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THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

FEDERAL REGISTER

VOLUME 25 NUMBER 223

Washington, Wednesday, November 16, 1960

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Codification Guide

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.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3379

ESTABLISHING THE ST. FRANCIS NATIONAL FOREST AND ENLARGING THE OZARK AND NEBRASKA NATIONAL FORESTS, ARKANSAS AND NEBRASKA

By the President of the United States of America

A Proclamation

WHEREAS certain lands in the States of Arkansas and Nebraska have been acquired by the United States under the authority of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 202), the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 118), or Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 525), as amended (7 U.S.C. 1010–1012), or have been withdrawn for the use of the Department of Agriculture, in connection with the Marianna-Helena, Northwest Arkansas, and Pine Ridge Land Utilization Projects; and

WHEREAS by reason of the transfer effected by Executive Order No. 7908 of June 9, 1938, as amended by Executive Order No. 8531 of August 31, 1940, such projects are now being administered pursuant to Title III of the Bankhead-Jones Farm Tenant Act; and

WHEREAS it appears that such lands are suitable for national-forest purposes and that it would be in the public interest to reserve a portion of them as the St. Francis National Forest and portions of them as parts of the Ozark and Nebraska National Forests; and

WHEREAS it appears desirable to include within the exterior boundaries of such national forests certain State and privately-owned lands which are so intermingled with the lands owned by the United States that segregation thereof is impracticable; and

WHEREAS some of such lands owned by the United States are under lease to Soil Conservation Districts or to individuals, and it is desirable that such leases remain in force and effect until terminated as provided therein:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1103, as amended (16 U.S.C. 471), and the act of June 4, 1897, 30 Stat. 34, 36 (16 U.S.C. 473), and upon recommendation of the Secretary of Agriculture, do proclaim as follows:

(1) There is hereby established the St. Francis National Forest, in Arkansas, and the lands hereinafter described under the heading "St. Francis National Forest—Arkansas" are hereby included within the exterior boundaries of that forest.

(2) The exterior boundaries of the Ozark National Forest, in Arkansas, and the Nebraska National Forest, in Nebraska, are hereby extended to include the lands hereinafter described under the headings "Lands Included Within the Ozark National Forest—Arkansas" and "Lands Included Within the Nebraska National Forest—Nebraska," respectively.

(3) Subject to the aforementioned leases and other valid rights, all lands owned by the United States which are included within the exterior boundaries of the aforementioned national forests by this proclamation and which are being administered as parts of the aforementioned land-utilization projects are hereby reserved as the St. Francis National Forest and as parts of the Ozark National Forest and the Nebraska National Forest, respectively; and all such lands shall hereafter be subject to the laws, rules, and regulations applicable to national forests.

ST. FRANCIS NATIONAL FOREST—ARKANSAS

FIFTH PRINCIPAL MERIDIAN

T. 1 N., R. 4 E.,
- sec. 3, that part lying west of the L'Anguille and St. Francis Rivers;
- secs. 4 to 9, 15 to 22, inclusive;
- sec. 25, that part lying west of the St. Francis River;
- secs. 26 to 29, 32 to 35, inclusive;
- sec. 36, (fractional), that part lying west of the St. Francis River.

T. 2 N., R. 4 E.,
- secs. 29 to 32, inclusive.

T. 1 S., R. 4 E.,
- sec. 1, that part lying west of the St. Francis River;
- secs. 2, 3, and 11;
- secs. 12 to 14, 23 to 26, inclusive.

T. 1 S., R. 5 E.,
- secs. 7, 8, 9 and 16 (all fractional);
- secs. 17 to 20, inclusive;
- secs. 29 and 30.

And those parts of special surveys of the Sylvanus Phillips of Silas Bailey, Joseph Stillwell, Mary Edwards, and Sylvanus Phillips tracts lying south and/or west of the St. Francis and/or Mississippi Rivers as shown on Government Survey Plats for Township 1 North, Range 4 East, approved April, May and September 1807, and Townships 1 South, Range 4 East and 1 South, Range 5 East, approved December 1815, January and February 1816; and also

That part of special survey of Ebenezer Fulsome tract within Township 1 South, Range 5 East as shown on the Government Survey Plat for said township, approved December 1815, January and March 1816, and more particularly described as follows:

Beginning at a point where the north line of special survey of the Ebenezer Fulsome tract intersects the western bank of the Mississippi River; thence South 83° West 10.22 chains; thence South 23° East 30.00 chains; thence North 83° East 16.23 chains to a point on the western bank of the Mississippi River; thence North 26°45′ West 6.38 chains to a point on the western bank of the Mississippi River; thence North 34°10′ West 23.83 chains to the point of beginning.

Land Included within the

OZARK NATIONAL FOREST—ARKANSAS

FIFTH PRINCIPAL MERIDIAN

T. 17 N., R. 31 W.,
- secs. 5 to 8, inclusive;
- sec. 17, N½N½;
- sec. 18, N½N½, SW¼NW¼ and NW¼SW¼.

T. 16 N., R. 32 W.,
- sec. 2, that part lying west of the Illinois River;
- secs. 3 to 5, 8 to 10, inclusive;
- sec. 11, that part lying west of the Illinois River.

T. 17 N., R. 32 W.,
- sec. 1;
- secs. 2 to 6, inclusive, those parts lying south of the Illinois River;
- secs. 7 to 12, inclusive;
- sec. 13, N½, SW¼SW¼, E½SE¼ and NE¼NW¼SE¼;
- secs. 14 to 23, inclusive;
- sec. 24, W½NW¼, SW¼, SW¼SE¼;
- sec. 25, NW¼NE¼ and those parts lying west of the Illinois River;
- secs. 26 to 29, 32 to 35, inclusive;
- sec. 36, that part lying west of the Illinois River.

T. 17 N., R. 33 W.,
- secs. 12, 13 and 24.

Land Included within the

NEBRASKA NATIONAL FOREST—NEBRASKA

SIXTH PRINCIPAL MERIDIAN

T. 33 N., R. 47 W.,
- sec. 31, S½.

T. 31 N., R. 48 W.,
- secs. 1 to 12, 16 to 19, inclusive;
- sec. 20, N½.

T. 32 N., R. 48 W.

T. 33 N., R. 48 W.,
- sec. 21, SE¼;
- sec. 22, S½;
- sec. 23, S½;
- sec. 24, SW¼;
- sec. 25, W½;
- secs. 26 to 28, inclusive;
- sec. 29, E½;
- sec. 31, E½;
- secs. 32 to 36, inclusive.

T. 31 N., R. 49 W.,
- secs. 1 to 4, 7 to 24, inclusive;
- sec. 26, N½;
- sec. 27, N½;
- sec. 28, N½;
- sec. 29, N½;
- sec. 30, N½, SW¼;
- sec. 31, W½.

T. 32 N., R. 49 W.,
- sec. 1, E½;
- sec. 12, E½;
- secs. 13 to 15, 22 to 24, inclusive;
- sec. 25, E½, NW¼, W½SW¼;
- sec. 26, N½, SW¼, W½SE¼;
- secs. 27, 33 to 35, inclusive.

T. 30 N., R. 50 W.,
- sec. 2, N½;
- secs. 3 to 6, inclusive;
- sec. 7, N½;
- sec. 8, N½;
- sec. 9, N½;
- sec. 10, N½.

T. 31 N., R. 50 W.,
- secs. 11 to 15, 18 to 36, inclusive.

T. 30 N., R. 51 W.,
- secs. 1 to 11, inclusive;
- sec. 12, N½;
- secs. 14 to 21, inclusive.

T. 31 N., R. 51 W.,
- secs. 13 to 17, 20 to 29, 32 to 36, inclusive.

T. 30 N., R. 52 W.,
- secs. 1 to 24, 28 to 33, inclusive.

T. 30 N., R. 53 W.,
sec. 24, E½E½.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of November in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 60–10775; Filed, Nov. 15, 1960; 4:27 p.m.]

Proclamation 3380

THANKSGIVING DAY, 1960

By the President of the United States of America
A Proclamation

WHEREAS it has long been our custom as a people to pause from our labors for one day at the close of the harvest season and give special thanks to Almighty God for the bounty which He has bestowed upon our land; and

WHEREAS again this year we have been blessed with an abundant harvest; and

WHEREAS it is fitting and appropriate at this time of national thanksgiving that we should remember and respond to the needs of those of other lands; and

WHEREAS the Congress of the United States, by a joint resolution approved December 26, 1941 (55 Stat. 862; 5 U.S.C. 87b), has designated the fourth Thursday of November in each year as Thanksgiving Day:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, in consonance with the aforesaid resolution of Congress, do hereby proclaim Thursday, November 24, 1960, as a day of national thanksgiving; and I urge the people of the United States to give grateful thought to the observance of this day.

