.91, and 1101.92, and out of which he shall make all payments pursuant to §§ 1101.83 and 1101.84: *Provided,* That payments due to any handler shall be offset by payments due from such handler.

8. In § 1101.89, paragraphs (a) and (d) are revised to read as follows:

§ 1101.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart, shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

9. In § 1101.91, paragraph (a) is revised and a new paragraph (c) is added and reads as follows:

§ 1101.91 Plants subject to other Federal orders.

* * * * *

(a) Any pool plant qualified pursuant to § 1101.9(a) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that more Class I milk, except filled milk, is disposed of from such plant on routes to retail or wholesale outlets in the Knoxville, Tennessee, marketing areas than is so disposed of in the marketing area regulated pursuant to such other order.

* * * * *

(c) Each handler operating a plant described in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

10. In § 1101.92, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1101.92 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1101.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and tranfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, excepted that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1101.70(e) and a credit in the amount specified in § 1101.82(b) (2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the location of the nonpool plant less the value of such skim milk at the Class II price.

PART 1102—MILK IN THE FORT SMITH, ARK., MARKETING AREA

1. Section 1102.7 is revised to read as follows:

§ 1102.7 Approved plant.

"Approved plant" means any milk plant, except the plant of a producer-handler or a plant exempt pursuant to § 1102.61, approved by any health authority having jurisdiction in the marketing area from which fluid milk products other than filled milk are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores).

2. Section 1102.8 is revised to read as follows:

§ 1102.8 Unapproved plant.

"Unapproved plant" means any milk or filled milk receiving, manufacturing or processing plant other than an approved plant. The following categories of unapproved plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means an unapproved plant which is not an other order plant nor a producer-handler plant and from which fluid milk products eligible for distribution in the marketing area for fluid consumption are moved during the month to an approved plant.

3. Section 1102.9 is revised to read as follows:

§ 1102.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a milk plant approved by any health authority having jurisdiction in the marketing area from which fluid milk products other than filled milk are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores);

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

4. Section 1102.16 is revised to read as follows:

§ 1102.16 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, cream, cultured sour cream and any mixture of cream and milk or skim milk (except bulk ice cream mix.) This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1102.17 is added to read as follows:

§ 1102.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1102.33, paragraphs (b) and (d) are revised to read as follows:

§ 1102.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

* * * * *

(d) The pounds of skim milk and butterfat contained in or represented by all milk and milk products (including filled milk) on hand at the beginning and end of each month.

7. In § 1102.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1102.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

8. In § 1102.46, subparagraphs (3), (4), and (6) of paragraph (a) are revised to read as follows:

§ 1102.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(3) Subtract in the order specified below the pound of skim milk remaining in each class, in series beginning with Class II the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(4) Subtract in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph;

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from approved plants of other handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

Receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

* * * * *

9. Section 1102.61 is revised to read as follows:

§ 1102.61 Milk priced under other Federal orders.

In the case of any handler who the Secretary determines disposes of a greater portion of his fluid milk products, except filled milk, as Class I milk in another marketing area regulated by a milk marketing agreement or order issued pursuant to the act, the provisions of this part shall not apply except that:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

10. In § 1102.85, paragraphs (a) and (d) are revised to read as follows:

§ 1102.85 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of paragraphs (b) and (c) of this section, terminates 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

PART 1103—MILK IN THE MISSISSIPPI MARKETING AREA

1. Section 1103.8 is revised to read as follows:

§ 1103.8 Plant.

"Plant" means the land and buildings together with their surroundings, facilities and equipment whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received and/or processed or packaged: *Provided,* That a separate establishment or facility used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distributing depot for fluid milk products in transit for route disposition shall not be a plant under this definition.

2. In § 1103.11, paragraphs (a) and (b) are revised to read as follows:

§ 1103.11 Pool plant.

* * * * *

(a) A distributing plant, other than that of a producer-handler or one described in § 1103.61, from which during the month route disposition of fluid milk products, except filled milk, is not less than 50 percent of its total receipts of Grade A milk and the volume so disposed of in the marketing area is at least 20 percent of the total route disposition of fluid milk products, except filled milk, or a daily average during the month of 7,000 pounds, whichever is less;

(b) A supply plant from which a volume of fluid milk products, except filled milk, amounting to not less than 50 percent of the Grade A milk received at such plant from dairy farmers is transferred during the month to a distributing plant(s) from which a volume of Class I milk, except filled milk, amounting to not less than 50 percent of its receipts of Grade A milk from dairy farmers and from other plants is disposed of as route disposition during the month and the volume so disposed of in the marketing area is at least 20 percent of its total Class I route disposition (not including filled milk) or a daily average during the month of 7,000 pounds, whichever is less: *Provided,* That any plant which was a pool plant pursuant to this paragraph in each of the months of September through January shall be a pool plant in each of the following months of February through August in which it does not meet the shipping requirements unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for the remaining months through August; and

* * * * *

3. Section 1103.12 is revised to read as follows:

§ 1103.12 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

4. Section 1103.14 is revised to read as follows:

§ 1103.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant which, during the month, received no other source milk (except own production), producer milk, or fluid milk products from a pool plant: *Provided,* That such person establishes that the maintenance, care and management of all resources necessary to produce the entire volume of fluid milk products handled and all facilities necessary for operations as a handler are each the personal enterprise and risk of such person.

5. Section 1103.18 is revised to read as follows:

§ 1103.18 Fluid milk product.

"Fluid milk product" means all the skim milk (including reconstituted skim

milk and concentrated skim milk, other than bulk condensed) and butterfat in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, eggnog, yogurt, cream (sweet or sour) and any mixture in fluid form of cream and skim milk or milk (except aerated cream, frozen storage cream, ice cream, ice cream mixes, frozen ice milk, ice milk mixes, frozen dessert and mixes, sterilized products contained in hermetically sealed cans, and any product which contains 6 percent or more nonmilk fat (or oil)): *Provided,* That when any such milk product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content.

6. A new § 1103.19a is added to read as follows:

§ 1103.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1103.30, subparagraph (2) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1103.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(2) Utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the route disposition of fluid milk products outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(b) Each handler specified in § 1103.13 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk;

* * * * *

8. In § 1103.33, paragraphs (b) and (c) are revised to read as follows:

§ 1103.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk and milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * *

9. In § 1103.44, subparagraph (5) of paragraph (d) is revised to read as follows:

§ 1103.44 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

10. In § 1103.46, subparagraphs (2), (2–a), (3), (4), (5), (6), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1103.46 Allocation of skim milk and butterfat classification.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(2–a) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of Class I transfers between pool plants of the same handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler; and

(iv) The pounds of skim milk in receipts of milk by diversion from an other order plant for which Class II utilization was requested by the receiving handler and by the diverting handler under the other order, but not in excess of the pounds of skim milk remaining in Class II milk;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro

rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3)(iv) or (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (3)(v) or (4)(iii) of this paragraph pursuant to the following procedure:

* * * * *

11. Section 1103.61 is revised to read as follows:

§ 1103.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as the operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except as specified in paragraphs (d) and (e):

(a) A plant meeting the requirements of § 1103.11(a) which also meets the pooling requirements of another Federal order, and from which the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month as route dispositions in such other Federal order marketing area than is disposed of as route dispositions in this marketing area; except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of such Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A plant meeting the requirements of § 1103.11(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month as route dispositions in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless, fully regulated under such other Federal order; and

(c) A plant meeting the requirements of § 1103.11(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part except during the months of February through August if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1103.30 and 1103.31) and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

12. In § 1103.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1103.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1103.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1103.70(e) and a credit in the amount specified in § 1103.97(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk route dispositions in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. Section 1103.96 is revised to read as follows:

§ 1103.96 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all applicable payments made by handlers pursuant to §§ 1103.61, 1103.62, 1103.93 (a), and 1103.97, and out of which he shall make all applicable payments pursuant to §§ 1103.93(b) and 1103.98: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

14. In § 1103.100, paragraphs (a) and (d) are revised to read as follows:

§ 1103.100 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of such producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an under payment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1104—MILK IN RED RIVER VALLEY MARKETING AREA

1. In § 1104.7, paragraph (c) is revised as follows:

§ 1104.7 Distributing plant.

(c) from which Class I milk, except filled milk, is disposed of during the month on routes in the marketing area in an amount greater than an average of 600 pounds per day.

2. Section 1104.8 is revised as follows:

§ 1104.8 Supply plant.

"Supply plant" means all the buildings, premises, and facilities of a plant from which fluid milk products, except filled milk, equal to not less than 50 percent of its receipts of milk from dairy farmers, who would be producers if this plant qualified as a pool plant, are shipped to a distributing plant during such month: *Provided,* That any plant which qualifies as a supply plant for each of the months of September through December shall, upon written application to the market administrator before January 31 of the following year, be designated as a supply plant for the months of January through August.

3. Section 1104.10 is revised as follows:

§ 1104.10 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant, except an other order plant or a producer-handler plant, from which fluid milk products are distributed on routes in the marketing area in consumer-type packages or dispenser units during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved during the month to a pool plant qualified pursuant to § 1104.9 and which is not an other order plant nor a producer-handler plant.

4. Section 1104.13 is revised as follows:

§ 1104.13 Producer-handler.

"Producer-handler" means any person who produces milk and who operates a plant from which the disposition of Class I milk on routes in the marketing area does not exceed such person's own production and fluid milk products received from a pool plant regulated under either this Part or Part 1106 regulating the handling of milk in the Oklahoma Metropolitan marketing area.

5. Section 1104.15 is revised as follows:

§ 1104.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, cream or any mixture in fluid form of cream and milk or skim milk (except cultured sour cream, frozen storage cream, aerated cream products, ice cream and frozen dessert mix, evaporated or condensed milk, and sterilized products in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

6. Section 1104.17 is revised as follows:

§ 1104.17 Route disposition.

"Route disposition" or "disposed of on routes" means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products, other than a delivery to a milk or filled milk plant.

7. A new § 1104.18 is added as follows:

§ 1104.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1104.30, paragraphs (a)(5) and (c) are revised as follows:

§ 1104.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(5) The disposition of Class I products on routes wholly outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(c) Each handler specified in § 1104.11 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of in the marketing area as Class I milk on routes with such in-area sales of reconstituted skim milk in fluid milk products shown separately.

9. Section 1104.33 is revised as follows:

§ 1104.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products (including filled milk) handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products (including filled milk) on hand at the beginning and end of each month.

10. In § 1104.44 paragraph (e)(5) is revised as follows:

§ 1104.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph (e), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

11. In § 1104.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised as follows:

§ 1104.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (3)(v) or (4)(ii) of this paragraph:

* * * * *

12. Section 1104.61 is revised as follows:

§ 1104.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e).

(a) A distributing plant meeting the requirements of § 1104.9 which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, was disposed of during the month on routes in such other Federal order marketing area than was so disposed of in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order. On the basis of a written application made by the plant operator at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for purposes of this paragraph shall excluded (for a specified period of time) Class I disposition made under limited term contracts to governmental bases and institutions.

(b) A distributing plant meeting the requirements of § 1104.9 which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk was disposed of during the month on routes in this marketing area than was so disposed of in such other Federal order marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A supply plant meeting the requirements of § 1104.9 which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragraph (a), (b) or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of the receipts of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

13. In § 1104.62, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1104.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1104.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1104.70(e) and a credit in the amount specified in § 1104.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

14. Section 1104.81 is revised as follows:

§ 1104.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1104.61, 1104.62, 1104.82, and 1104.84, and out of which he shall make all payments to handlers pursuant to §§ 1104.83 and 1104.84: *Provided,* That any payments due to any handler may be offset by any payments due from such handler.

15. In § 1104.87, paragraphs (a) and (d) are revised as follows:

§ 1104.87 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund of such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

1. In § 1106.9, paragraphs (a) and (b) are revised to read as follows:

§ 1106.9 Pool plant.

* * * * *

(a) A distributing plant (other than that of a producer-handler or one which is exempt pursuant to § 1106.61) from which the following percentages of the receipts described in § 1106.7(c) are disposed of during the month as follows:

(1) 50 percent as Class I milk in the form of fluid milk products, except filled milk, and

(2) 5 percent as fluid milk products, except filled milk, on routes in the marketing area.

(b) A supply plant from which an amount equal to 50 percent of the receipts described in § 1106.8 is shipped during the month as fluid milk products, except filled milk, to a plant described in paragraph (a) of this section. Any supply plant that qualifies as a pool plant during each of the months of September through December shall be a pool plant for the following months of January through August except that, if the operator of such plant so requests the market administrator in writing, its pool plant status shall be terminated the first day of the month following receipt of such notification.

* * * * *

2. Section 1106.10 is revised as follows:

§ 1106.10 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in an order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are distributed on routes in the marketing area in consumer-type packages or dispenser units during the month.

(d) "Unregulated supply plant" means a nonpool plant, except an other order plant or a producer-handler plant, from which fluid milk products are moved during the month to a pool plant qualified pursuant to § 1106.9.

3. Section 1106.15 is revised as follows:

§ 1106.15 Producer-handler.

"Producer-handler" means any person who produces milk and operates a plant which meets the standards in § 1106.7(a) from which Class I milk is disposed of on routes in the marketing area, but who receives no milk from producers or other dairy farmers, and whose disposition of Class I milk does not exceed his own production and fluid milk products received from pool plants.

4. Section 1106.16 is revised as follows:

§ 1106.16 Route.

"Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products other than a delivery in bulk to a milk or filled milk plant.

5. Section 1106.17 is revised as follows:

§ 1106.17 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, cream (except cream stored and frozen), cultured sour cream, and any mixture in fluid form of cream and milk or skim milk (except bulk ice cream mix). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

6. A new § 1106.19 is added as follows:

§ 1106.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. Section 1106.30 is revised as follows:

§ 1106.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for each accounting period in the month in detail on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers.

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts of fluid milk products from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

(f) The quantities of skim milk and butterfat contained in opening and closing inventories of fluid milk products separately in bulk and in packaged form; and

(g) Each handler specified in § 1106.11(b) who operates a partially regulated distributing plant shall report as required in this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such

report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of in the marketing area as Class I milk on routes with such in-area sales of reconstituted skim milk in fluid milk products shown separately; and

(h) Such other information with respect to receipts and utilization as the market administrator may prescribe.

8. Section 1106.33 is revised as follows:

§ 1106.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to: (a) The receipts and utilization of all receipts of producer milk and other source milk; (b) the weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products (including filled milk) handled; (c) payments to producers and cooperative association; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products (including filled milk) on hand at the beginning and end of each accounting period.

9. In § 1106.44, paragraph (e)(5) is revised as follows:

§ 1106.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

10. In § 1106.46, paragraph (a) is revised as follows:

§ 1106.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1106.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining of 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(2-a) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the accounting period;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph;

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the accounting period;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1106.22(1) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers according to the classification assigned pursuant to § 1106.44(a);

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

11. Section 1106.61 is revised as follows:

§ 1106.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e):

(a) A distributing plant meeting the requirements of § 1106.9 which also meets the pooling requirements of another Federal order and from which a greater quantity of Class I milk, except filled milk, was disposed of during the month on routes in such other Federal order marketing area than was so disposed of in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order. On the basis of a written application made by the plant operator at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) Class I disposition made under limited term contracts to governmental bases and institutions.

(b) A distributing plant meeting the requirements of § 1106.9 which also meets the pooling requirements of another Federal order and from which a greater quantity of Class I milk, except filled milk, was disposed of during the month on routes in this marketing area than was so disposed of in such other Federal

order marketing area but which plant is nevertheless, fully regulated under such other Federal order;

(c) A supply plant meeting the requirements of § 1106.9 which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragarph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of the receipts of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plants on routes in marketing areas regulated by two or more market pool orders the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

12. In § 1106.62 paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1106.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1106.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1106.70(e) and a credit in the amount specified in § 1106.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. Section 1106.63 is revised as follows:

§ 1106.63 Governmental agencies.

A plant owned and operated by a governmental agency or establishment which processes or packages milk or filled milk distributed in the marketing area, shall be exempt from all provisions of this part. Fluid milk products received at a pool plant from such agencies shall be treated on the same basis as though received from a producer-handler. Fluid milk products (including diverted milk) disposed of by a handler to such agencies shall be classified as Class I milk.

In § 1071.51, paragraph (b) is revised to read as follows:

14. Section 1106.83 is revised as follows:

§ 1106.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1106.61, 1106.62, 1106.84 and 1106.86, and out of which he shall make all payments to handlers pursuant to §§ 1106.85 and 1106.86, inclusive.

15. In § 1106.89, paragraphs (a) and (d) are revised as follows:

§ 1106.89 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff) by the market administrator was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1108—MILK IN THE CENTRAL ARKANSAS MARKETING AREA

1. Section 1108.7 is revised to read as follows:

§ 1108.7 Approved plant.

"Approved plant" means all of the buildings, premises and facilities of a plant (a) in which milk or skim milk is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors and sales through plant stores) to wholesale or retail outlets (except pool plants) located in the marketing area, or (b) from which milk or skim milk is shipped during the month to a distributing plant.

2. Section 1108.8 is revised to read as follows:

§ 1108.8 Distributing plant.

"Distributing plant" means an approved plant from which Class I milk, except filled milk, equal to not less than

50 percent of its receipts of producer milk, milk from a cooperative association in its capacity as a handler pursuant to § 1108.12(c), and fluid milk products, except filled milk, from other pool plants is disposed of during the month, on routes or through plant stores, to wholesale or retail outlets (except pool plants) and from which Class I milk, except filled milk, equal to not less than 10 percent of such receipts is disposed of during the month on routes or through plant stores, to wholesale or retail outlets (except pool plants) located in the marketing area.

3. In § 1108.9, paragraph (a) is revised to read as follows:

§ 1108.9 Supply plant.

* * * * *

(a) An approved plant from which fluid milk products, except filled milk, in an amount not less than 50 percent of its receipts of producer milk and milk received from a cooperative association in its capacity as a handler pursuant to § 1108.12(c) is moved during such month to distributing plants: *Provided*, That any such plant which qualifies as a supply plant for each of the months during the period October through January shall upon written application to the market administrator, on or before the end of such period, be designated as a supply plant for the following months of February through September; or

* * * * *

4. Section 1108.11 is revised to read as follows:

§ 1108.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are shipped during the month to a pool plant qualified pursuant to § 1108.10 and which is not an other order plant nor a producer-handler plant.

5. A new paragraph (d) is added to § 1108.12 to read as follows:

§ 1108.12 Handler.

* * * * *

(d) Any person who operates a partially regulated distributing plant.

6. Section 1108.16 is revised to read as follows:

§ 1108.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, yogurt, cream, or any mixture in fluid form of milk, skim milk and cream except frozen cream, aerated cream, ice cream mix, eggnog and sterilized products in hermetically sealed containers. Sour cream mixtures to which cheese or any food substance other than a milk product has been added shall be considered as a fluid milk product only if disposed of under a Grade A label. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

7. A new § 1108.21 is added to read as follows:

§ 1108.21 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat or oil).

8. In § 1108.30, paragraphs (b) and (c) are revised to read as follows:

§ 1108.30 Reports of sources and utilization.

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, in-area and outside area route disposition of filled milk, and inventories of fluid milk products on hand at the end of the month.

(c) Each handler who operates a partially regulated distributing plant shall report as required in this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk;

Such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk.

9. In § 1108.44, subparagraph (5) of paragraph (g) is revised to read as follows:

§ 1108.44 Transfers.

* * * * *

(g) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

10. In § 1108.46, subparagraph (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1108.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (v) of this paragraph as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, from cooperative associations as handlers pursuant to § 1108.12(c), and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim

milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

* * * * *

11. Section 1108.61 is revised to read as follows:

§ 1108.61 Plants subject to other Federal orders.

A plant specified in paragraphs (a) or (b) of this section shall be a nonpool plant for purposes of this part except as specified in paragraphs (c) and (d).

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk, except filled milk, was disposed of from such plant during the six months period immediately preceding to retail or wholesale outlets (except pool plants or nonpool plants) in the Central Arkansas marketing area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a pool plant for each of the preceding months of August through January.

(c) The operator of a plant specified in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

12. In § 1108.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1108.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1108.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1108.70(e) and a credit in the amount specified in § 1108.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. Section 1108.81 is revised to read as follows:

§ 1108.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1108.61, 1108.62, 1108.82, and 1108.84, and out of which he shall make all payments pursuant to §§ 1108.83 and 1108.84: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

14. In § 1108.87, paragraph (a) is revised to read as follows:

§ 1108.87 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

PART 1120—MILK IN LUBBOCK-PLAINVIEW, TEX., MARKETING AREA

1. Section 1120.7 is revised as follows:

§ 1120.7 Fluid milk product.

"Fluid milk product" means all the skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, concentrated milk, fortified milk or skim milk, flavored milk drinks, filled milk, cream except aerated cream products, cultured sour cream and sour cream products labeled Grade A, and any mixture of cream and milk in fluid form except ice cream and other frozen dessert mixes, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

2. Section 1120.9 is revised as follows:

§ 1120.9 Plant.

"Plant" means the land, buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products including filled milk) are received from dairy farmers or processed or packaged:

Provided, That a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distribution depot for fluid milk products in transit on routes shall not be a plant under this definition.

3. Section 1120.12 is revised as follows:

§ 1120.12 Pool plant.

"Pool plant" means:

(a) A distributing plant, other than the plant of a producer-handler, from which a volume of Class I milk, except filled milk, not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from a cooperative association(s) in its capacity as a handler pursuant to § 1120.17(c)(2) is disposed of during the month on routes unless the volume so disposed of in the marketing area is less than 15 percent of such receipts or less than 1500 pounds on a daily average: *Provided,* That if a portion of such plant, physically apart from the Grade A portion of such a plant, is operated separately and is not approved by any health authority for the receiving, transferring, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered to be a part of such pool plant pursuant to this paragraph;

(b) A supply plant from which a volume of fluid milk products, except filled milk, not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from a cooperative association(s) in its capacity as a handler pursuant to § 1120.17(a)(2) is transferred during the month to a distributing plant from which a volume of Class I milk, except filled milk, not less than 50 percent of its receipts of Grade A milk from dairy farmers, cooperative associations, and from other plants is disposed of on routes during the month and the volume so disposed of in the marketing area is at least 15 percent of such receipts or a daily average of 1500 pounds, whichever is less: *Provided,* That if a portion of such supply plant, physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, transferring, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered to be part of such pool plant pursuant to this paragraph: *And provided further,* That any plant which was a pool plant pursuant to this paragraph in each of the months of September through November shall be a pool plant for the following months of March through June, unless written application is filed with the market administrator on or before the first day of any such months for designation as a nonpool plant for the remaining months through June.

4. Section 1120.13 is revised as follows:

§ 1120.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means any nonpool plant from which fluid milk products are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

5. Section 1120.18 is revised as follows:

§ 1120.18 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and whose only source of supply for Class I milk is his own farm production and transfers from pool plants: *Provided,* That such person furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk products handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprises of and at the personal risks of such person.

6. A new § 1120.19 is added as follows:

§ 1120.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. Section 1120.30 is revised as follows:

REPORTS, RECORDS AND FACILITIES

§ 1120.30 Reports of receipts and utilization.

(a) On or before the eighth day after the end of each month each cooperative association in its capacity as a handler pursuant to § 1120.17(c) (1) and (2) and each handler with respect to each of his pool plants shall report to the market administrator for such month and for each accounting period in such month elected pursuant to § 1120.34, in the detail and on forms prescribed by the market administrator, as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) Receipts of producer milk (including such handler's own farm production);

(ii) Receipts of fluid milk products from other pool plants and from cooperative associations;

(iii) Receipts of other source milk; and

(iv) Inventories of fluid milk products on hand at the beginning and at the end of such month;

(2) The utilization of all skim milk and butterfat required to be reported by this part, including a statement showing separately in-area and outside area route disposition of filled milk;

(b) Each handler specified in § 1120.17 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those of producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk with such in-area disposition of reconstituted skim milk in fluid milk products shown separately; and

(c) Each handler operating a nonpool supply plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

8. Section 1120.34 is revised as follows:

§ 1120.34 Accounting periods.

A handler may account for receipts, utilization and classification of skim milk and butterfat at any of his pool plants for two periods within a month, each period not to be less than 7 days, in the same manner as for a month if he provides to the market administrator in writing not later than 24 hours prior to the end of an accounting period notification of his intention to use two accounting periods.

9. In § 1120.44, paragraph (e)(5) is revised as follows:

§ 1120.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

10. In § 1120.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised as follows:

§ 1120.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants whch are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1120.17(c), and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3) (iv), (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (3) (v) or (4) (iii) of this paragraph pursuant to the following procedure:

* * * * *

11. Section 1120.61 is revised as follows:

§ 1120.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a) or (b) of this section except as specified in paragraphs (c) and (d):

(a) A plant meeting the requirements of § 1120.12(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this order in the immediately preceding month, it shall continue to be subject to all the provisions of this order until the third consecutive month in which a greater proportion of its Class I route disposition, except filled milk, is made in such other marketing area, unless notwithstanding the provisions of this paragraph it is regulated under such other order;

(b) A plant meeting the requirements of § 1120.12(a) which also meets the pooling requirements of another Federal order on the basis of route distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is disposed of in such other marketing area but which plant is fully regulated under such other Federal order.

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of the receipts of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

12. In § 1120.62, paragraphs (a) (1) (i) and (b) are revised as follows:

§ 1120.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1120.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective

order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1120.70(e) and a credit in the amount specified in § 1120.82 (b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. Section 1120.63 is revised as follows:

§ 1120.63 State institutions.