Furthermore, I call upon our people, while giving thanks for our blessings, to direct their thoughts to the peoples of other lands less fortunate than we. In particular, I urge my fellow Americans to support and assist the efforts which we as a Nation, working individually and in cooperation with other nations, are directing toward the solution of the world-food problem.

Under our Food-for-Peace Program, a distinguished company of voluntary citizens' groups and religious societies is making heart-warming contributions to this effort. I ask our people to give them continued suport.

At the same time, I urge my fellow Americans to assist in the Freedom-from-Hunger Campaign of the United Nations Food and Agriculture Organization. Our Government fully supports the objectives of this organization. But success of its campaign requires the active cooperation of generous citizens, and of public and private groups, in our country and around the world.

Let us hope that some day, under a benevolent Providence and through the best use of the world's God-given resources, each nation will have reason to celebrate its own thanksgiving day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 11th day of November in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one-hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60–10751; Filed, Nov. 15, 1960; 10:58 a.m.]

Proclamation 3381

HUMAN RIGHTS WEEK, 1960

By the President of the United States of America
A Proclamation

WHEREAS December 15, 1960, marks the one hundred and sixty-ninth anniversary of the adoption of the first ten amendments to the Constitution of the United States, which are known as the Bill of Rights; and

WHEREAS December 10, 1960, marks the twelfth anniversary of the adoption by the General Assembly of the United Nations of the Universal Declaration of Human Rights; and

WHEREAS people in many parts of the world will be observing this anniversary for the first time as citizens of newly independent nations; and

WHEREAS the Universal Declaration of Human Rights gives voice to the aspirations of all peoples for equality under God and for their rights and responsibilities in self-governing societies; and

WHEREAS our Bill of Rights is one of the sources of the Universal Declaration of Human Rights and is reflected in many of its provisions:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim the period from December 10 to December 17, 1960, as Human Rights Week, to the end that we may rededicate ourselves to the full achievement of the objectives set forth by our Bill of Rights and to the support of the United Nations' objectives of peace and human rights for all, without distinction as to race, sex, language, or religion.

Let each of us examine his conscience, so that we may be more sensitive to the needs and worth of every individual. Let us remember that it is only through free and responsible efforts that humanity can make lasting progress toward the goal of peace with justice, and let us direct our actions so as to encourage these efforts in every country by strengthening their foundations in our own.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twelfth day of November in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60–10752; Filed, Nov. 15, 1960; 10:58 a.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS AND POLICIES

[Amdt. 4]

PART 503—DONATION OF FOOD COMMODITIES FOR USE IN UNITED STATES FOR SCHOOL LUNCH PROGRAMS, TRAINING STUDENTS IN HOME ECONOMICS, SUMMER CAMPS FOR CHILDREN, AND RELIEF PURPOSES, AND IN STATE CORRECTIONAL INSTITUTIONS FOR MINORS

Miscellaneous Amendments

This amendment is for the purpose of adding an additional eligible category to Part 503, Subchapter A—General Regulations and Policies, 23 F.R. 7982, as amended. The title of Part 503 is amended to read as follows: "Donation of Food Commodities for Use in United States for School Lunch Programs, Training Students in Home Economics, Summer Camps for Children, and Relief Purposes, and in State Correctional Institutions for Minors."

Section 503.1 *General purpose and scope,* paragraph (b), is amended by adding a new subparagraph (11) as follows:

(11) Public Law 86–756 which reads as follows "Schools receiving surplus foods pursuant to clause (3) of section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) or section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c) are authorized to use such foods in training students in home economics.

Section 503.3 *"Definitions"* is amended to include a new definition which reads as follows:

(r) "Students in home economics" means students in regular classes wherein they are taught food preparation, cooking, and serving.

Section 503.6 *Obligations of distributing agencies* is amended:

1. By redesignating present paragraph (d) as paragraph (e), and by advancing the designation of each succeeding paragraph by one letter.

2. By adding a new paragraph (d) which reads as follows:

(d) *Institutional distribution.* Distributing agencies shall submit for prior approval of the Food Distribution Division, AMS, the method or methods by which the distributing agencies will determine the number of needy persons in institutions.

Section 503.8 *Eligible recipient agencies,* paragraph (a) is amended to read as follows:

(a) Schools operating lunch programs under the National School Lunch Act are eligible to receive commodities under section 416, section 32, and section 6. Other schools which operate non-profit lunch programs are eligible to receive commodities under section 416 and section 32. Schools otherwise eligible to receive commodities under section 416 and section 32 in accordance with this part shall also be eligible to receive such foods for use in training students in home economics. Schools receiving such commodities shall not discriminate against any child in receiving lunches because of his inability to pay the full price of the lunch or because of his race, creed, or color.

Section 503.8 *Eligible recipient agencies,* paragraph (b)(1) as amended, is amended to read as follows:

(1) Institutions which maintain an established feeding operation on a regular basis as an integral part of their normal activities are eligible to receive commodities under section 416 and section 32 to the extent of the needy persons served by them, as determined by the method or methods approved by the Department in accordance with § 503.6(d). Institutions receiving such commodities shall not discriminate against any person receiving food because of his race, creed, or color.

(R.S. 161, sec. 416, 63 Stat. 1058, as amended; 7 U.S.C. 1431. Interpret or apply sec. 32, 49 Stat. 774, as amended, sec. 69, 60 Stat. 231, 233, sec. 210, 70 Stat. 202, 72 Stat. 164, 287, 1792, 74 Stat. 899; U.S.C. 612c, 42 U.S.C. 1755, 1758, 7 U.S.C. 1859)

Effective date. This amendment shall be effective as of date of publication.

CLARENCE L. MILLER,
Assistant Secretary.

NOVEMBER 9, 1960.

[F.R. Doc. 60–10644; Filed, Nov. 15, 1960; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Fruits and Vegetables

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF FUMIGATION OF APRICOTS, GRAPES, NECTARINES, PEACHES, AND PLUMS FROM CHILE

On September 28, 1960, there was published in the FEDERAL REGISTER (25 F.R. 9250) pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) a notice of rule making relating to the issuance of administrative instructions to be designated as 7 CFR 319.56–2n. After due consideration of all relevant material presented and pursuant to § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56) under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 162), administrative instructions prescribing the method of fumigation of apricots, grapes, nectarines, peaches, and plums from Chile to be designated as 7 CFR 319.56–2n are hereby issued to read as follows:

§ 319.56–2n Administrative instructions prescribing method of fumigation of apricots, grapes, nectarines, peaches, and plums from Chile.

Approved fumigation with methyl bromide at normal atmospheric pressure, in accordance with the following procedure, is hereby prescribed as a condition of entry under permit for all shipments of apricots, grapes, nectarines, peaches, and plums from Chile. This fumigation shall be in addition to other conditions that may be prescribed in the permit, such as a limitation as to origin, and requirements as to marking containers, safeguarding shipments from fruit fly infestation, and obtaining Chilean certification.

(a) *Ports of entry.* (1) Grapes from Chile may be imported through all maritime ports when approved facilities are available for fumigation in approved chambers or under tarpaulins.

(2) Apricots, nectarines, peaches, and plums from Chile may be imported through ports on the Great Lakes, or on the Atlantic and Gulf Coasts (exclusive of Florida ports), subject to the availability of such approved fumigation facilities.

(b) *Approved fumigation.* Approved fumigation shall consist of fumigation with methyl bromide at normal atmospheric pressure in a fumigation chamber that has been approved for that purpose by the Plant Quarantine Division. The fumigation may also be accomplished under tarpaulins in a manner, satisfactory to the inspector, that will insure adequate air and fruit temperatures, and volatilization, distribution, and concentration of the fumigant. The treatment period shall be 2 hours for chamber fumigation and 2½ hours for tarpaulin fumigation, and the load shall not exceed 80 percent of the chamber volume or area enclosed by the tarpaulin. The fumigation shall be in accordance with the following schedule:

Temperature (° F.):	*Dosage—pounds of methyl bromide per 1,000 cu. ft.*
80–89 (inclusive)	1½
70–79 (inclusive)	2
60–69 (inclusive)	2½
50–59 (inclusive)	3
40–49 (inclusive)	4

(c) *Supervision of fumigation.* Inspectors of the Plant Quarantine Division shall supervise the fumigation of apricots, grapes, nectarines, peaches, and plums from Chile and shall prescribe such safeguards as may be necessary for unloading, handling, and transportation preparatory to fumigation or other treatment. The final release of the fruit for entry into the United States will be conditioned upon compliance with prescribed safeguards and required treatments.

(d) *Costs.* All costs of treatment and required safeguards and supervision, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall be borne by the owner of the fruits or his representative.

(e) *Department not responsible for damage.* The treatment prescribed in paragraph (b) of this section is judged from experimental tests to be safe for use with apricots, grapes, nectarines, peaches, and plums from Chile. However, the Department assumes no responsibility for any damage sustained through or in the course of such treatment or by compliance with requirements under paragraph (c) of this section.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159)

These administrative instructions shall become effective December 17, 1960.

These instructions require the fumigation with methyl bromide of apricots, grapes, nectarines, peaches, and plums imported under permit from Chile. Heretofore, these fruits have been allowed entry on the basis of inspection upon arrival and treatment if the examination disclosed a need of it. Plant pest infestations in these fruits from Chile have increased in recent years. Inspections have disclosed significant infestations of the Chilean grape mite, Brevipalpus chilensis, a serious pest of grapes; Eulia sp., an important leaf pest, also attacking apricot, grape, peach, plum, and nectarine fruits; Naupactus xanthographus, a root pest on grape; Leptoglossus chilensis, infesting truck crops in Chile; and Conoderus rufangulus, a wireworm pest. There is evidence that the fruits are more intensely infested with these pests than inspection of representative lots can disclose. Therefore it is necessary to protect the fruit-growing industry of the United States against introduction of these pests by requiring mandatory fumigation as a condition of entry of the five fruits named from Chile. Importations of apples, pears, and cherries from Chile are unaffected by these instructions.

Done at Washington, D.C., this 8th day of November 1960.

[SEAL] H. S. DEAN,
Acting Director,
Plant Quarantine Division.

[F.R. Doc. 60–10646; Filed, Nov. 15, 1960; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

[Navel Orange Reg. 191, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) 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 navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.491 (Navel Orange Regulation 191, 25 F.R. 10589) are hereby amended to read as follows:

(i) District 1: Unlimited movement.

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

Dated: November 10, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–10642; Filed, Nov. 15, 1960; 8:47 a.m.]

[Lemon Reg. 871, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), 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 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) 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 Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) and (iii) of § 953.978 (Lemon Regulation 871, 25 F.R. 10591) are hereby amended to read as follows:

(ii) District 2: 316,200 cartons;
(iii) District 3: 83,700 cartons.

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

Dated: November 9, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–10643; Filed, Nov. 15, 1960; 8:47 a.m.]

[Area No. 2]

PART 958—IRISH POTATOES GROWN IN COLORADO

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessments, to be made effective under Marketing Agreement No. 97, as amended, and Order No. 58, as amended (7 CFR Part 958, 25 F.R. 7092) regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER October 14, 1960 (25 F.R. 9852). The regulatory program is effective under the Agricultural Market Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which proposal was adopted and submitted for approval by the area committee for Area No. 2 established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.235 **Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred by the Area No. 2

Committee, established pursuant to Marketing Agreement No. 97, as amended, and this part, to enable such committee to perform its functions pursuant to the provisions of the aforesaid amended marketing agreement and amended order during the fiscal period ending May 31, 1961, will amount to $10,810.80.

(b) The rate of assessment to be paid by each handler in Area No. 2 pursuant to Marketing Agreement No. 97, as amended, and this part, shall be $0.00231 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

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

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

Dated: November 9, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–10645; Filed, Nov. 15, 1960; 8:48 a.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Lime Reg. 4, Amdt. 2]

PART 1069—LIMES

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)(3)(ii) of § 1069.4 (Lime Regulation No. 4; 25 F.R. 3314, 9171) are hereby amended to read as follows:

(ii) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) meet the requirements of at least U.S. Combination, Mixed Color.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) 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 necessary; (b) such regulation imposes the same restrictions on imports of limes as the restrictions being made applicable to the shipment of limes grown in Florida under Amendment 2 to Lime Order 8 (§ 1001.308; 25 F.R. 3303, 9170) issued simultaneously herewith to become effective November 16, 1960; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this amended import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

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

Dated November 10, 1960, to become effective at 12:01 a.m., e.s.t., November 20, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–10673; Filed, Nov. 15, 1960; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Dockets 7686 c.o. and 7687 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Southwestern Warehouse Distributors, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Knowingly inducing, or receiving discriminating price under 2(f): § 13.855 *Inducing and receiving discriminations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist orders: Southwestern Warehouse Distributors, Inc. (Dallas, Tex.), et al., Docket 7686, September 14, 1960; and Automotive Southwest, Inc. (Dallas, Tex.), et al., Docket 7687, September 8, 1960]

In the Matters of Southwestern Warehouse Distributors, Inc., a Corporation, et al.; and Automotive Southwest, Inc., a Corporation, et al.

Consent orders requiring two corporate buying groups with their 48 members, jobbers of automotive products and supplies in the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas, to cease violating section 2(f) of the Clayton Act by demanding and receiving from suppliers discriminatory prices upon their individual purchases on the basis of their aggregate group purchasing power—in which connection they usually replaced suppliers not acceding to their demands by others who did.

Combining respondents in these two cases, the identical orders to cease and desist are as follows:

It is ordered, That respondents Southwestern Warhouse Distributors, Inc., a corporation; Aicklen Supply Company, Inc., a corporation; Paul Dickinson, doing business under the firm name and style of Auto Electric Sales & Service Company, a sole proprietorship; James N. Fomby, Sr., James N. Fomby, Jr., and Ray S. Fomby, copartners doing business under the firm name and style of Automotive Supply Company; D. L. Naylor and Mrs. A. D. Tennyson, copartners doing business under the firm name and style of Auto Spring & Supply Company; Kirby K. Kennedy doing business under the firm name and style of Capital Auto Supply Company, a sole proprietorship; Car Parts Depot, Inc., a corporation; Chester A. Latcham, Jr., doing business under the firm name and style of Colorado Jobbers Supply Company, a sole proprietorship; Combs Automotive Co., Inc., a corporation; Guinn C. Cross, doing business under the firm name and style of Cross-Allen Company, a sole proprietorship; Five-Fifty-Five, Inc., a corporation; Hanna-Gray Company, Inc., a corporation; Mrs. Blanche Jarvis, Jack B. Jarvis, Robert H. Jarvis, and Lawrence F. Jarvis, copartners doing business under the firm name and style of Jarvis Auto Supply; Johnson Bros. Auto Supply Company, Inc., a corporation; Lake Auto Parts, Inc., a corporation; J. C. Landers, Sr., J. C. Landers, Jr., and Jack M. Landers, copartners doing business under the firm name and style of Landers; Harry Lane Supply Company, Inc., a corporation; Joseph F. Meyer Company, Inc., a corporation; Motor Equipment, Inc., a corporation; Mountjoy Company, Inc., a corporation; The Jno. Muller Company, a corporation; Nash & Cotton, Inc., a corporation; Neumeyer Motor Parts, Inc., a corporation; Joe Owens, doing business under the firm name and style of Owens Supply Company, a sole proprietorship; Arthur J. Reynolds, doing business under the firm name and style of Reynolds Automotive Supply, a sole proprietorship; Rigney Auto Parts, Inc., a corporation; Robertson & King Motor Supply, Inc., a corporation; 688 Parts Service, Inc., a corporation; Smyth Auto Supply Company, Inc., a corporation; Carl Fred Winston, doing business under the firm name and style of Standard Auto Parts, a sole proprietorship; Standard Motor Supply, Inc., a corporation; John R. Terry, Floyd H. Terry, and John Kenneth Terry, copartners doing business under the firm name and style of Terry Automotive Supply; H. J. Van Hook, Sr., doing business under the firm name and style of Van's Auto Supply, a sole proprietorship; and Mrs. Camille Webb Ward, Joe L. Ward, Jr., and Sam Webb Ward, copartners doing business under the firm name and style of Joe L. Ward Company, Ltd.; Automotive Southwest, Inc., a corporation; American Gear & Parts Company, Inc., a corporation; Robert L. Sanders, Wesley A. Browder, W. Luther Browder, and John W. Farley, copartners doing business under the firm name and style of Automotive Supply Company, a partnership; Howard F. Barrett, partner doing business under the firm name and style of Barrett's Automotive, a partnership; Gabbert Auto Supply, Inc., a corporation; Kennedy Supply Company, Inc., a corporation; Miller Company, Inc., a corporation; Moore Brothers Electric Company, Inc., a corporation; J. T. Davis, partner doing business under the firm name and style of Motor Parts Company, a partnership; Kindel Paulk and Roger H. Paulk, copartners doing business under the firm name and style of Paulk's, a partnership; Mountjoy Parts Company of Houston, Inc., a corporation; Tom Davis, and Guy Davis, copartners doing business under the firm name and style of Davis Auto Supply Company, a partnership; East Texas Auto Supply Company, Inc., a corporation; Motor Inn Auto Supply of Pampa, Inc., a corporation; Wayne Bull, doing business under the firm name and style of Wayne Bull Auto Parts, a sole proprietorship; and Automotive Parts & Supply

Company, Inc., a corporation; and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering to purchase or purchase of any automotive products or supplies in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Knowingly inducing or knowingly receiving or accepting any discrimination in the price of such products and supplies, by directly or indirectly inducing, receiving, or accepting from any seller a net price known by respondents to be below the net price at which said products and supplies of like grade and quality are being sold by such seller to other customers, where the seller is competing with any other seller for respondents' business, or where respondents are competing with other customers of the seller.