A State owned and operated institution or establishment which processes or packages fluid milk products distributed solely on its premises or those of other State institutions or establishments shall be exempt from all provisions of this part. Fluid milk products received at a pool plant from such institutions shall be treated on the same basis as though received from a producer-handler. Fluid milk products disposed of by a handler to such institutions shall be classified on the same basis as though disposed of to a producer-handler.

14. Section 1120.81 is revised as follows:

§ 1120.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" in which he shall deposit all payments made by handlers pursuant to §§ 1120.61, 1120.62, 1120.82, and 1120.84, subject to the provisions of § 1120.87, and out of which he shall make all payments pursuant to §§ 1120.83 and 1120.84: *Provided,* That payments due to any handler shall be offset by any payment due from such handler.

15. In § 1120.88, paragraphs (a) and (b) are revised as follows:

§ 1120.88 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the last day of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the last day of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1121—MILK IN THE SOUTH TEXAS MARKETING AREA

1. Part 1121.7 is revised to read as follows:

§ 1121.7 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed and/or packaged. Separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition if the milk transferred at such facilities can be identified as receipts from specific farmers until the milk is received at a plant. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

2. Section 1121.9 is revised to read as follows:

§ 1121.9 Supply plant.

"Supply plant" means any plant approved by an appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area and from which fluid milk products are moved to a distributing plant.

3. In § 1121.10, paragraphs (a) and (b) are revised to read as follows:

§ 1121.10 Pool plant.

"Pool plant" means:

(a) Any distributing plant, except a producer-handler plant or an other order plant, from which during the month:

(1) The disposition of fluid milk products, except filled milk, on routes within the marketing area is 10 percent or more of the receipts of Grade A milk at such plant; and

(2) The total disposition of fluid milk products, except filled milk, on routes is 50 percent or more of the receipts of Grade A milk at such plant;

(b) A supply plant:

(1) During any month in which 50 percent or more of the receipts of Grade A milk from dairy farmers and handlers pursuant to § 1121.12(d) at such plant is moved as fluid milk products, except filled milk, in bulk to pool distributing plants; or

(2) During each of the months of January through August, if such plant was a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding months of September through December, unless the operator of such plant has filed with the market administrator before the first day of any month written request that such plant not be a pool plant for each month through August during which it does not otherwise qualify as a pool plant; or

* * * * *

4. In § 1121.11, the introductory text and paragraphs (c) and (d) are revised to read as follows:

§ 1121.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

(c) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month but which is neither an other order plant nor a producer-handler plant.

(d) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes (other than to pool plants) in the marketing area during the month.

5. Section 1121.15 is revised to read as follows:

§ 1121.15 Producer-handler.

"Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from other dairy farmers;

(c) Disposes of no other source milk (except that represented by nonfat solids used in the fortification of fluid milk products) as Class I milk;

(d) Receives from pool plants not more than a total of 5,000 pounds of fluid milk products during the month or 5 percent of his Class I disposition, whichever is less; and

(e) Furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

6. Section 1121.16 is revised to read as follows:

§ 1121.16 Fluid milk products.

"Fluid milk products" mean milk, skim milk, buttermilk, filled milk, flavored milk, flavored milk drinks; sweet cream, curtured sour cream and sour cream products labeled Grade A; any mixture in fluid form of milk or skim milk and cream; concentrated milk or skim milk. Eggnog, frozen dessert mixes, yogurt, aerated cream products, evaporated milk, condensed milk or skim milk and sterilized products in hermetically sealed metal or glass containers shall not be fluid milk products pursuant to this section. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

7. Section 1121.18 is revised to read as follows:

§ 1121.18 Route disposition.

"Route disposition", or "disposed of on routes", means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products, other than a delivery to a plant.

8. A new § 1121.19a is added to read as follows:

§ 1121.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

9. In § 1121.22, paragraph (g) is revised to read as follows:

§ 1121.22 Duties.

* * * * *

(g) Verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition such handler claims classification of skim milk and butterfat and by such investigation as the market administrator deems necessary;

* * * * *

10. In § 1121.30, paragraphs (a)(3) and (c) are revised to read as follows:

§ 1121.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization or disposition of all quantities required to be reported, showing separately:

(i) Total route disposition, except filled milk,

(ii) Route disposition in the marketing area showing filled milk disposition separately;

(iii) Transfers to other pool plants;

(iv) Transfers to other order plants;

(v) Transfers to nonpool plants; and

(vi) Diversion to nonpool plants.

* * * * *

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk.

11. In § 1121.32, paragraph (b) is revised to read as follows:

§ 1121.32 Other reports.

* * * * *

(b) Each handler operating an other order plant with route disposition in the marketing area shall report such disposition (showing filled milk disposition separately) to the market administrator on or before the seventh day after the end of the month.

12. In § 1121.33, paragraph (b) is revised to read as follows:

§ 1121.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products (including filled milk) handled;

* * * * *

13. In § 1121.46, paragraph (a) (2), (4), (5), (8), and (9) is revised to read as follows:

§ 1121.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

* * * * *

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class in series beginning with Class II milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order or from a plant exempt pursuant to § 1121.62;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II milk but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph;

(a) For which the handler requests Class II milk utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(v) of this paragraph; and

(ii) Receipts of fluid milk products, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in bulk from an other order plant in excess of similar transfers to such plant, if Class II milk utilization was requested by the operator of such plant and the handler;

* * * * *

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (4)(iv) or (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk

from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4)(v) or (5)(ii) of this paragraph:

(i) In series beginning with Class II milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II milk utilization of skim milk announced for the month by the market administrator pursuant to § 1121.22(o) or the percentage that Class II milk utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

* * * * *

14. Section 1121.60 is revised to read as follows:

§ 1121.60 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e) of this section.

(a) A plant meeting the requirements of § 1121.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of such Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1121.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

* * * * *

(d) Each handler operating a plant described in paragraph (a), (b), or (c) shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

15. In § 1121.61, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1121.61 Obligation of handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1121.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfer from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1121.70(e) and a credit computed at the uniform price with respect to receipts, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

16. Section 1121.62 is revised to read as follows:

§ 1121.62 Governmental agencies.

A plant owned and operated by a governmental agency or establishment which processes or packages milk or filled milk distributed in the marketing area, shall be exempt from all provisions of this part. Fluid milk products received at a pool plant from such agencies shall be treated on the same basis as though received from a producer-handler. Fluid milk products disposed of by a handler to such agencies shall be classified on the same basis as though disposed of to a producer-handler.

17. Section 1121.83 is revised to read as follows:

§ 1121.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 1121.60, 1121.61, 1121.84, and 1121.86, and out of which he shall make all payments to handlers pursuant to §§ 1121.85 and 1121.86.

18. In § 1121.89, paragraphs (a) and (d) are revised to read as follows:

§ 1121.89 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed or 2 years after the end of the

calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1125—MILK IN THE PUGET SOUND, WASH., MARKETING AREA

1. The text of § 1125.7 which precedes paragraph (a) is revised to read as follows:

§ 1125.7 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment, which is maintained and operated primarily for the receiving, handling and/or processing of milk and milk products (including filled milk). The term "plant" does not include:

* * * * *

2. In § 1125.8, paragraphs (a) and (b) are revised to read as follows:

§ 1125.8 Pool plant.

* * * * *

(a) Any such plant, hereinafter referred to as a "pool distributing plant", from which during the month route disposition of fluid milk products, except route disposition of filled milk, in the marketing area averages more than 110 pounds daily and is also 10 percent or more of receipts of Grade A milk at such plant; or

(b) Any other such plant, hereinafter referred to as a "pool supply plant", at which milk, except filled milk, so qualified is received from dairy farmers or a cooperative association pursuant to § 1125.10(f), and which is:

(1) Located in the marketing area; or

(2) Located outside the marketing area, and from which is moved in the form of fluid milk products, except filled milk, to a pool distributing plant at least the following applicable percentage of both the skim milk and butterfat in Grade A milk received from dairy farmers:

(i) During the months of October through December, 50 percent of such receipts during the month; or

(ii) During the months of January through September, 20 percent of such receipts during the month, except that any plant which shipped in the form of fluid milk products, except filled milk, more than 50 percent of such receipts during the entire period of October through December immediately preceding shall be a pool plant for each of the months of January through September.

(3) Any plant which otherwise meets the requirements of this paragraph may withdraw from pool supply plant status for any month in the January–September period if the operator of the plant files with the market administrator, prior to the first day of such month, a written request for such withdrawal.

3. Section 1125.9 is revised to read as follows:

§ 1125.9 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which during the month an average of more than 110 pounds daily of fluid milk products is disposed of on routes in the marketing area.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are moved to a pool plant during the month.

4. Section 1125.12 is revised to read as follows:

§ 1125.12 Producer milk.

"Producer milk" or "milk received from producers" means skim milk and butterfat in milk produced by producers which is received for the account of a handler as follows:

(a) With respect to receipts at a pool plant, producer milk shall include:

(1) Milk received at such plant directly from producers;

(2) Milk (not including filled milk) diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the condition set forth in paragraph (c) of this section; and

(3) Milk received at such pool plant from a cooperative association in its capacity as a handler pursuant to § 1125.10(f), for all purposes other than those specified in paragraph (b)(2)(i) of this section;

(b) With respect to milk for which a cooperative association is a handler in a capacity other than as the operator of a pool plant, producer milk shall include:

(1) Milk (not including filled milk) diverted from the pool plant of another handler to a nonpool plant for the account of the cooperative association, subject to the condition set forth in paragraph (c) of this section; and

(2) Milk for which the cooperative association is a handler pursuant to § 1125.10(f) to the following extent:

(i) For purposes of reporting pursuant to §§ 1125.30(c) and 1125.31(a) and making payments to producers pursuant to § 1125.80(a); and

(ii) For all purposes, with respect to any such milk which is not delivered to the pool plant of another handler;

(c) For purposes of location adjustments pursuant to §§ 1125.53 and 1125.81, milk diverted to a nonpool plant shall be priced at the location of the plant to which diverted; and

(d) In the case of any bulk tank load of milk originating at farms and subsequently received in part at two or more plants, the proportion of the load received at each such plant shall be prorated among the individual producers on the basis of their percentage of the total load.

5. In § 1125.14, paragraphs (a)(2) and (d) are revised to read as follows:

§ 1125.14 Producer-handler.

* * * * *

(a) * * *

(2) The producer-handler neither receives at his designated milk production resources and facilities nor receives, handles, processes or distributes at or through any of his milk handling, processing or distributing resources and facilities (designated as such pursuant to paragraph (b)(2) of this section) nonfluid milk products for reconstitution into fluid milk products, or fluid milk products derived from any source other than (i) his designated milk production resources and facilities, (ii) pool plants within the limitation specified in paragraph (c)(2) of this section, or (iii) nonfat milk solids which are used to fortify fluid milk products.

* * * * *

(d) *Public announcement.* The market administrator shall publicly announce the name, plant location and farm location(s) of persons designated as producer-handlers, of those whose designations have been cancelled, and the effective dates of producer-handler status or loss of producer-handler status for each. Such announcements shall be controlling with respect to the accounting at plants of other handlers for milk or filled milk received from any producer-handler.

* * * * *

6. Section 1125.15 is revised to read as follows:

§ 1125.15 Fluid milk product.

"Fluid milk product" means the following, in fluid or frozen form:

(a) Milk, skim milk, skim milk drinks, buttermilk, filled milk, flavored milk, and flavored milk drinks (including such products reconstituted or fortified with additional nonfat milk solids);

(b) Concentrated milk, skim milk, flavored milk, and flavored milk drinks; and

(c) Cream (sweet or sour) and any mixtures of cream and milk or skim milk (exclusive of ice cream and frozen dessert mixes, cocoa mixes, aerated cream products, and eggnog).

Fluid milk products shall not include those products commonly known as evaporated milk, condensed milk, and skim milk (plain or sweetened), yogurt, starter, any milk or milk products (including filled milk) sterilized and packaged in hermetically sealed metal or glass containers; or a product which contains 6 percent or more nonmilk fat (or oil).

7. A new § 1125.15a is added to read as follows:

§ 1125.15a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1125.30, paragraphs (a) (2) and (d) are revised to read as follows:

§ 1125.30 Monthly reports of receipts and utilization.

* * * * *

(a) * * *

(2) The utilization of all skim milk and butterfat required to be reported, including separate statements of quantities:

(i) contained in fluid milk products on hand at the beginning and end of the month,

(ii) in route disposition outside the marketing area, and

(iii) in route disposition of filled milk in the marketing area and outside the marketing area;

* * * * *

(d) Each handler who operates a partially regulated distributing plant shall report as specified in paragraph (a) (1), (2), and (4) of this section except that receipts from dairy farmers in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include separate statements, respectively, showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

9. Section 1125.32 is revised to read as follows:

§ 1125.32 Other reports.

At such time and in such manner as the market administrator may prescribe, each handler shall report to the market administrator such information in addition to that required under § 1125.30 as may be requested by the market administrator with respect to milk and milk products (including filled milk) handled by him.

9a. In § 1125.41, subparagraph (1) of paragraph (b) is revised to read as follows:

§ 1125.41 Classes of utilization.

* * * * *

(b) * * *

(1) Used to produce ice cream, ice cream mix, frozen desserts, aerated cream products, plastic cream, soured cream dressing, yogurt, eggnog, cottage cheese, pot cheese, bakers cheese, cream cheese, neufchatel cheese, starter or any milk or milk products (including filled milk) sterilized and packaged in hermetically sealed metal or glass containers;

* * * * *

10. In § 1125.43, paragraph (b) is revised to read as follows:

§ 1125.43 Responsibility of handlers and reclassification of milk.

* * * * *

(b) The burden shall rest upon each handler to establish the sources of milk and milk products (including filled milk) required to be reported by him pursuant to § 1125.30.

* * * * *

11. In § 1125.44, paragraph (a) (4) is revised to read as follows:

§ 1125.44 Interplant movements.

* * * * *

(a) * * *

(4) Notwithstanding the prior provisions of this paragraph, any such skim milk and butterfat transferred in bulk from a pool plant to a pool distributing plant in which facilities are maintained and used to receive milk or milk products (including filled milk) required by applicable health authority regulations to be kept physically separate from Grade A milk shall be classified in accordance with the provisions of paragraph (b) of this section; and

* * * * *

12. In § 1125.45, paragraph (a) is revised to read as follows:

§ 1125.45 Computation of skim milk and butterfat in each class.

* * * * *

(a) If any other source milk not subject to allocation at such plant pursuant to § 1125.46(a) (2) through (4) was received at any pool plant of a handler, there will be computed for such handler the total pounds of skim milk and butterfat, respectively, in each class at all of his pool plants combined, exclusive of any classification based upon movements between such plants, and allocation pursuant to § 1125.46 and computation of obligation pursuant to § 1125.70 shall be based upon the combined utilization so computed. For purposes of assigning location adjustments pursuant to §§ 1125.53 with respect to milk or filled milk moved between such plants, the skim milk and butterfat subtracted from each class pursuant to § 1125.46(a) (2), (3), (4), (6), and (7) and the corresponding steps of § 1125.46 (b) will be assigned so far as possible to utilization (exclusive of such interplant movements) reported at the plant at which it was received, and therafter in sequence to plants at which location adjustment for such class is the same or most nearly similar, and the applicable location adjustments will be determined on the basis of the classification resulting from the application of § 1125.44 (a) and (b) to the remaining utilization reported;

* * * * *

13. Section 1125.46 is revised to read as follows:

§ 1125.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1125.45, the market administrator shall determine the classification of producer milk for each handler at all his pool plants (or at each pool plant, when § 1125.45(b) applies) as follows:

(a) Skim milk shall be allocated in the following manner, except that the quantities allocated to Class II milk and Class III milk shall be subtracted in series beginning with Class III.

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1125.41(c) (5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below, from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products not qualified for disposition to consumers in fluid form, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(vi) Subtract, if the total pounds of skim milk in all classes pursuant to § 1125.45 exceed the total pounds of skim milk reported pursuant to § 1125.30(a) (1), from the remaining pounds of skim milk in each class, in series beginning with Class III, the amount determined by prorating such excess between the pounds of skim milk subtracted pursuant to subdivisions (i) through (v) of this subparagraph and the remaining receipts;

(4) Subtract, in the order specified below in sequence beginning with Class III, from the pounds of skim milk remaining in Class II and Class III but not in excess of such quantity;

(i) Receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph, for which the handler requests Class II or III utilization;

(ii) Remaining receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph, which are in excess of the pounds of

skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in receipts of producer milk, receipts from pool plants of other handlers (and of the same handler, when § 11.25.45(b) applies), and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II or III utilization was requested by the operator of such plant and the handler;

(5) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(iv) or (4) (i) and (ii) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (3)(v) or (4)(iii) of this paragraph;

(i) In series, beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the precentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1125.22(m) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers (and of the same handler, when § 1125.45(b) applies) according to the classification assigned pursuant to § 1125.44;

(9) If the pounds of skim milk remaining in all three classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section and § 1125.45(c) into one total for each class and determine the weighted average butterfat content of producer milk in each class.

14. Section 1125.66 is revised to read as follows:

§ 1125.66 Plants subject to other Federal orders.

Except for §§ 1125.30(e), 1125.32 through 1125.34, and paragraph (c) of this section, the provisions of this part shall not apply to a handler with respect to the operation of plants described as follows:

(a) A distributing plant from which a lesser volume of fluid milk products, except filled milk, is disposed of as route disposition in the Puget Sound marketing area than as route disposition in the marketing area of another marketing agreement or order issued pursuant to the Act and which is fully subject to the classification and pricing provisions of such other agreement or order;

(b) Any supply plant for any portion of the period of January through September, inclusive, that producer milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

(c) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in the marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

15. In § 1125.67, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1125.67 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1125.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1125.70(e) and a credit in the amount specified in § 1125.84(b)(3) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk, shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes within the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

16. In § 1125.81, paragraph (c) is revised to read as follows:

§ 1125.81 Location adjustments to producers and on nonpool milk.

* * * * *

(c) For purposes of computations pursuant to §§ 1125.84 and 1125.85 the weighted average price for all milk shall be adjusted at the rates set forth in § 1125.53 for Class I milk applicable at the location of the nonpool plant from which the milk or filled milk was received.

17. Section 1125.83 is revised to read as follows:

§ 1125.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1125.66, 1125.67, and 1125.84 and out of which he shall make all payments to handlers pursuant to § 1125.85.

18. Section 1125.84 is revised to read as follows:

§ 1125.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month during which the skim milk and butterfat were received, each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the total amount specified in paragraph (b) of this section:

(a) The sum of:

(1) The net pool obligations computed pursuant to § 1125.70 for such handler; and

(2) For a cooperative association handler, the amount due from other handlers pursuant to § 1125.80(d);

(b) The sum of:

(1) The value of milk received by such handler from producers at the applicable uniform prices specified in § 1125.80 (a);

(2) The amount to be paid to cooperative associations pursuant to § 1125.80 (d); and

(3) The value at the weighted average price for all skim milk and butterfat applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) adjusted for butterfat content by the producer butterfat differential, with respect to other source milk for which a value is computed pursuant to § 1125.70(e).

19. Section 1125.85 is revised to read as follows:

§ 1125.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month during which the skim milk and butterfat were received, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1125.84(b) exceeds the amount computed pursuant to § 1125.84(a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 1125.84, 1125.86, 1125.87, and 1125.88: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

20. In § 1125.89, paragraphs (a) and (d) are revised to read as follows:

§ 1125.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last-known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claims were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

1. Section 1126.7 is revised as follows:

§ 1126.7 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed and/or packaged. Separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition if the milk transferred at such facilities can be identified as receipts from specific farmers until the milk is received at a plant. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

2. In § 1126.10 paragraph (a) is revised as follows:

§ 1126.10 Pool plant.

* * * * *

(a) Any distributing plant, except a producer-handler plant or an other order plant, from which during the month:

(1) The disposition of fluid milk products, except filled milk, on routes within the marketing area is 10 percent or more of the receipts of Grade A milk at such plant; and

(2) The total disposition of fluid milk products, except filled milk, on routes is 50 percent or more of the receipts of Grade A milk at such plant, except that if two or more distributing plants operated by the same handler each meet the performance requirement of subparagraph (1) of this paragraph and total disposition of fluid milk products, except filled milk, on routes of such plants is 50 percent or more of receipts of Grade A milk at such plants, each such plant shall be deemed to have met the requirement of this subparagraph;

* * * * *

3. Section 1126.11 is revised as follows:

§ 1126.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month but which is neither an other order plant nor a producer-handler plant.

(d) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes (other than to pool plants) in the marketing area during the month.

4. Section 1126.15 is revised as follows:

§ 1126.15 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk drinks, filled milk, cream (except sterilized cream and sterilized cream products disposed of in hermetically sealed metal or glass containers and cultured sour cream), and any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. Section 1126.18 is revised as follows:

§ 1126.18 Reserve supply credit.

The hundredweight of reserve supply credit that may be assigned to milk moved from a supply plant to a distributing plant shall be calculated as follows: From the total hundredweight of milk classified as Class I milk, except filled milk, at the distributing plant during the month, deduct Class I sales, except filled milk, to other pool plant(s) and from this result deduct an amount equal to 85 percent of the total hundredweight of milk received from producers during the month at such plant. Any plus figure resulting from this calculation shall be assigned pro rata to milk moved to such plant from supply plants unless the operator of the distributing plant notifies the market administrator in writing of a different assignment on or before the 7th day after the end of the month.

6. Section 1126.19 is revised as follows:

§ 1126.19 Route.

"Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of a fluid milk product other than a delivery in bulk form to a milk processing plant.

7. A new § 1126.20 is added as follows:

§ 1126.20 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1126.30, paragraphs (f) and (h) are revised as follows:

§ 1126.30 Reports of receipts and utilization.

* * * * *

(f) The disposition of fluid milk products on routes wholly outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

(h) Each handler operating a partially regulated distributing plant shall report as required in this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk.

9. In § 1126.33, paragraph (b) is revised as follows:

§ 1126.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products (including filled milk) handled;

* * * * *

10. In § 1126.41, paragraph (a)(1) is revised as follows:

§ 1126.41 Classes of utilization.

* * * * *

(a) * * *

(1) Disposed of in the form of a fluid milk product: *Provided,* That when any fluid milk product is modified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content;

* * * * *

(7) That portion of modified products excluded from a Class I skim milk classification pursuant to paragraph (a) of this section.

11. In § 1126.44, paragraph (g)(5) is revised as follows:

§ 1126.44 Transfers.

* * * * *

(g) * * *

(5) For purposes of this paragraph, if the order to which the skim milk and butterfat is transferred or diverted provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

12. In § 1126.46, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised as follows:

§ 1126.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk in receipts from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1126.12 (c) and (d) and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(*c*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv), or (4)(i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v), or (4)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1126.27(m); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall by subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

* * * * *

13. Section 1126.61 is revised as follows:

§ 1126.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e):

(a) A plant meeting the requirements of § 1126.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1126.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A plant meeting the requirements of § 1126.10(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragraph (a), (b), or (c) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of the receipts of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

14. In § 1126.62, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1126.62 Obligation of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1126.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1126.70(e) and a credit in the amount specified in § 1126.93(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

15. Section 1126.92 is revised as follows:

§ 1126.92 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1126.61, 1126.62, 1126.93, and 1126.95, and out of which he shall make all payments to handlers pursuant to §§ 1126.94 and 1126.95.

16. In § 1126.98, paragraphs (a) and (d) are revised as follows:

§ 1126.98 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the

terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8(c)(15)(A) of the Act, a petition claiming such money.

PART 1127—MILK IN SAN ANTONIO, TEX., MARKETING AREA

1. In § 1127.8, paragraph (a) is revised to read as follows:

§ 1127.8 Pool plant.

* * * * *

(a) A distributing plant (other than one exempt pursuant to § 1127.60) which disposes of as Class I milk, except filled milk, on routes in the marketing area 15 percent or more of its receipts of milk during the month from pool plants and from dairy farmers conforming to the requirements set forth in § 1127.11;

* * * * *

2. Section 1127.9 is revised to read as follows:

§ 1127.9 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

3. Section 1127.14 is revised to read as follows:

§ 1127.14 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, cream or any mixture of cream and milk or skim milk (except eggnog, cultured sour cream, frozen storage cream and bulk ice cream and frozen dairy product mixes). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1127.16 is added to read as follows:

§ 1127.16 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1127.30, paragraph (e) is revised to read as follows:

§ 1127.30 Reports of receipts and utilization.

* * * * *

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

6. Section 1127.32 is revised to read as follows:

§ 1127.32 Other reports.

Each handler who operates a partially regulated distributing plant shall report pursuant to § 1127.30 and pursuant to § 1127.31 in the event that such handler does not elect at the regular time of reporting pursuant to § 1127.30 to pay amounts computed pursuant to § 1127.61(b), except that receipts of Grade A milk from dairy farmers and payments to such dairy farmers shall be reported in lieu of receipts from and payments to producers; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

7. In § 1127.33, paragraphs (b) and (d) are revised to read as follows:

§ 1127.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products (including filled milk) handled;

* * * * *

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and other milk products (including filled milk) on hand at the beginning and end of each month.

8. In § 1127.44, subparagraph (5) of paragraph (c) is revised to read as follows:

§ 1127.44 Transfers.