For the purpose of determining "net price" under the terms of this order, there shall be taken into account discounts, rebates, allowances, deductions or other terms and conditions of sale by which net prices are effected.

In Docket 7687, the following dismissal order was appended:

It is further ordered, That the complaint be, and the same hereby is, dismissed as to Mrs. Otto Davis, deceased, a former partner in Davis Auto Supply Company, 23d and Washington Streets, Bryan, Texas.

By "Decision of the Commission", etc., in each of the two captioned proceedings, reports of compliance were required as follows (combining the orders):

It is ordered, That the respondents ordered to cease and desist in the initial decisions herein shall within sixty (60) days after service upon them of these orders, file with the Commission reports in writing setting forth in detail the manner and form in which they have complied with the orders to cease and desist.

Issued: September 8, 1960 (D. 7687); September 14, 1960 (D. 7686).

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-10634; Filed, Nov. 15, 1960; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Absorption of Exchange Charges

§ 217.120 **Absorption of exchange charges.**

(a) In an interpretation of August 4, 1960, published at 25 F.R. 7620, the Board expressed the opinion that any absorption by member banks of exchange charges would constitute the payment of interest on demand deposits, including an arrangement whereby a member bank maintained a balance with another bank in return for which such other bank directly or indirectly absorbed for it exchange charges made by drawee banks.

(b) The Board has been asked to reconsider the application of the interpretation in certain situations said to involve relatively small amounts of exchange charges and those where the cost of collection is said to exceed the amount of the charges. The Board of Governors, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation have decided to undertake a study to obtain additional information. In connection therewith, a survey will be made of a number of institutions in each Federal Reserve District on a spot-check basis.

(c) Further consideration will be given the subject in the light of the findings of the survey. In the meantime, and as a tentative authorization, to be applicable only during the pendency of the study and the reaching of a final determination, member banks are authorized to absorb exchange charges in amounts aggregating not more than $2 for any one depositor in any calendar month or any regularly established period of 30 days.

(d) Member banks, both State and national, will be expected to conform to the August 4, 1960, interpretation as herein modified.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U.S.C. 264(c)(7), 371, 371a, 371b, 461)

Dated at Washington, D.C., this 8th day of November 1960.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 60-10633; Filed, Nov. 15, 1960; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-251]

PART 608—RESTRICTED AREAS

Modification

The purpose of this amendment to § 608.43 of the regulations of the Administrator is to modify the Wilmington, Ohio, Restricted Area (R-109A) (Huntington Chart).

The present description of R-109A encompasses airspace which is jointly designated as the Columbus, Ohio (Lockbourne AFB) Restricted Area/Military Climb Corridor (R-543) (25 F.R. 8637). The controlling agency of R-109A is the Indianapolis, Ind., ARTC Center. The Columbus, Ohio, Approach Control is the controlling agency for R-543, thus creating a dual control responsibility within the overlapping area. This results in a coordination problem between these two Federal Aviation Agency facilities. Therefore, the Agency is modifying R-109A herein by excluding the portion that coincides with R-543. This amendment has been coordinated with Headquarters, USAF, and it has concurred with the change herein.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 8005), the following action is taken:

In § 608.43 *Ohio,* the following change is made: In the geographical description of the Wilmington, Ohio, Restricted Area (R-109A) (Huntington Chart) (25 F.R. 8636) "thence to the point of beginning." is deleted and "thence to the point of beginning, excluding the portion that coincides with Restricted Area (R-543)." is substituted therefor.

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

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 8, 1960.

D. D. THOMAS, *Director, Bureau of Air Traffic Management.*

[F.R. Doc. 60-10625; Filed, Nov. 15, 1960; 8:45 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-192; Order 229]

PART 1—RULES OF PRACTICE AND PROCEDURE

Miscellaneous Amendments

NOVEMBER 9, 1960.

The Commission has before it for consideration amendments to §§ 1.11(b), 1.13(e), and 1.27(b) of Part 1, Rules of Practice and Procedure, Subchapter A, Chapter I of Title 18, Code of Federal Regulations, to provide that any adjournment or continuance of a hearing for a period in excess of 30 days shall be subject to the approval of the Commission. The Commission, while recognizing that in many cases its proceedings are unusually technical and complex, believes that recesses granted during the course of hearings to enable the parties or staff counsel to prepare cross-examination or for other purposes are often unnecessarily lengthy and thereby hinder the expeditious conclusion of the proceedings. As stated in our Order No. 217 (22 FPC 872; 24 F.R. 9469), the administrative agencies are under consider-

able criticism for their alleged failure to promptly dispose of the matters pending before them, and it is essential that every effort, consistent with the public interest and the rights of the parties, be made to speed up our processes.

The Commission finds:

(1) The amendments herein adopted involve matters of practice and procedure which do not require notice or hearing under section 4(a) of the Administrative Procedure Act.

(2) Adoption and promulgation of the proposed amendments is necessary and appropriate for the purposes of administration of the Federal Power and Natural Gas Acts.

The Commission, acting pursuant to the authority granted by sections 308 and 309 of the Federal Power Act (16 U.S.C. 825g, 825h) and sections 15 and 16 of the Natural Gas Act (15 U.S.C. 717n, 717o), orders:

A. Sections 1.11(b), 1.13(e), and 1.27(b) of Part 1 of Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations, are amended as follows:

1. In paragraph (b) of § 1.11 change the final period to a comma and add the following: "as provided in § 1.13(e)."

2. In § 1.13, paragraph (e) is amended by revising the second sentence and adding a proviso at the end thereof. As so amended, paragraph (e) reads as follows:

(e) *Continuances.* Except as otherwise provided by law the Commission may for good cause at any time, with or without motion, continue or adjourn any hearing. A hearing before the Commission or a presiding officer shall begin at the time and place fixed in an order or a notice, but thereafter may be adjourned from time to time or from place to place by the Commission or the presiding officer: *Provided, however,* That any such adjournment or continuance for a period exceeding 30 days shall be subject to the approval of the Commission;

3. In § 1.27(b), subparagraph (1) is amended by changing the final semicolon to a comma and adding the following: "as provided in § 1.13(e);"

B. These amendments shall become effective 30 days after the issuance of this order.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-10632; Filed, Nov. 15, 1960; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Commercial Invoice Requirements of Mexico

In § 168.5 *Individual country regulations,* the country "Mexico", as amended by Federal Register Document 60-2189, 25 F.R. 2055-2056, under Parcel Post, is amended by revising the fourth paragraph of the item *Observations* to show the new requirements of that country for commercial invoices. As so amended, the fourth paragraph reads as follows:

Observations. * * *

For each parcel or group of parcels exceeding $70 in value, a commercial invoice in triplicate must be enclosed in the parcel or in one parcel of the group. The wrapper of each parcel should be marked "Commercial invoice enclosed" or "Commercial invoice enclosed in parcel No. ------", as the case may be.

(R.S. 161, as amended, secs. 501, 505, Pub. Law 86-682 (74 Stat. 580, 581); 5 U.S.C. 22, 39 U.S. Code 501, 505)

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

[F.R. Doc. 60-10640; Filed, Nov. 15, 1960; 8:47 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER B—ESTATE AND GIFT TAXES

[T.D. 6501]

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

Transfers With Retained Life Estate

In order to conform the Estate Tax Regulations (26 CFR Part 20) to section 2036(b) of the Internal Revenue Code of 1954, paragraph (a) of § 20.2036-1 is amended to read as follows:

§ 20.2036-1 Transfers with retained life estate.