* * * * *

(c) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other clases shall be classified as Class II or Class II–A (if identical classification is provided under the other order); and

* * * * *

9. In § 1127.46, subparagraphs (3), (4), (5), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1127.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with the lowest priced class, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II–A and Class II (beginning with Class II–A), but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (4) (iv) of this paragraph:

(*a*) For which the handler requests such utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, receipts from a cooperative association in its capacity as a handler pursuant to § 1127.10(d) and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (4) (iv) or (5) (i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4) (v) or (5) (ii) of this paragraph:

* * * * *

10. Section 1127.60 is revised to read as follows:

§ 1127.60 Handlers subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a) or (b) of this section except as specified in paragraphs (c) and (d):

(a) A plant meeting the requirements for pooling pursuant to § 1127.8(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all of the provisions of this part in the immediately preceding month, it shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such Class I route disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph it is fully regulated under such other order.

(b) A plant meeting the requirements for pooling pursuant to § 1127.8(a) which also meets the pooling requirements of another Federal order on the basis of route distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area, but which plant is fully regulated under such other Federal order.

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1127.30 and 1127.31) and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), or (b) of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

11. In § 1127.61, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1127.61 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1127.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class II–A milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1127.70(d) and a credit in the amount specified in § 1127.84(b) (2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparargaph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12. In § 1127.89, paragraphs (a) and (d) are revised to read as follows:

§ 1127.89 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The delivery period during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the agreement (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1128—MILK IN CENTRAL WEST TEXAS MARKETING AREA

1. In § 1128.7, paragraphs (a)(1) and (b) are revised to read as follows:

§ 1128.7 Approved plant.

* * * * *

(a) * * *

(1) From which Class I milk labeled Grade A other than filled milk, in consumer packages is disposed of in the marketing area on routes, or

* * * * *

(b) A milk plant approved by and under the routine inspection of a health authority other than that of a municipality in the marketing area from which Class I milk labeled Grade A other than filled milk in consumer packages is disposed of in the marketing area on a route operated wholly or partially in the marketing area in an amount equal to 10 percent or more of the total disposition of Class I milk, except filled milk, from such plant during the month.

2. Section 1128.8 is revised to read as follows:

§ 1128.8 Unapproved plant.

"Unapproved plant" means any milk or filled milk receiving, manufacturing or processing plant other than an approved plant. The following categories of unapproved plant are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means an unapproved plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means an unapproved plant from which fluid milk products are moved to an approved plant during the month but which is neither an other order plant nor a producer-handler plant.

3. Section 1128.13 is revised to read as follows:

§ 1128.13 Producer-handler.

"Producer-handler" means any person:

(a) who operates a dairy farm and a milk plant approved by and under the routine inspection of the appropriate health authority from which fluid milk products labeled Grade A in consumer-type packages are disposed of in the marketing area on routes and;

(b) whose disposition of fluid milk products does not exceed his own farm production and receipts of fluid milk products from approved plants.

4. Section 1128.14 is revised to read as follows:

§ 1128.14 Route.

"Route" means any delivery (including any delivery by a vendor or at a plant store) of a fluid milk product other than in bulk to a milk or filled milk processing plant.

5. Section 1128.15 is revised to read as follows:

§ 1128.15 Fluid milk product.

"Fluid milk product" means all the skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk drinks, filled milk, cream, sour cream and sour cream products under a Grade A label, and any mixture (except eggnog, aerated cream products and mixes for ice cream or other frozen dairy products) of cream and milk or skim milk: *Provided,* That when any such product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

6. A new § 1128.16 is added to read as follows:

§ 1128.16 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1128.30, paragraph (g) is revised to read as follows:

§ 1128.30 Reports of receipts and utilization.

* * * * *

(g) The disposition of Class I products on routes wholly outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

8. In § 1128.32, paragraph (b) is revised to read as follows:

§ 1128.32 Other reports.

* * * * *

(b) Each handler who operates a partially regulated distributing plant shall report pursuant to § 1128.30 and pursuant to § 1128.31 in the event that such handler does not elect at the regular time of reporting pursuant to § 1128.30 to pay amounts computed pursuant to § 1128.62(b), except that receipts in Grade A milk from dairy farmers and payments to such dairy farmers shall be reported in lieu of receipts from and payments to producers; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk.

* * * * *

9. In § 1128.33, paragraphs (b) and (d) are revised to read as follows:

§ 1128.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products (including filled milk) handled;

* * * * *

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products (including filled milk) on hand at the beginning and end of each month.

10. In § 1128.44, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1128.44 Transfers.

* * * * *

(f) * * *

(5) For purposes of this paragraph (f), if the transferee order provides for more than two classes of utilization skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II unless the other order provides a Class II–A classification identical to that provided in this order; and

* * * * *

11. In § 1128.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1128.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with the lowest priced class, the pounds of skim milk in each of the following:

(i) Other source milk in the form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a produced-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II–A and Class II (beginning with Class II–A):

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in such classes, respectively;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between approved plants of the handler) at all approved plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other approved plants and from a cooperative association in its capacity as a handler pursuant to § 1128.9(c), and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(c)(*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all approved plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Such subtraction is to be made first from the remaining Class II–A at the pool plant where received, next from remaining Class II–A at other pool plant(s) of such handler. If the amount to be subtracted is greater than the remaining Class II–A at all pool plants of the handler, such additional amount is to be subtracted first from the remaining Class II at the pool plant where received, next from Class II at other pool plant(s) of such handler. In such case, the utilization of skim milk in Class II–A (then Class II) shall be increased and the utilization of skim milk in Class II (then Class I) shall be decreased in an amount equal to the quantity necessary to make such subtraction, and the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II–A and Class II milk,

* * * * *

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all approved plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) or 4 (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the approved plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other approved plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other approved plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) or (4)(iii) of this paragraph pursuant to the following procedure:

* * * * *

12. Section 1128.61 is revised to read as follows:

§ 1128.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e) that:

(a) An approved plant pursuant to § 1128.7 (a)(1) or (b) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of such Class I route disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph it is regulated under such other order.

(b) An approved plant pursuant to § 1128.7 (a)(1) or (b) which also meets the pooling requirements of another Federal order on the basis of route distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is fully regulated under such other Federal order.

(c) An approved plant pursuant to § 1128.7(a)(2) which (1) meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part or, (2) retains automatic pooling status for the month under another Federal order by virtue of its performance in previous months.

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the

reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

13. In § 1128.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1128.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1128.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class II–A milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1128.70(e) and a credit in the amount specified in § 1128.94(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to approved plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from approved plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

14. Section 1128.93 is revised to read as follows:

§ 1128.93 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1128.61, 1128.62, 1128.94, and 1128.96, and out of which he shall make all payments to handlers pursuant to §§ 1128.95 and 1128.96.

15. In § 1128.99, paragraphs (a) and (d) are revised to read as follows:

§ 1128.99 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8(c)(15)(A) of the act, a petition claiming such money.

PART 1129—MILK IN THE AUSTIN-WACO, TEX., MARKETING AREA

1. Section 1129.8 is revised as follows:

§ 1129.8 Distributing plant.

"Distributing plant" means any milk processing or packaging plant from which Class I milk, except filled milk, equal to more than an average of 500 pounds per day or 5 percent, whichever is less, of the Grade "A" milk and skim milk received from dairy farmers or other plants, is disposed of during the month on a route(s) operated partially or wholly in the marketing area.

2. Section 1129.11 is revised as follows:

§ 1129.11 Nonfluid milk plant.

"Nonfluid milk plant" means any milk or filled milk receiving, manufacturing or processing plant other than a fluid milk plant. The following categories of nonfluid milk plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonfluid milk plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonfluid milk plant from which fluid milk products are moved to a fluid milk plant during the month, but which is neither an other order plant nor a producer-handler plant.

3. The introductory text and paragraph (a) of § 1129.14 are revised as follows:

§ 1129.14 Route.

"Route" means the delivery (including delivery by a vendor or sale at a plant store) of fluid milk products other than as follows:

(a) Delivery in bulk to a plant, or

* * * * *

4. Section 1129.20 is revised as follows:

§ 1129.20 Fluid milk product.

"Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk drinks, filled milk, cream, cultured sour cream, any mixture of cream and milk or skim milk (other than frozen storage cream, aerated cream products, eggnog, ice cream mix, or other frozen mixes, evaporated or condensed milk and any milk product contained in hermetically sealed containers): *Provided*, That when nonfat milk solids are added for fortification the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of unmodified product of the same nature and butterfat content. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1129.21 is added as follows:

§ 1129.21 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk

(whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1129.27, paragraph (g) is revised as follows:

§ 1129.27 Duties.

* * * * *

(g) Verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition such handler claims classification of skim milk and butterfat and by such investigation as the market administrator deems necessary;

* * * * *

7. In § 1129.30, paragraph (e) is revised as follows:

§ 1129.30 Reports of receipts and utilization.

* * * * *

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the route disposition of Class I milk outside the marketing area, and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

8. In § 1129.33, paragraphs (b) and (c) are revised as follows:

§ 1129.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, and milk products (including filled milk) handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, and milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * *

9. In § 1129.44, subparagraph (5) of paragraph (e) is revised as follows:

§ 1129.44 Transfers.

* * * * *

(5) For purposes of this paragraph (e), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

10. In § 1129.46, subparagraphs (2), (3), (4), and (7) of paragraph (a) are revised as follows:

§ 1129.46 Allocation of skim milk and butterfat classified.

* * * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class I utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from fluid milk plants of other handlers, receipts from a cooperative association in its capacity as a handler pursuant to § 1129.13(b)(2) and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3)(iv) or (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) or (4)(ii) of this paragraph;

* * * * *

11. Section 1129.61 is revised as follows:

§ 1129.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to any plant specified in paragraph (a), (b), or (c) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) An approved distributing plant which also meets the pooling requirements of another Federal order and from which the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than is disposed of on routes (other than to a distributing plant(s)) in the Austin-Waco marketing area.

(b) An approved distributing plant which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes (other than to a distributing plant(s)) in the Austin-Waco marketing area than is disposed of on routes in such other Federal order marketing area, but which plant is, nevertheless, fully regulated under such other Federal order.

(c) An approved supply plant which (1) meets the pooling requirements of another Federal order and from which greater qualifying shipments, except filled milk, are made during the month to plants regulated under such other order than are made to plants regulated under this part, or (2) retains automatic pooling status under another Federal order.

12. In § 1129.96, paragraphs (a) and (d) are revised as follows:

§ 1129.96 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

PART 1130—MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

1. Section 1130.7 is revised as follows:

§ 1130.7 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed or packaged. Separate facilities without storage tanks which are used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition if the milk transferred at such facilities can be identified as receipts from specific farmers until the milk is received at a plant. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

2. In § 1130.10, paragraphs (a) and (b) are revised as follows:

§ 1130.10 Pool plant.

* * * * *

"Pool plant" means:

(a) Any distributing plant, except a producer-handler plant or an other order plant, from which during the month:

(1) The disposition of fluid milk products, except filled milk, within the marketing area on routes is 10 percent or more of the receipts of Grade A milk at such plant; and

(2) The total disposition of fluid milk products, except filled milk, on routes is 50 percent or more of the receipts of Grade A milk at such plant;

(b) A supply plant:

(1) During any month in which 50 percent or more of the receipts of Grade A milk from dairy farmers and handlers pursuant to § 1130.12(d) at such plant is moved as fluid milk products, except filled milk, to pool distributing plants; or

(2) During each of the months of January through August, if such plant was a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding months of September through December, unless the operator of such plant has filed with the market administrator before the first day of any month written request that such plant not be a pool plant for each month through August during which it does not otherwise qualify as a pool plant; or

* * * * *

3. Section 1130.11 is revised as follows:

§ 1130.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another Federal order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month but which is neither an other order plant nor a producer-handler plant.

(d) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are disposed of on routes in the marketing area during the month.

4. Section 1130.15 is revised as follows:

§ 1130.15 Producer-handler.

"Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from other dairy farmers;

(c) Disposes of no other source milk as Class I milk except:

(1) That represented by nonfat solids used in the fortification of fluid milk products; or

(2) Yogurt in packaged form and cream in prepackaged tetrapaks (one-half fluid ounce capacity) if such products are made from milk classified and priced under any Federal order;

(d) Receives during the month from pool plants fluid milk products in a total quantity of not more than 10,000 pounds, or 5 percent of his Class I disposition, whichever is less; and

(e) Furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

5. Section 1130.16 is revised as follows:

§ 1130.16 Fluid milk products.

"Fluid milk products" means all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, filled milk, cream, cultured sour cream and sour cream products labeled Grade A, and any mixture of cream and milk or skim milk (other than frozen cream, aerated cream products, eggnog, ice cream, ice cream mix or other frozen mixes, evaporated or condensed milk and milk products contained in hermetically sealed containers): *Provided,* That when nonfat milk solids are added for "fortification", the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

6. A new § 1130.16a is added as follows:

§ 1130.16a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. Section 1130.18 is revised as follows:

§ 1130.18 Route disposition.

"Route disposition", or "disposed of on routes", means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products other than a delivery to a milk or filled milk plant.

8. In § 1130.30, paragraphs (a)(3) and (c) are revised as follows:

§ 1130.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization or disposition of all quantities required to be reported, showing separately:

(i) Total route disposition, except filled milk;

(ii) Route disposition in the marketing area;

(iii) Transfers to other pool plants;

(iv) Transfers to other order plants;

(v) Transfers to nonpool plants;

(vi) Diversions to nonpool plants; and

(vii) In-area and outside area route disposition of filled milk.

* * * * *

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing Class I disposition on routes in the marketing area of

each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk.

9. In § 1130.33, paragraphs (b) and (c) are revised as follows:

§ 1130.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products (including filled milk) handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * *

10. In § 1130.44, paragraph (e)(5) is revised as follows:

§ 1130.33 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph (e), if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk and butterfat allocated to another class shall be classified as Class III milk; and

* * * * *

11. Section 1130.46 is revised as follows:

§ 1130.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1130.45, the market administrator shall determine the classification of producer milk for each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk classified as Class III milk pursuant to § 1130.41(c)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class in series beginning with Class III milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II or Class III milk but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph;

(*a*) For which the handler requests Class II or Class III milk utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers to such plant, if Class II or Class III milk utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (4)(iv) or (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4)(v) or (5)(ii) of this paragraph:

(i) In series beginning with Class III milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1130.22(o) or the percentage that Class II and Class III milk utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1130.44(a); and

(11) If the pounds of skim milk remaining in each class exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III milk. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section and § 1130.45(d) for each class and determine the weighted average butterfat content of producer milk in each class.

12. Section 1130.60 is revised as follows:

§ 1130.60 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e):

(a) A plant meeting the requirements of § 1130.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition, except filled milk, is made in such other marketing area unless notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1130.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A plant meeting the requirements of § 1130.10(b) which also meets the

pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months January through August, if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragraphs (a) or (b) of this section shall report pursuant to § 1130.32(b) and each handler operating a plant described in paragraph (c) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

13. In § 1130.61, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1130.61 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1130.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II (or Class III) milk if allocated to such classes at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1130.70(e) and a credit computed at the uniform price with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class III price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

14. Section 1130.83 is revised as follows:

§ 1130.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 1130.60, 1130.61, 1130.84, and 1130.86, and out of which he shall make all payments to handlers pursuant to §§ 1130.85 and 1130.86.

15. In § 1130.89, paragraphs (a) and (d) are revised as follows:

§ 1130.89 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligations exists, were received or handled; and

(3) If the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

1. Section 1132.10 is revised as follows:

§ 1132.10 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk, except filled milk, not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts, or an average of not less than 10,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area: *Provided,* That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided,* That if such shipments are not less than 75 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year: *And provided further,* That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of

any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

2. Section 1132.11 is revised as follows:

§ 1132.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution in the marketing area are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

3. Section 1132.12 is revised as follows:

§ 1132.12 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any person who operates a partially regulated distributing plant;

(c) Any cooperative association with respect to milk of producers which is diverted from a pool plant to a nonpool plant for the account of such association;

(d) Any cooperative association with respect to the milk of its member producers which it causes to be delivered directly from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing that it wishes to become the handler for such milk. The cooperative association shall be considered the handler for such bulk tank milk, effective the first day of the month following receipt of such notice, and milk so delivered shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant to which it is delivered; and

(e) A producer-handler, or any person who operates an other order plant described in § 1132.61.

4. Section 1132.13 is revised as follows:

§ 1132.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers and who disposes of no fluid milk products in excess of his own milk production and fluid milk products received from pool plants.

5. Section 1132.15 is revised as follows:

§ 1132.15 Fluid milk product.

"Fluid milk product" means milk (including concentrated milk), skim milk (including reconstituted skim milk), buttermilk, filled milk, milk drinks (plain or flavored), cream, or any fluid mixture of cream and milk or skim milk (except storage cream, aerated cream products, eggnog, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers): *Provided*, That when any such product is modified by the addition of nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

6. A new § 1032.18 is added as follows:

§ 1032.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of no fat milk solids), with or without milk fat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1132.30, paragraph (f) is revised as follows:

§ 1132.30 Reports of receipts and utilization.

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk.

8. In § 1132.31, paragraph (c) is revised as follows:

§ 1132.31 Other reports.

* * * * *

(c) Each handler operating a partially regulated distributing plant shall report pursuant to § 1132.30 including a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and pursuant to §1132.31(b)(1) in the event that such handler does not elect at the regular time of reporting pursuant to § 1132.30 to pay amounts computed pursuant to § 1132.62 (b), except that receipts in Grade A milk from dairy farmers and payments to such dairy farmers shall be reported in lieu of receipts from and payments to producers.

9. In § 1132.32, paragraphs (b) and (c) are revised as follows:

§ 1132.32 Records and facilities.

* * * * *

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month; and

10. In § 1132.44, subparagraph (5) of paragraph (e) is revised as follows:

§ 1132.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph (e), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

11. In § 1132.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i), of paragraph (a) are revised as follows:

§ 1132.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for invidiual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under th[illegible] step at a plant regulated under anot[illegible] market pool order;

(4) Subtract, in the order s[illegible] below, from the pounds of skim [illegible] maining in Class II but not i[illegible] such quantity:

(i) Receipts of fluid [illegible] from an unregulated sup[illegible]

were not subtracted pursuant to subparagraph (3)(iv) of this paragraph,

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, receipts from a cooperative association in its capacity as a handler pursuant to § 1132.12(c) and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

* * * * *

12. Section 1132.61 is revised as follows:

§ 1132.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraphs (a) or (b) of this section except as specified in paragraphs (c) and (d).

(a) A distributing plant meeting the requirements of § 1132.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of to retail and wholesale outlets (excluding pool plants) in this marketing area, except that if such plant was subject to all the provi- this order in the immediately th, it shall continue to be e provisions of this order consecutive month in oportion of such Class e in such other mar- otwithstanding the agraph it is regu- r order. On the cation made by t 15 days prior ermination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) such Class I disposition made under limited term contracts to governmental bases and institutions.

(b) A distributing plant meeting the requirements of § 1132.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month to retail and wholesale outlets (excluding pool plants) in this marketing area than is disposed of on routes in such other marketing area but which plant is nevertheless fully regulated under such other Federal order;

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

13. In § 1132.62, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1132.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1132.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1132.70(e) and a credit in the amount specified in § 1132.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph, and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

14. Section 1132.83 is revised as follows:

§ 1132.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1132.61, 1132.62, 1132.84, and 1132.86, and out of which he shall make all payments pursuant to §§ 1132.85 and 1132.86: *Provided,* That payments due to any handler shall be offset by payments due from such handler.

15. In § 1132.90 paragraphs (a) and (d) are revised as follows:

§ 1132.90 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives

the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

PART 1133—MILK IN THE INLAND EMPIRE MARKETING AREA

1. Section 1133.7 is revised to read as follows:

§ 1133.7 Plant.

"Plant" means the land, buildings, facilities, and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained primarily for receiving, processing or packaging of fluid milk and milk products (including filled milk). However, an establishment that is separate from the foregoing operating unit and used only for transferring bulk milk from one tank truck to another shall not be a plant under this definition.

2. In § 1133.8, paragraphs (a) and (b) are revised to read as follows:

§ 1133.8 Pool plant.

"Pool plant" means any plant described in paragraph (a) or (b) of this section, other than the plant of a producer-handler, or a plant with respect to which the handler is exempt pursuant to § 1133.61, which is approved by an appropriate health authority for the receiving of milk qualified for distribution as Grade A milk in the marketing area.

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which fluid milk products are processed or packaged and from which during the month:

(1) Disposition of fluid milk products, except filled milk, on routes within the marketing area equals or exceeds the lesser of 250,000 pounds or 20 percent of the total receipts of Grade A milk from dairy farmers, cooperative associations pursuant to § 1133.15(d), and from pool supply plants and other plants forwarding the applicable percentage of receipts specified in paragraph (b) of this section to such plant and other pool distributing plants; and

(2) Total disposition of fluid milk products, except filled milk, on routes is 40 percent or more of such receipts in any of the months of February through August, inclusive, and 50 percent or more of such receipts in any of the months of September through January, inclusive.

(b) Any plant, hereinafter referred to as a "supply pool plant", from which there is forwarded in the form of fluid milk products, to a pool distributing plant(s) 50 percent or more each of the skim milk and butterfat in its dairy farm supply of Grade A milk except filled milk, during the current month during the period of September through November, or 20 percent or more during the current month during the period December through August. Any such plant which has forwarded in the form of fluid milk products, more than 50 percent of such receipts except filled milk, for the entire period of September through November shall be a pool plant for the months of December through August immediately following unless the operator of such plant files with the market administrator, prior to the first day of any month(s), a written request to withdraw such plant from pool plant status for such month(s); and

* * * * *

3. Section 1133.9, paragraph (c) is revised to read as follows:

§ 1133.9 Nonpool plant.

* * * * *

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

* * * * *

4. Section 1133.16 is revised to read as follows:

§ 1133.16 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a processing plant from which fluid milk products are distributed on routes in the marketing area but who receives no fluid milk products during the month from other dairy farmers or from any other source except by transfer from a pool plant, and who receives no nonfluid milk products for reconstitution into fluid milk products. Such person must provide proof satisfactory to the market administrator that the maintenance, care and management of the dairy animals and other resources necessary to produce his own farm milk production and the operation of the processing and distribution business is the personal enterprise and risk of such person.

5. Section 1133.17 is revised to read as follows:

§ 1133.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, skim milk drinks, buttermilk, flavored milk, flavored milk drinks, filled milk, concentrated milk, skim milk or milk drinks (not including evaporated milk, condensed milk or condensed skim milk), fortified milk or skim milk (including "diet" foods), cream (sweet or sour), any mixture in fluid form of cream and milk or skim milk (except ice cream mix, frozen dessert mix, cocoa mixes, a product which contains 6 percent or more nonmilk fat (or oil), aerated products, eggnog and yogurt), which are neither sterilized nor in hermetically sealed metal containers.

6. A new § 1133.19 is added to read as follows:

§ 1133.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1133.30, subparagraph (3) of paragraph (a), and paragraph (b) are revised to read as follows:

§ 1133.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization in each class of the quantities required to be reported, including separate statements of quantities (i) in inventories of fluid milk products on hand at the end of the month, (ii) in route disposition outside the marketing area, and (iii) of in-area and outside area route disposition of filled milk; and

* * * * *

(b) Each handler specified in § 1133.15(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement of the quantity of reconstituted milk in fluid milk products disposed of on routes in the marketing area. [illegible] read as

* * *

8. Section 1133.33 is [illegible]ities. follows:

§ 1133.33 Record[illegible]ntain and make [illegible]et administrator,

Each handler s[illegible], during the usual available to th[illegible], such accounts and or his repres[illegible]erations, including those hours of b[illegible] person upon whose utiliza- records of of any o[illegible]

tion the classification of skim milk and butterfat depends, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The information required to be reported pursuant to §§ 1133.30, 1133.31, and 1133.32;

(b) The weights and tests for butterfat and other contents of all milk, filled milk, and milk products handled, including filled milk; and

(c) Payments required to be made pursuant to §§ 1133.80 through 1133.88.

9. In § 1133.43, paragraph (b) is revised to read as follows:

§ 1133.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk or butterfat can establish to the satisfaction of the market administrator that such skim milk or butterfat should be classified otherwise:

(b) The burden shall rest upon each handler to establish the sources of milk and milk products (including filled milk) required to be reported by him pursuant to § 1133.30; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

10. In § 1133.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1133.44 Transfers and diversions.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transfered order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to Class II under the other order shall be classified as Class III; and

* * * * *

11. In § 1133.46, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised to read as follows:

1133.46 Allocation of skim milk and butterfat classified.

er making the computations pur- to § 1133.45, the market adminis- hall determine the classification the er milk for each handler as

(1. skim milk shall be allocated in skim mi manner: from the total pounds of to § 1133. lass III the pounds of

(2) Subtd as Class III pursuant pounds of ski. pounds of skim m the remaining ucts received in in each class the other order plants, fluid milk prod- tracted pursuant to su ed form from of this paragraph, as fo graph (3) (v) that to be sub-

(i) From Class III mil. the pounds remaining or lesser of of such receipts; and percent

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order.

(4) Subtract, in the order specified below, in sequence beginning with Class III from the pounds of skim milk remaining in Classes II and III, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph;

(*a*) For which the handler requests Class II or Class III utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph, in excess of similar transfers to such plant, if Class II or Class III utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3) (iv) or (4) (i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3) (v) or (4) (ii) of this paragraph:

* * * * *

12. In § 1133.51, paragraph (d) (2) is revised to read as follows:

§ 1133.51 Class prices.