(a) *In general.* A decedent's gross estate includes under section 2036 the value of any interest in property transferred by the decedent after March 3, 1931, whether in trust or otherwise, except to the extent that the transfer was for an adequate and full consideration in money or money's worth (see § 20.2043-1), if the decedent retained or reserved (1) for his life, or (2) for any period not ascertainable without reference to his death (if the transfer was made after June 6, 1932), or (3) for any period which does not in fact end before his death:

(i) The use, possession, right to the income, or other enjoyment of the transferred property, or

(ii) The right, either alone or in conjunction with any other person or persons, to designate the person or persons who shall possess or enjoy the transferred property or its income (except that, if the transfer was made before June 7, 1932, the right to designate must be retained by or reserved to the decedent alone).

If the decedent retained or reserved an interest or right with respect to all of the property transferred by him, the amount to be included in his gross estate under section 2036 is the value of the entire property, less only the value of any outstanding income interest which is not subject to the decedent's interest or right and which is actually being enjoyed by another person at the time of the decedent's death. If the decedent retained or reserved an interest or right with respect to a part only of the property transferred by him, the amount to be included in his gross estate under section 2036 is only a corresponding proportion of the amount described in the preceding sentence. An interest or right is treated as having been retained or reserved if at the time of the transfer there was an understanding, express or implied, that the interest or right would later be conferred.

Because this Treasury decision makes only a correcting and liberalizing change, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM, *Commissioner of Internal Revenue.*

Approved: November 10, 1960.

DAVID A. LINDSAY, *Acting Secretary of the Treasury.*

[F.R. Doc. 60-10622; Filed, Nov. 15, 1960; 8:51 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle B—Regulations Relating to Money and Finance

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER C—OFFICE OF THE TREASURER OF THE UNITED STATES

PART 368—ISSUE OF SUBSTITUTES OF LOST, STOLEN, DESTROYED, MUTILATED AND DEFACED CHECKS OF THE UNITED STATES DRAWN ON ACCOUNTS MAINTAINED IN DEPOSITARY BANKS IN FOREIGN COUNTRIES OR UNITED STATES TERRITORIES OR POSSESSIONS

Part 368, Subchapter C, Chapter II, Title 31, of the Code of Federal Regulations of the United States (appearing also as Treasury Department Circular No. 1055, dated November 9, 1960), is hereby prescribed to read as follows:

Sec.

368.1 Introductory.

DELEGATION OF AUTHORITY

368.2 Delegation of authority to issue substitute checks.

ACTION TO BE TAKEN BY CLAIMANTS

AUTHORITY: §§ 368.1 to 368.9 issued under R.S. 3646, as amended; 31 U.S.C. 528.

SOURCE: §§ 368.1 to 368.9 contained in Department Circular No. 1055, November 9, 1960.

§ 363.1 Introductory.

This part, prescribed pursuant to the provisions of section 3646 of the Revised Statutes, as amended (31 U.S.C. 528), governs the issuance of substitutes of checks of the United States drawn on United States dollar or foreign currency accounts, other than those drawn by officers or employees of the Post Office Department, maintained with designated depositaries in foreign countries or territories or possessions of the United States, including the Panama Canal Zone. Checks of the United States drawn on such depositaries are hereinafter referred to as "depositary checks".

DELEGATION OF AUTHORITY

§ 368.2 Delegation of authority to issue substitute checks.

Pursuant to authority contained in section 3646 of the Revised Statutes, as amended, and subject to such procedural requirements as may be prescribed by the Treasury Department, there is hereby delegated to heads of departments and agencies whose disbursing officers issue depositary checks, authority to authorize officers or employees of their respective departments or agencies to issue substitutes of such checks, prior to the close of the fiscal year next following the fiscal year in which the checks are issued, and to receive and approve undertakings to indemnify the United States in such cases. The Commissioner of Accounts, Treasury Department, is hereby delegated authority to issue substitutes of depositary checks drawn by the Chief Disbursing Officer, Treasury Department, or by officers disbursing under delegation from the Chief Disbursing Officer, and to receive and approve undertakings of indemnity in such cases. The authority delegated to the Commissioner of Accounts may be redelegated by him to such disbursing officers.

ACTION TO BE TAKEN BY CLAIMANTS

§ 368.3 Advice of nonreceipt or loss.

The payee or owner of a depositary check which is not received, or which has been lost, stolen, destroyed or mutilated or defaced to such an extent that it is rendered non-negotiable, should immediately notify the disbursing officer who issued such check or the administrative agency exercising jurisdiction over such disbursing officer, over his signature and current address, giving information as to the circumstances of the loss, theft or destruction of the check and whether it was endorsed, and also requesting that payment of the check be stopped. A claimant who is one other than the payee of the check, should present a statement in support of his ownership of the check. If the check has been mutilated or defaced, it should be forwarded to the issuing disbursing officer with request for the issuance of a substitute.

§ 368.4 Undertaking of indemnity.

(a) If the check is found to be outstanding and unpaid and it appears that the proceeds are due the claimant, the disbursing officer will request the claimant to execute an undertaking of indemnity, Form 2244, in a penal sum equal to the amount of the check (or checks).

(b) Except in the circumstances set forth below, a corporate surety authorized by the Secretary of the Treasury to act as an acceptable surety on bonds in favor of the United States or two responsible individual sureties will be required on the undertaking of indemnity. It will be the responsibility of the claimant in a foreign country to secure a certification as to the financial sufficiency of the individual sureties executed by one of the persons listed in, and in the manner prescribed by, the instruction appearing under the Certificate as to Sureties on the face of Form 2244.

(c) Where the amount of the original check (or checks) is $200 or less, or the equivalent in foreign currency, one financially responsible individual surety may be accepted.

(d) Unless it is determined that the requirement of sureties is essential in the public interest, sureties will not be required under the following circumstances:

(1) If the officer authorized to issue a substitute check is satisfied that the loss, theft, destruction, mutilation or defacement of the original check occurred without fault of the owner or holder and while the check was in the custody or control of the United States or of a person duly authorized as an agent of the United States when performing services in connection with an official function of the United States;

(2) If substantially the entire check is presented and surrendered by the owner or holder and the disbursing officer is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States;

(3) If the owner or holder is the United States or an officer or employee thereof in his official capacity, a state, the District of Columbia, a territory or possession of the United States, a municipal corporation or political subdivision of any of the foregoing, a corporation the entire capital of which is owned by the United States, a foreign government or agency thereof, a foreign central bank, or a Federal Reserve Bank.

§ 368.5 Exception to requirement of undertaking of indemnity Form 2244.

Notwithstanding the provisions of section 368.4, if in any case involving a financially responsible claimant it is impracticable to obtain the execution of Standard Form 2244, with or without sureties, the officer or employee responsible for handling the claim, in his discretion, may accept an undertaking of indemnity in the form of a written statement or letter, substantially as follows:

In consideration of the issuance of a substitute check in lieu of _____
(Check description)
and the payment of the substitute check, the undersigned undertakes and agrees to save harmless and indemnify the United States of America, its officers and agents, of and from any and all liability, loss, expense, claim, and demand whatsoever, arising in any manner by reason of or on account of said original check (or checks) or the stoppage or payment thereof, or the issue or payment of the substitute check (or checks), to replace the same.

The undertaking of indemnity should be appropriately witnessed, and if it is executed on behalf of a corporation or other business organization, the individual executing the same should furnish proof of his authority to so act. In appropriate cases, a foreign language translation of the foregoing letter of indemnity may be accepted.

§ 368.6 Recovery of original check.

(a) If the claimant recovers an original check after he has furnished advice of non-receipt but before receipt of a substitute check, he should immediately notify the disbursing officer or agency concerned and hold the check until receipt of advice from the disbursing officer or agency concerned regarding the negotiability of such original check.

(b) In the event the substitute check has been received prior to the recovery of the original check, the original check should be returned immediately to the disbursing officer.

(c) Under no circumstances should the claimant attempt to cash both the original and substitute check.

§ 368.7 Claims requiring settlement action.

There are certain types of claims on which the disbursing officer will not be authorized to take final action. These include (a) claims on original checks which have been outstanding more than one full fiscal year following the fiscal year in which the checks were issued, and (b) claims involving doubtful questions of law and fact. In such cases the disbursing officer will obtain information and supporting papers, including an undertaking of indemnity, from the claimant and transmit such data to the Claims Division, General Accounting Office, for settlement action.

§ 368.8 Inquiries.

Claimants should direct any inquiries regarding the application of these regulations to the department or agency or disbursing officer concerned.

§ 368.9 Amendments and waivers.

The Treasury Department may waive, withdraw or amend at any time or from time to time any or all of the foregoing regulations.

Dated: November 9, 1960.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60-10661; Filed, Nov. 15, 1960; 8:50 a.m.]