* * * * *

(d) * * *

(2) Determine the total pounds of milk and milk products (including filled milk) disposed of from pool plants as Class I milk (excluding shrinkage, unaccounted for milk, and any duplications resulting from interhandler transfers) during the same 2 months;

13. Section 1133.61 is revised to read as follows:

§ 1133.61 Plants subject to other Federal orders.

(a) Except as specified in paragraphs (b) and (c), the provisions of this part shall not apply to any distributing or supply plant which would be subject to the classification, pricing and payment provisions of another order issued pursuant to the Act, unless a greater volume of fluid milk products, except filled milk, are disposed of on routes or to pool plants in the Inland Empire marketing area than in the marketing area regulated pursuant to such other order.

(b) The operator of a plant specified in paragraph (a) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

14. In § 1133.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1133.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1133.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III milk if allocated to such class at the pool pant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1133.70(e) and a credit in the amount specified in § 1133.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

15. Section 1133.63 is revised to read as follows:

§ 1133.63 State institutions.

A State owned and operated institution or establishment which processes or packages skim milk and butterfat distributed solely on its premises or those of other State institutions or establishments shall be exempt from all provisions of this part. Skim milk and butterfat received from institutions at pool plants shall be treated as other source milk received from a producer-handler, and fluid milk products disposed of by a handler to such institutions shall be classified on the same basis as though disposed of to a producer-handler.

16. Section 1133.83 is revised to read as follows:

§ 1133.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1133.61, 1133.62, 1133.84, and 1133.86 and out of which he shall make all payments to handlers pursuant to §§ 1133.85 and 1133.86.

17. In § 1133.89, paragraphs (a) and (d) are revised to read as follows:

§ 1133.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claims were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1134—MILK IN THE WESTERN COLORADO MARKETING AREA

1. Section 1134.9 is revised to read as follows:

§ 1134.9 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section, except the plant of a producer-handler or the plant of a handler exempt under § 1134.61.

(a) Any plant hereinafter referred to as a "distributing pool plant," in which during the month fluid milk products are processed or packaged and from which:

(1) An amount equal to 50 percent or more of the total receipts of Grade A milk (except receipts from distributing pool plants) is disposed of as fluid milk products, except filled milk, on routes, and

(2) Ten percent or more of such receipts, or 2,000 pounds per day, whichever is less, are disposed of as fluid milk products, except filled milk, on routes in the marketing area; and

(b) Any plant hereinafter referred to as a "supply pool plant" from which during the month 50 percent of its dairy farm supply of Grade A milk is moved in the form of fluid milk products, except filled milk, to distributing pool plants. Any supply plant which has qualified as a pool plant in each of the months of September through February shall be a pool plant in each of the following months of March through August, unless written request for nonpool status for any such month(s) is furnished in advance to the market administrator. A plant withdrawn from supply pool plant status may not be reinstated for any of the following months of March through August unless it fulfills the shipping requirements of this paragraph for such month(s).

2. Section 1134.10 is revised to read as follows:

§ 1134.10 Nonpool plant.

"Nonpool plant" means any milk, or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued under the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued under the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products are moved during the month to a pool plant.

3. Section 1134.16 is revised to read as follows:

§ 1134.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, reconstituted milk or skim milk fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mixes, frozen cream, a product which contains 6 percent or more nonmilk fat or oil, aerated cream, eggnog, cultured sour mixtures to which cheese or any food substance other than a milk product has been added in an amount not less than 3 percent by weight of the finished product), which are neither sterilized nor in hermetically sealed containers.

4. A new § 1134.19 is added to read as follows:

§ 1134.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1134.30, subparagraph (5) of paragraph (a) and paragraph (c) are revised to read as follows:

§ 1134.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(5) The utilization of all skim milk and butterfat required to be reported under this section, including a separate statement of the route disposition of Class I milk outside the marketing area, and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk. Such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

6. Section 1134.33 is revised to read as follows:

§ 1134.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, filled milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products and filled milk on hand at the beginning and end of each month; and

(d) Payments to producers, or to cooperative associations, including any deductions, and the disbursement of money so deducted.

7. In § 1134.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1134.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to another class shall be classified as Class III; and

* * * * *

8. Section 1134.46 is revised to read as follows:

§ 1134.46 Allocation of skim milk and butterfat classified.

After making the computations under § 1134.45 the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler under § 1134.11 (c) and (d) which was not received at a pool plant and the classification of milk received from producers, from a pool plant operated by a cooperative association and from cooperative association handlers under § 1134.11(d) at a pool plant(s) for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III under § 1134.41(c)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From the utilization comparable under such other order if the products are not classified as Class I under the other order;

(ii) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(iii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order.

(5) Subtract in sequence beginning with Class III in the order specified below, from the pounds of skim milk remaining in Class III and Class II;

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, for which the handler requests Class III utilization, but not in excess of the pounds of skim milk remaining in Class III and Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I by 1.25; and

(*b*) Subtract from the result the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers and in receipts of fluid milk products in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers or diversions to such plant, but not in excess of the pounds of skim milk remaining in Class III (and Class II), if Class III utilization was requested by the transferee handler and the operator of the transferor plant requests the lowest class utilization under the order;

(6) Subtract from the pounds of skim milk remaining in each class, in series, beginning with Class III, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted under subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining

in each class, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted under subparagraph (4)(iv) or (5) (i) or (ii) of this paragraph.

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products or filled milk in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4)(v) or (5)(iii) of this paragraph:

(i) Such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class III and Class II combined;

(*a*) The estimated utilization of skim milk in each class by all handlers, as announced for the month under § 1134.22(l); or

(*b*) The pounds of skim milk remaining in each class at the pool plant of the handler;

(10) Substract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned under § 1134.44;

(11) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in milk received from producers, and from cooperative associations under § 1134.11(d) subtract such excess from the remaining pounds of skim milk in series beginning with Class III. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined under paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. Section 1134.61 is revised to read as follows:

§ 1134.61 Exempt plants.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except as specified in paragraphs (d) and (e):

(a) Any distributing plant from which less than an average of 200 pounds per day of Class I milk (except filled milk) is disposed of on routes in the marketing area during the month.

(b) Any distributing plant which would be subject to the classification and pricing provisions of another order issued under the Act, unless such plant is qualified as a pool plant under § 1134.9(a) and more Class I milk (except filled milk) is disposed of from such plant on routes in the Western Colorado marketing area than in the marketing area defined under such other order.

(c) Any plant qualified under § 1134.9 (b) for any portion of the period of March through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued under the Act.

(d) The operator of a plant specified in paragraphs (a), (b), or (c) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (b), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of the receipts of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

10. In § 1134.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1131.62 Obligations of a handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed under § 1134.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the repective order if so allocated to Class I milk, except that reconstituted skim milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1134.70(e) and a credit in the amount specified in § 1134.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued under the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

11. Section 1134.83 is revised to read as follows:

§ 1134.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers under §§ 1134.61, 1134.62, 1134.84, and 1134.86 and out of which he shall make all payments under §§ 1134.85 and 1134.86: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

12. In § 1134.89, paragraphs (a) and (d) are revised to read as follows:

§ 1134.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such pro-

ducer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, under section 8c (15) (A) of the Act, a petition claiming such money.

PART 1136—MILK IN THE GREAT BASIN MARKETING AREA

1. In § 1136.8 paragraph (c) is revised to read as follows:

§ 1136.8 Producer-handler.

* * * * *

(c) The operation of the milk (including filled milk) production, processing and distributing facilities are under the complete and exclusive control of such person and at his sole risk.

2. Section 1136.10 is revised to read as follows:

§ 1136.10 Approved plant.

"Approved plant" means a plant which either receives milk from dairy farmers or possesses the approval of any duly constituted health authority for the processing or packaging of Grade A fluid products, and (a) in which milk or milk products (including filled milk) are processed or packaged and from which any fluid milk product is disposed of during the month on routes in the marketing area, or (b) in which milk is received or processed and from which milk or skim milk is shipped during the month to a plant described in paragraph (a) of this section.

3. Section 1136.11 is revised to read as follows:

§ 1136.11 Pool plant.

"Pool plant" means:

(a) An approved plant, except the plant of a producer-handler as described in § 1136.8, from which during the month there is disposed of on routes fluid milk products, except filled milk, equal to not less than 50 percent of the receipts during the month at such plant of producer milk, producer milk diverted therefrom by the plant operator and receipts at the plant of fluid milk products, except filled milk, from plants described pursuant to paragraph (b) of this section, and there are disposed of on routes in the marketing area fluid milk products, except filled milk, equal to not less than 15 percent of the total fluid milk product disposition, except filled milk, from the plant on routes. If any cooperative association operating an approved plant as defined in § 1136.10(a) causes producer milk to be delivered to a pool plant pursuant to this paragraph operated by another handler, such producer milk shall be included for the computations made pursuant to this paragraph for such cooperative association's plant along with the receipts of producer milk at such cooperative association's plant, and the quantity of such milk calculated as Class I milk pursuant to § 1136.22(h) shall be included for such computations along with the fluid milk products, except filled milk, disposed of on routes from such cooperative association's plant. If such a cooperative association operates more than one approved plant as defined in § 1136.10(a), such producer milk and Class I milk shall be included in the computation for whichever plant the cooperative association requests in writing to the market administrator. If no such written request is made, such producer milk and Class I milk shall be prorated among the plants. If a handler operates more than one approved plant, the combined receipts and fluid milk products disposition, except filled milk, of any of such plants may be used as the basis for qualifying the respective plants pursuant to the preceding computations specified in this paragraph if the handler in writing so requests the market administrator.

(b) An approved plant from which during the month fluid milk products, except filled milk, equal to not less than 50 percent of the total of receipts at the plant from dairy farmers meeting the inspection requirements described in § 1136.7, milk diverted pursuant to § 1136.13 by the handler operating the plant and other fluid milk products, except filled milk, qualified for distribution for fluid consumption received at the plant are shipped to a plant described in paragraph (a) of this section: *Provided*, That a plant which so qualifies in each of the months of August through January as a pool plant shall be a pool plant in each of the following months of February through July unless the operator requests in written notice to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

4. In § 1136.12 the introductory text preceding paragraph (a) is revised to read as follows:

§ 1136.12 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

5. Section 1136.15 is revised to read as follows:

§ 1136.15 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, cream (sweet or sour) except frozen cream, concentrated milk (fresh or frozen), fortified milk or skim milk, reconstituted milk or skim milk, or any mixture in fluid form of milk, skim milk and cream (except ice cream, ice cream mix, eggnog, a product which contains 6 percent or more nonmilk fat (or oil), aerated cream, evaporated or condensed milk (plain or sweetened), and sterilized products in hermetically sealed containers).

6. A new § 1136.18 is added to read as follows:

§ 1136.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1136.30, subparagraph (2) of paragraph (a) is revised to read as follows:

§ 1136.30 Reports of sources and utilization.

(a) * * *

(2) The utilization of all skim milk and butterfat required to be reported pursuant to subparagraph (1) of this paragraph, including a separate statement of the route disposition of Class I milk outside the marketing area, and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

8. In § 1136.31, paragraph (c) is revised to read as follows:

§ 1136.31 Other reports.

* * * * *

(c) Each handler specified in § 1136.9 (a) (2) who operates a partially regulated distributing plant shall report as required in § 1136.30, except that receipts of milk produced in compliance with the inspection requirements of a duly constituted health authority for fluid consumption shall be reported in lieu of producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

9. In § 1136.42, paragraph (c) and subparagraph (5) of paragraph (d) are revised to read as follows:

§ 1136.42 Transfers.