Title 50—WILDLIFE

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

PART 32—HUNTING

Noxubee National Wildlife Refuge, Mississippi

The following supplemental special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGEE

The special regulation permitting the hunting of big game on the Noxubee National Wildlife Refuge, Mississippi, § 32.32, published September 15, 1960, in the FEDERAL REGISTER, Volume 25, No. 180, pages 8884–8885, is supplemented to permit hunting of deer during the following additional open season: daylight hours December 26, 1960, through December 31, 1960, and January 2, 1961.

The provisions of this supplemental special regulation are effective November 10, 1960, through January 2, 1961.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 7, 1960.

[F.R. Doc. 60–10635; Filed, Nov. 15, 1960; 8:46 a.m.]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vermont

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Hunting of big game on the Missisquoi National Wildlife Refuge is suspended for the 1960 season.

Annual inventory of big game animals indicates the population is such that no hunting should be permitted this year.

R. P. BOONE,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 9, 1960.

[F.R. Doc. 60–10667; Filed, Nov. 15, 1960; 8:51 a.m.]

PART 33—SPORT FISHING

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Sport fishing on the Moosehorn National Wildlife Refuge, Maine, is permitted only on the waters designated by signs as open to fishing. These open waters, comprising 500 acres or 2 percent of the total area of the refuge, are delineated on a map available at the refuge headquarters and from the Bureau of Sport Fisheries and Wildlife, Boston, Massachusetts. Sport fishing shall be subject to the following conditions:

(a) Species permitted to be taken: Brook Trout, Black Bass, Pickerel, White Perch.

(b) Open season and creel limits: In accordance with the following table.

Species permitted to be taken	Open season	Daily creel limits	Open waters
Brook Trout	Open water fishing from Apr. 1, 1961 (in all waters naturally free of ice and all portions of waters naturally free of ice) through Aug. 15, 1961.	15 fish or 7½ lbs. per day with a minimum legal length of 6 inches.	Moosehorn Stream. Cranberry Brook. Mahar Brook. East Magurrewock Stream. West Magurrewock Stream. Conic Brook. Barn Meadow Brook. Crane Mill Stream. Crane Meadow Brook. Cranberry Lake Stream.
Do	Open water fishing from Apr. 1, 1961 (in all waters naturally free of ice and all portions of waters naturally free of ice) through Sept. 30, 1961.	do	Ledge Pond. James Pond.
Do	Ice fishing from Feb. 1 through Mar. 31, 1961.	do	Hobart Lake.
Black Bass	June 1 through June 20, 1961.	3 fish per day on single-hooked artificial lures only.	Conic Lake. Little (Bearce) Lake. Hobart Lake.
Do	June 21 through Sept. 30, 1961.	15 fish or 7½ lbs. per day	Conic Lake. Little (Bearce) Lake. Hobart Lake.
Pickerel and White Perch.	Open water fishing from June 1 through Sept. 30, 1961.	No limit	Conic Lake. Little (Bearce) Lake. Hobart Lake.
Do	Ice fishing from time ice forms through Mar. 31, 1961.	do	Cranberry Lake. Conic Lake. Little Lake. Hobart Lake. Hobart Bog.
Yellow Perch, Hornpout, Chubs, Smelt, and other rough fish.	At any time within open seasons in applicable open waters.	do	All applicable open waters.

(c) Methods of fishing:

(1) As prescribed by State regulations except as follows:

(2) The use of boats without motors for fishing is permitted only in the waters of Little (Bearce) Lake, Conic Lake, Hobart Lake and Vose Pond.

(d) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is required to enter the public fishing area. This permit may be obtained at refuge headquarters Monday through Friday between 7:30 a.m. and 4:00 p.m.

(3) The provisions of this special regulation are effective December 10, 1960, through September 30, 1961.

JOHN S. GOTTSCHALK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 8, 1960.

[F.R. Doc. 60–10666; Filed, Nov. 15, 1960; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1025]

[Docket No. AO–319]

MILK IN INDIANAPOLIS, IND., MARKETING AREA

Recommended Decision and Opportunity To File Written Exceptions on Proposed 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 the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Indianapolis, Indiana, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, was conducted at Indianapolis, Ind., on April 26–29, 1960, pursuant to notice thereof which was issued March 31, 1960 (25 F.R. 2899).

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative 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. *Character of commerce.* The handling of milk in the proposed marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in milk and its products.

The marketing area specified in the proposed order, hereinafter referred to as the Indianapolis marketing area, includes all the territory in the counties of Boone, Clinton, Delaware, Fayette, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Johnson, Madison, Marion, Montgomery, Morgan, Putnam, Rush, Shelby, Tippecanoe, Tipton, and Wayne, all in the State of Indiana. Milk handled in the marketing area moves in many forms over state lines. Milk that is processed and packaged in the marketing area is distributed on routes in various communities in Illinois and Ohio and, conversely, some milk from Illinois and Ohio plants is distributed in the marketing area. During those months in recent years when producer deliveries were inadequate for the needs of the market, milk for distribution in the marketing area was purchased from plants in Wisconsin and Kentucky.

When the supply of producer milk is in excess of local requirements for fluid use, substantial quantities of milk and cream for manufacturing purposes are shipped from the plants of handlers who would be regulated by the proposed order to other plants in Indiana and to plants in Kentucky, Tennessee, West Virginia, and Ohio. These plants manufacture such dairy products as butter, cheese, nonfat dry milk and condensed milk. A substantial portion of such milk products are moved over a wide area in the stream of interstate commerce.

2. *Need for an order.* Marketing conditions in the Indianapolis, Indiana, marketing area justify the issuance of a marketing agreement and order.

There is no overall plan whereby farmers supplying milk to this marketing area are assured of payment for their milk in accordance with its use. In some segments of the area there is no procedure whereby farmers may participate in price determinations necessary for the marketing of their milk which, because of its perishability, must be delivered to the market as it is produced.

A certain amount of reserve milk in excess of the actual trade sales is necessary to assure an adequate supply of milk at all times. Fluctuations brought on by the seasonal nature of milk production, together with a relatively uniform level of consumption, necessitate the disposition of some of the Grade A milk produced for the market into manufacturing channels. This excess milk must be manufactured into butter, cheese and similar products and sold in competition with products from ungraded milk.

Milk disposed of to manufacturing outlets returns considerably less than that marketed for fluid use. Consequently, a well defined and uniformly applied plan of use classification, with the proper pricing of milk in such uses, is necessary to prevent such excess milk from depressing the market price of all Grade A milk. To be successful the classification of and payment for milk in accordance with its use requires the full participation of all those engaged in marketing milk in this market. Orderly marketing of the milk produced for fluid consumption requires uniformity of pay prices by handlers and a means whereby the lower average returns resulting from surplus milk may be shared equitably among producers.

The problems of unstable marketing encountered by producers in the Indianapolis marketing area are not uncommon in fluid milk markets. The problems which have resulted in unrest and instability in this area are similar to those characteristic of the fluid milk industry in the absence of regulation or a well-defined classified pricing plan. A marketing order as herein proposed will promote orderly marketing by assuring producers prices equivalent to those contemplated under the Act.

The buying practices of various handlers in the market have caused instability in the marketing of milk. Prices paid farmers for milk for fluid use have frequently been below the Class I prices an order would provide. Many producers have no means of ascertaining how their milk is utilized at the plants to which they deliver or whether the basis on which they are paid will be revised. Payment of surplus prices by handlers for milk which producers believe was needed in the market for fluid consumption is one of the causes of instability and uncertainty in the market.

There are about 30 handlers who distribute milk in the proposed marketing area and who would be fully regulated by the proposed order. These handlers receive milk from an estimated 3,200 Grade A dairy farmers. The 10 handlers whose plants are located in Indianapolis, the largest city in the area, distribute milk throughout a substantial portion of the proposed marketing area.

Prior to March 1, 1957, the 10 Indianapolis handlers obtained practically all their fluid milk needs from producer members of three cooperative associations (Indianapolis Dairymen's Cooperative, Inc., Indianapolis Milk Producers' Association, and Indianapolis Dairy Council). One handler discontinued his purchases from the cooperative producers in February 1957, and another in September 1958. The eight other Indianapolis handlers currently receive milk from the approximately 2,200 members of the three producer associations.

The three Indianapolis producer cooperatives are organized into an association known as the Milk Producers' Auditing Agency, Inc. The principal function

of this association is administering a program of classifying, pricing and pooling all milk produced by members of the three producer cooperatives. The Auditing Agency, which bargains with handlers on prices and other conditions relative to the sale of producer milk, maintains a full time auditing staff for verifying the utilization of producer deliveries at each handler's plant. Other functions performed by the Agency include allocating milk supplies among handlers and carrying out a program of butterfat testing and check-weighing for dairy farmer members.

Buying practices in the market during the past several years are tending to impair and threaten to destroy the effectiveness of the program operated by the Indianapolis producer associations. Although their eight buying handlers continue to pay the producer associations for milk purchased on a classification basis, the buying handlers' principal competitors do not. It is a common practice throughout the proposed marketing area for handlers to pay their Grade A producers on the basis of the Indianapolis blend price. Consequently, while the major handlers in Indianapolis are buying milk on a classified price basis, handlers with whom they compete in Indianapolis and in other communities throughout the marketing area purchase milk for Class I purposes at prices comparable to the Indianapolis blend. The advantage enjoyed by these handlers buying on a flat price basis averages 30 to 35 cents per hundredweight.

Efforts by the cooperative associations to stabilize marketing conditions in the proposed marketing area have not been successful. The eight handlers buying on the classified pricing plan have insisted upon price concessions on milk for Class I uses so that they can compete effectively with the flat price buyers. The use of milk as a loss leader in stores, price wars, and various other practices on the retail and wholesale level have affected adversely the ability of the cooperative associations operating the classified pricing plan to bargain with handlers. If the Indianapolis cooperatives accede to continuing requests of its buying handlers for reduced prices, this might enable the Indianapolis handlers to overcome temporarily such advantages as they allege their competitors have. Such action, however, could seriously threaten the maintenance of an adequate supply of Grade A milk for the Indianapolis market.

Utilization of increased quantities of outside milk for Class I uses in the market has resulted in increased quantities of milk which must be disposed of for manufacturing purposes by the Indianapolis cooperative associations. This displacement of local producer milk by milk purchased on other than a classified use basis has lowered returns to dairy farmers throughout the area.

Indianapolis handlers claim that they are suffering a competitive disadvantage in many parts of the sales area because of such factors as price wars and of competitors buying on a flat price basis. This claim has been a significant deterrent to producers in obtaining any increase in the rate of payment by handlers, directly or indirectly, for milk and milk products and for the various services provided the handlers, irrespective of the extent to which such increased prices or changes might be warranted. Producers contend that only a device such as a Federal milk marketing order can halt the continuing deterioration in their bargaining position and bring about orderly marketing and stability in the sales area served by their buying handlers.

The conditions complained of by producers and herein cited with regard to the unstable marketing conditions are not peculiar to one or several localities in the marketing area, but apply throughout the area. Moreover, those handlers who would be regulated by the attached order compete with one another throughout the proposed marketing area.

There is a lack of detailed market information relative to the procurement of milk for and disposition of milk throughout the marketing area. Such information is essential to the effectuation of orderly marketing. Some data on receipts and utilization of milk for fluid and manufacturing uses were made available for the hearing by various handlers and cooperative associations. This information is incomplete with regard to the overall receipts and utilization of milk and milk products in the area. The institution of regulation would provide the basis for complete information on receipts and utilization of milk from producers.

The issuance of a marketing agreement and order for the Indianapolis marketing area would contribute substantially to the improvement of many of the conditions complained of and would tend to effectuate the declared policy of the Act. The adoption of a classified price plan based on the audited utilization of handlers would provide a uniform system of minimum prices to handlers for milk purchased from producers and a fair division among all producers of the proceeds from the sale of their milk. The procedures required by the Agricultural Marketing Agreement Act would afford all interested parties the opportunity to take part in determining, through public hearing, what the various order provisions should be.

3. a. *Scope of regulation.* It is necessary to designate clearly what milk and which persons would be subject to the various provisions of the order. This can best be accomplished by providing specific definitions to describe the area involved and to prescribe the categories of persons, plants and milk products to which the applicable provisions of the order relate.

Marketing area. The marketing area should include all the territory within Boone, Clinton, Delaware, Fayette, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Johnson, Madison, Marion, Montgomery, Morgan, Putnam, Rush, Shelby, Tippecanoe, Tipton and Wayne Counties, all in the State of Indiana.

The preliminary 1960 census population of the contiguous 21 county area proposed to be regulated was 1,674,000. Because a significant portion of the sales of fluid milk products by handlers who would be regulated is in rural communities and because of the substantial population immediately surrounding the various cities, the marketing area should be defined on the basis of county rather than city boundaries.

Grade A milk products sold for fluid consumption throughout the proposed marketing area must be approved by health authorities who are governed by health ordinances, practices and procedures patterned after the United States Public Health Milk Ordinance and Code. Grade A milk, both in bulk and packaged form, moves between various locations in the marketing area with the reciprocal approval of the responsible health authorities. Ratings by the United States Public Health Service are recognized as a basis for approval of outside sources of milk. The similarity of minimum health standards throughout the area justifies uniform regulation for milk marketed throughout the area.

The preliminary 1960 census population of Indianapolis, the largest city in the proposed marketing area, was 469,000. The population range of the next largest cities, Muncie, Anderson, Richmond, Kokomo, Lafayette and Marion was 68,000 to 38,000.

Indianapolis is the principal point at which milk from producers is processed and packaged for distribution throughout the marketing area. There are ten handlers whose plants are in Indianapolis and eight of these receive milk from about 2,200 of the approximately 3,200 Grade A dairy farmers supplying handlers who would be regulated by the proposed order. From the ten plants in Indianapolis, milk is distributed on routes or through stores in most of the larger cities in the marketing area.

Although the aggregate of the marketing area proposals included 39 counties, the cooperative associations supplying Indianapolis handlers proposed that only Marion County and its seven bordering counties (Boone, Hamilton, Hancock, Hendricks, Johnson, Morgan and Shelby) be designated as the marketing area. About 85 percent of the Class I distribution of Indianapolis handlers is in these counties. However, substantial distribution in this eight county area is also made from plants at other locations. Six of the ten Indianapolis distributors dispose of packaged fluid milk products outside the eight county area. These outside sales in April 1959 ranged from 1 to 72 percent of the total fluid milk sales of these six handlers.

A cooperative association which operates a bottling plant at Bluffton (102 miles northeast of Indianapolis) has 58 percent of its Grade A fluid milk sales in the eight county area. Another cooperative association supplies from its plant at Muncie (Delaware County) 75 percent of its bottled milk sales to the stores of a single food chain. Six of these stores are in Indianapolis and five in Muncie. A number of other stores to which deliveries are made from this plant are located throughout the marketing area. A proprietary handler who distributes milk in nine counties of the proposed

marketing area has 24 percent of his Class I sales in Marion County and 25 percent in Tippecanoe County. Another handler who operates plants in Danville, Illinois, and Newcastle, Indiana, has a substantial portion of his sales in the eight county area. Other handlers having Class I sales in the eight county area include some handlers regulated under the South Bend order and handlers whose plants are located in Bloomington, Cambridge City, Kokomo, Anderson and other nearby cities.

The principal source of supply for the two plants in Kokomo are the 109 Grade A producer members of the Howard County Milk Producers Association. Milk from these two plants is distributed principally in Howard, Tipton and Clinton Counties in direct competition with handlers who would otherwise be regulated by the proposed order.

More than 90 percent of the Class I sales in Delaware County is made from three plants in Delaware County and from the plants of two Indianapolis handlers. The distribution from these latter plants is also made into the adjacent counties of Henry, Grant and Madison.

Two Indianapolis handlers have sales in Wayne County in competition with several handlers who have substantial sales in that county and who would otherwise be subject to regulation because of their sales in adjacent counties. Grant County is served primarily by a handler who operates a plant in the city of Marion. Other handlers who distribute milk in this county compete for sales in adjacent counties with the Marion handler. Delaware, Grant and Wayne Counties represent a primary sales area of these handlers and their inclusion in the marketing area will tend to insure stable and orderly marketing of milk throughout the area.

A handler whose plant at Cambridge City is approximately 50 miles from Indianapolis distributes in Wayne, Fayette, Henry, Rush, Franklin and Union Counties. He is in competition with other handlers who would be regulated in Henry and Wayne Counties. Including Fayette and Rush Counties in the marketing area will tend to minimize the possibility of placing the Cambridge City handler at a competitive disadvantage with unregulated handlers in these counties.

Madison County is served by handlers who operate plants in Indianapolis, Bluffton, Muncie and Anderson. This county is a common sales area for handlers who are in direct competition with one another and with additional handlers at other locations in the marketing area.

Certain handlers requested that several townships in Hancock County be excluded from the marketing area because of limited sales made in these townships by Indianapolis handlers. The principal handler distributing in these townships would be regulated by reason of his sales elsewhere in the marketing area. Consequently, exclusion of these townships from the marketing area would serve no practical purpose, even if such exclusion were otherwise justified.