* * * * *

(c) If transferred in bulk form as milk, filled milk, skim milk, or cream to a nonpool plant which is neither an other order plant nor a producer-handler plant, shall be classified as Class I milk unless the requirements of subparagraphs (1), (2) and (3) of this paragraph are met, in which case the skim milk and butterfat so transferred shall be classified in accordance with the assignment resulting from subparagraph (4) of this paragraph:

(d) * * *

(5) For purposes of this paragraph (d), if the transferee order provides for only two classes of utilization, skim milk

and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I and skim milk and butterfat allocated to Class II under the other order shall be classified as Class III; and

* * * * *

10. In § 1136.44, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised to read as follows:

§ 1136.44 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1136.43, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1136.9 (b) and (c) which was not received at a pool plant and the classification of milk received from producers and from cooperative association handlers pursuant to § 1136.9 (c) by each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1136.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(i)(*d*) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1136.41(c)(8) plus two percent of such receipts (weight of an equal volume of a like unmodified product of the same butterfat content);

(ii) From Class I milk, the remainder of such receipts; and

(iii) In the event that packaged other order milk receipts (including filled milk) are in excess of the total amount subtracted pursuant to § 1136.44(a)(2)(i) and (ii), the remaining quantity shall be substracted from the utilization remaining in Class III and then Class II;

(3) Subtract, in the order specified below, the pounds of skim milk in each of the following:

(i) From the pounds of skim milk remaining in each class, in series beginning with Class III:

(*a*) Other source milk in a form other than that of a fluid milk product;

(*b*) Receipts of fluid milk products (except filled milk) not qualified for fluid consumption, and receipts of fluid milk products from unidentified sources;

(*c*) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order, and from exempt plants as defined in § 1136.60(a);

(*d*) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(*e*) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(ii) From the pounds of skim milk remaining in Class II and Class III, beginning with Class II, receipts from pool plants of other handlers (or other pool plants, if applicable) in the form of cottage cheese;

(4) Substract, in the order specified below in sequence beginning with Class III, from the pounds of skim milk remaining in Classes II and III but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(i)(*d*) of this paragraph, for which the handler requests Class III utilization;

(ii) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(i)(*d*) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I by 1.25; and

(*b*) Subtract from the result the sum of the pounds of skim milk in producer milk, in receipts from pool plants of other handlers (or other pool plants, if applicable), and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(i)(*e*) of this paragraph;

(iii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(i)(*e*) of this paragraph, in excess of similar transfers to such plant, if Class III utilization was requested by the transferee handler and the operator of the transferor plant requests the lowest class utilization under the other order;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated plants which were not subtracted pursuant to subparagraph (3)(i)(*d*) or (4)(i) or (ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(i)(*e*) or (4)(iii) of this paragraph:

* * * * *

11. Section 1136.61 is revised to read as follows:

§ 1136.61 Plants where other Federal orders may apply.

Any plant described by paragraph (a) or (b) of this section shall be exempt from § 1136.11, except as specified in paragraphs (c) and (d):

(a) Any plant which does not dispose of a greater volume of Class I milk, except filled milk, on routes in the Great Basin marketing area than in the marketing area regulated pursuant to such other order; and

(b) Any plant during the months of February through July which qualifies as a pool plant only pursuant to the proviso of § 1136.11(b).

(c) The operator of a plant specified in paragraph (a) or (b) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

12. In § 1136.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1136.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1136.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of

the respective order if so allocated to Class I milk, except that reconstituted skim milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1136.70(e) and a credit in the amount specified in § 1136.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to a pool plant) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

13. Section 1136.81 is revised to read as follows:

§ 1136.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1131.61, 1136.62, 1136.82, and 1136.84, and out of which he shall make all payments pursuant to §§ 1136.83 and 1136.84: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

14. In § 1136.87, paragraphs (a) and (d) are revised to read as follows:

§ 1136.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1137—MILK IN THE EASTERN COLORADO MARKETING AREA

1. Section 1137.7 is revised to read as follows:

§ 1137.7 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section except the plant of a producer-handler or the plant of a handler exempt pursuant to § 1137.61.

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which during the month fluid milk products are processed or packaged and from which (1) an amount equal to 50 percent or more of the total receipts of Grade A milk (except receipts from distributing pool plants) is disposed of as fluid milk products, except filled milk, on routes, and (2) 10 percent or more of such receipts, or 12,000 pounds per day, whichever is less, are disposed of as fluid milk products, except filled milk, on routes in the marketing area; and

(b) Any plant, hereinafter referred to as a "supply pool plant" from which during the month 50 percent of its dairy farm supply of Grade A milk is moved to distributing pool plant(s) as fluid milk products, except filled milk. Any supply plant which has qualified as a pool plant in each of the months of September through February (under either this part or under Part 1135 of this chapter, regulating the handling of milk in Colorado Springs-Pueblo marketing area) shall be a pool plant in each of the following months of March through August unless written request for nonpool status for any such month(s) is furnished in advance to the market administrator. A plant withdrawn from supply pool plant status may not be reinstated for any subsequent month of March through August unless it fulfills the shipping requirements of this paragraph for such month.

2. Section 1137.8 is revised to read as follows:

§ 1137.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant which is neither an other order plant nor a producer-handler plant and from which fluid milk products are moved during the month to a pool plant qualified pursuant to § 1137.7.

3. Section 1137.11 is revised to read as follows:

§ 1137.11 Producer-handler.

(a) "Producer-handler" means any person who operates a dairy farm and a milk processing plant which distributes fluid milk products on routes in the marketing area and who:

(1) Receives no fluid milk products during the month from dairy farmers;

(2) Receives no fluid milk products during the month from any other source except by transfer from a pool plant; and

(3) Receives no other source milk for reconstitution into fluid milk products.

(b) Such person must provide proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the volume of fluid milk products (excluding transfers from pool plants) and the operation of the processing and distribution business is the personal enterprise of and at the personal risk of such person.

4. Section 1137.14 is revised to read as follows:

§ 1137.14 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, concentrated milk, reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), sweet cream, sour cream and sour cream mixtures disposed of under a Grade A label, half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, a product which contains 6 percent or more nonmilk fat (or oil), aerated cream, frozen cream, plastic cream, eggnog and sterilized products

packaged in hermetically sealed containers).

5. Section 1137.15 is revised to read as follows:

§ 1137.15 Route.

"Route" means any delivery to retail or wholesale outlets (including a delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or a nonpool plant: *Provided,* That packaged fluid milk products, except filled milk, that are transferred to a distributing pool plant from a plant with route disposition in the marketing area, and which are classified as Class I under § 1137.44(a), shall be considered as a route disposition from the transferor plant, rather than from the transferee plant, for the single purpose of qualifying it as a pool distributing plant under § 1137.7(a)(1).

6. A new § 1137.16 is added to read as follows:

§ 1137.16 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1137.30, subparagraph (5) of paragraph (a), and paragraph (c) are revised to read as follows:

§ 1137.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(5) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the route disposition of Class I milk outside the marketing area, and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

8. In § 1137.44, subparagraph (5) of paragraph (d) is revised to read as follows:

§ 1137.44 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to another class shall be classified as Class III; and

* * * * *

9. In § 1137.46, subparagraphs (2), (3), (4), (5), (6), (8), and (9) of paragraph (a) are revised to read as follows:

§ 1137.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1137.45, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1137.9 (c) and (d) which was not received at a pool plant and the classification of milk received from producers, from a pool plant operated by a cooperative association and from cooperative association handlers pursuant to § 1137.9(d) at a pool plant(s) for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1137.41(c)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order.

(5) Subtract, in sequence beginning with Class III in the order specified below, from the pounds of skim milk remaining in Class III and Class II;

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, for which the handler requests Class III utilization, but not in excess of the pounds of skim milk remaining in Class III and Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I by 1.25; and

(*b*) Subtract from the result the sum of the pounds of skim milk in producer milk, in receipts from pool plants of other handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers or diversions to such plant, but not in excess of the pounds of skim milk remaining in Class III (and Class II), if Class III utilization was requested by the transferee handler and the operator of the transferor plant requests the lowest class utilization under the other order;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4)(iv) or (5)(i) or (ii) of this paragraph. (For purposes of this subtraction at a pool plant(s) operated by a cooperative association, skim milk in fluid milk products transferred to the pool plant of another handler shall be added to the remaining pounds of skim milk in each class prorata to the market average utilization announced pursuant to § 1137.22(1));

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4)(v) or (5)(iii) of this paragraph:

* * * * *

§ 1137.61 Exempt plants.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e):

(a) A plant meeting the requirements of § 1137.7(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, was disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately proceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A plant meeting the requirements of § 1137.7(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order;

(c) Any distributing plant from which less than an average of 300 pounds of Class I milk per day, except filled milk, is disposed of on routes in the marketing area during the month; and

(d) Each handler operating a plant described in paragraph (a), (b), or (c) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1137.30 through 1137.32) and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month and amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class III price.

10. In § 1137.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1137.62 Obligations of a handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1137.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1137.70(e) and a credit in the amount specified in § 1137.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content;

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

11. Section 1137.83 is revised to read as follows:

§ 1137.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1137.61, 1137.62, 1137.84, and 1137.86 and out of which he shall make all payments pursuant to §§ 1137.85 and 1137.86: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

12. In § 1137.89, paragraphs (a) and (d) are revised to read as follows:

§ 1137.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1138—MILK IN THE RIO GRANDE VALLEY MARKETING AREA

1. In § 1138.8 paragraph (c) is revised to read as follows:

§ 1138.8 Producer-handler.

* * * * *

(c) A governmental agency which operates a milk, or filled milk plant shall be considered a producer-handler: *Provided,* That the plant operated by such agency shall be a pool plant if bulk milk is delivered during the month by such governmental agency to another plant which is a pool plant and a written request is filed by the agency with the market administrator asking that its plant be considered a pool plant. If such a plant is made a pool plant at the request of the governmental agency for one month and thereafter resumes the status of a nonpool plant it shall not be eligible for pool plant status again until

it has been a nonpool plant for 12 consecutive months.

2. In § 1138.10, paragraphs (a) and (b) are revised as follows:

§ 1138.10 Pool plant.

* * * * *

(a) Any plant hereinafter referred to as a "distributing pool plant" in which fluid milk products are pasteurized or packaged and from which not less than 15 percent of the total Class I sales of such plant, except filled milk, or 10,000 pounds daily (average), whichever is less, are made in the marketing area on routes: *Provided,* That the total quantity of Class I milk, except filled milk, disposed from such plant during the month is not less than 50 percent of such plant's receipts of Grade A milk, which receipts shall include all milk diverted from such pool plant to a nonpool plant by the handler operating such pool plant;

(b) Any plant hereinafter referred to as a "supply pool plant" from which during the month not less than 50 percent of its dairy farm supply of Grade A milk is moved to plants from each of which a volume of Class I milk, except filled milk, not less than 50 percent of its receipts of Grade A milk is disposed of on routes during the month and Class I milk, except filled milk, disposed of in the marketing area on routes is at least 15 percent of such receipts or a daily average of 10,000 pounds, whichever is less.

* * * * *

3. Section 1138.11 is revised to read as follows:

§ 1138.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution in the marketing area are moved to a pool plant qualified pursuant to § 1138.10 and which is not an other order plant nor a producer-handler plant.

4. Section 1138.14 is revised to read as follows:

§ 1138.14 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), filled milk, reconstituted milk or skim milk, fortified milk (including "dietary" milk products), concentrated milk, sweet cream and any mixture of milk, skim milk, or sweet cream except frozen cream, frozen dessert mixes, ice cream mix, evaporated or condensed milk or skim milk, aerated cream products, and sterilized products in hermetically sealed containers; and eggnog, yogurt and sour cream and cultured sour cream mixes shall be considered as fluid milk products only if disposed of under a Grade A label. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1138.16 is added to read as follows:

§ 1138.16 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1138.30, subparagraph (6) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1138.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(6) The route disposition of fluid milk products in the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

* * * * *

7. Section 1138.36 is revised to read as follows:

§ 1138.36 Accounting periods.

A handler may account for receipts, utilization and classification of skim milk and butterfat at his pool plant(s) for two periods within a month, each period not to be less than 7 days, in the same manner as for a month if he provides to the market administrator in writing not less than 24 hours prior to the end of an accounting period notification of his intention to use two accounting periods.

8. In § 1138.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1138.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

9. In § 1138.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i), of paragraph (a) are revised to read as follows:

§ 1138.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class as follows:

(i) From Class I milk, the pounds of skim milk that were received from a producer-handler as packaged, certified fluid milk products and were disposed of in the same form as received;

(ii) From Class II milk, with respect to the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, the lesser of the pounds remaining or 2 percent of such receipts; and

(iii) From Class I milk, the remainder of the receipts specified in subdivision (ii) of this subparagraph;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order, except that subtracted pursuant to subparagraph (2)(i) of this paragraph;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to

subparagraph (3) (iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3) (iv) or (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3) (v) or (4) (iii) of this paragraph pursuant to the following procedure:

* * * * *

10. Section 1138.61 is revised to read as follows:

§ 1138.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all the provisions of this part, except as specified in paragraphs (c) and (d):

(a) Any plant qualified pursuant to § 1138.10(a) which disposes of a lesser volume of Class I milk, except filled milk, in the Rio Grande Valley marketing area than in a marketing area where the handling of milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order;

(b) Any plant qualified pursuant to § 1138.10(b) for any portion of the period March through July, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part;

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

11. In § 1138.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1138.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1138.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1138.70(e) and a credit in the amount specified in § 1138.84 (b) (2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the repective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12. Section 1138.83 is revised to read as follows:

§ 1138.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1138.61, 1138.62, 1138.84, and 1138.86 and out of which he shall make all payments pursuant to §§ 1138.85 and 1138.86: *Provided*, That any payments due any handler shall be

offset by any payments due from such handler.

13. In § 1138.89, paragraphs (a) and (d) are revised to read as follows:

§ 1138.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producers or cooperative associations, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

Signed at Washington, D.C., on June 17, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

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