Except for the sales by one local handler, the Grade A distribution in Putnam County is from plants which would be subject to regulation under the proposed order. The Class I disposition in this county from these latter plants represents a substantial proportion of the total milk sales in the county. To exclude Putnam County from the marketing area would tend to place regulated handlers distributing in this county at an economic disadvantage.

In addition to the 21 counties herein recommended, 18 other Indiana counties were proposed for inclusion in the marketing area. These are Benton, Carroll, Cass, Fountain, Franklin, Fulton, Jasper, Kosciusko, Marshall, Miami, Newton, Pulaski, Starke, Union, Wabash, Warren, White and Whitley. Except for Benton, Warren, Fountain, Union and Franklin Counties, these counties are directly north of the proposed marketing area and are relatively close to the Fort Wayne, South Bend and Chicago marketing areas. One handler who would be regulated under the proposed Indianapolis order does have some distribution throughout this territory which, however, is generally more closely associated as a sales area with the Federal order markets to the north. Several handlers regulated under these orders have the greatest portions of sales in these counties. One South Bend handler has distribution throughout practically the entire area. The inclusion of these counties is neither necessary nor desirable in order to effectuate orderly marketing in the proposed Indianapolis marketing area, particularly since the milk sold in these counties is predominantly from other regulated sources of supply.

Benton, Fountain and Warren Counties adjoin the western boundary of Tippecanoe County. These counties are primarily rural and, although served by regulated handlers, do not represent substantial areas of sales. No purpose would be served by including them in the marketing area.

The counties of Franklin and Union attach to the southeastern corner of the marketing area as herein recommended. Local handlers are the principal distributors in these two counties and their competitors are more closely associated with the regulated Ohio markets of Cincinnati and Dayton-Springfield than with the proposed marketing area.

It is neither administratively feasible nor necessary to include all territory in the marketing area in which handlers to be regulated distribute milk. Furthermore, it would not be possible in this market to designate a marketing area which would include all sales outlets of each and every handler that would be subject to regulation.

In the course of the operation of an order the question may arise as to whether any territory within the boundaries of the designated marketing area which is occupied by Government (Municipal, State or Federal) reservations, installations, institutions or other establishments shall be considered as within the marketing area. No proposal was made to exempt sales by a handler in any territory or to any agency from the provisions of the order and no evidence was presented at the hearing which would justify such exemption. However, so that there will be no doubt as to the meaning or the intent of the application of the marketing area definition in the proposed order, it should be indicated that the designated counties in the recommended Indianapolis marketing area shall include territory wholly or partly within such counties which is occupied by Government (Municipal, State or Federal) reservations, installations, institutions or other establishments.

Definition of plants. The minimum class prices of the order should apply to that milk eligible for distribution as Grade A milk which is received from dairy farmers at plants primarily engaged in supplying fluid milk products for sale on retail and wholesale routes in the marketing area. Such plants would be defined as "pool plants".

The basis for determining which plants shall be pool plants under the order, and thereby fully subject to regulation, should be clearly set forth in the order and apply uniformly to all plants, wherever located. Pool plant status should not be determined solely on an occasional shipment of milk to the market, or an approval by specified health authority. Such a method for determining which plants shall be subject to regulation would not provide a workable basis for administering an order for the Indianapolis marketing area.

The production of high quality milk involves extra expense. It is important that the amount of milk produced for this market under Grade A inspection be no more than that necessary to provide an adequate and dependable supply of quality milk. To encourage excessive production would represent an economic waste, since the expenditure involved in producing Grade A milk not needed on the market would result in no extra value to producers.

Essential to the operation of a marketwide pool is the establishment of performance standards to apply uniformly to all plants. Any plant, regardless of its location, should have equal opportunity to comply with the standards and thereby to participate in the marketwide pool and have its producers share in the Class I sales of the market. Whether or not plants and producers choose to supply the Indianapolis order market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs, and alternative outlets.

Performance standards should be such that any plant which has as its major function the supplying of milk to the market would pool its sales and share in the marketwide equalization. On the other hand, plants only casually, or incidentally, associated with the market should not be subject to complete regulation. Neither should they be permitted or required to equalize their sales with all plants in the market. If a milk plant were to be permitted to share on a pro rata basis the Class I utilization of the entire market without being genuinely associated with the market, then the differentials paid by users of Class I milk

could be dissipated without accomplishing their intended purpose. If a plant were to be qualified and fully regulated merely by making a token shipment of milk or cream into the market for sale as Class I milk, then any milk plant which found itself in a position where it was selling a smaller share of its milk in Class I than the average for all regulated handlers might make such shipment and receive equalization payments from the pool. The only qualification such a plant would be required to meet would be compliance with the necessary health department standards.

Since reserve milk is an essential part of any fluid milk business, there will always be some excess milk in the plants of handlers supplying other markets. This will be particularly true in the months of flush production. Plants selling primarily to other markets, or plants shipping milk on an opportunity basis to any market where supplies happen to be short, do not represent sources of milk on which the Indianapolis marketing area may depend. If such a plant, by selling a token quantity of Class I milk in the marketing area, were allowed to pool its surplus, the operator thereof could gain an unwarranted advantage in paying producers by receiving equalization payments from the Indianapolis order pool. Such a distribution of equalization payments would, in fact, reduce the blend price to producers regularly supplying the market, thereby having an adverse effect on the milk supplies upon which the market depends. This could result in the need for higher Class I prices than would otherwise be required to supply the market adequately.

Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards have been provided for them. A "distributing plant" under the order would be defined as a plant in which any Grade A fluid milk product is packaged and disposed of during the month on routes in the marketing area. "Supply plant" would be defined to mean a plant from which milk, skim milk or cream is shipped during the month to a distributing plant which is qualified as a pool plant.

The term "route" would mean the delivery (including 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 to a retail or wholesale outlet other than a milk plant or a distribution point.

In order to qualify as a pool plant, a distributing plant should be required to distribute at least 10 percent of its milk from producers and other plants during the month as Class I milk on routes to outlets in the marketing area.

A distributing plant having more than 90 percent of its business outside the marketing area or in other outlets should not be considered as essentially associated with the market. It is not considered advisable to bring such a plant under full regulation because of the minor share of its business in the marketing area. Full regulation in such case would not be necessary to accomplish the purposes of the order, and might well place such plant at a competitive disadvantage in supplying the unregulated market. Such a minimum is necessary also to avoid the possibility that a plant otherwise not associated with the market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market, by means of minor sales in the marketing area.

It is contemplated that only plants primarily engaged in route distribution of fluid milk products should be qualified as pool plants under this definition. In order to preserve this distinction, a further condition should be placed on distributing plants. This is that its total route distribution of Class I milk, both inside and outside the marketing area, must amount during the month to at least 50 percent of its receipts of Grade A milk from dairy farmers and from other plants. Any plant which does not qualify on this basis should be deemed to be primarily a supply plant and its pool status should be judged by the standards applied to such plants.

A plant from which milk for Class I uses is distributed regularly in the marketing area under normal circumstances may be expected to dispose of its milk in such a way as to exceed by a reasonable margin the minimum performance standards necessary to qualify as a pool plant. There may be from time to time plants supplying milk to the marketing area which would not qualify for pool status. Such plants should be required to file reports, make available their records for audit by the market administrator, and be subject to payments hereinafter discussed if they are not fully subject to regulation.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that currently the quantity of milk produced for the market is adequate on an annual basis for the needs of the market. At times, especially during the months of seasonally high production, distributors in the market may not need all of the milk available from producers in order to keep their Class I outlets fully supplied. In order to assure that all the producers' milk which is pooled with the market will be available for Class I, supply plant standards should be set at levels which require that such milk will be available.

In order to qualify for pool plant status a supply plant should ship to distributing plants which are pool plants at least 50 percent of its receipts of milk from dairy farmers in any month in the form of fluid milk products. A supply plant from which a proportionately lesser quantity of milk is disposed of in this manner should not, under the present conditions in the market, be considered as primarily associated with the regulated market.

It is recognized that if there is any demand for milk from supply plants it will be greatest during the season of low production. For sustained periods during the months of flush production, supplies of milk received at plants located in or near the marketing area may be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the most distant milk in the country for manufacture, and use local supplies for Class I use. The performance provisions should not force milk to be transported to distributing plants in the months of seasonally high production in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant may elect to receive pool plant status during the months of seasonally high production. Such election would be available to a plant when it had supplied a substantial portion of its producer milk to distributing plants in the market during each of the immediately preceding months of seasonally low production. This would be accomplished by providing that a supply plant which shipped 50 percent of its producer milk receipts during each of the immediately preceding months of August through January to distributing plants which are pool plants would thereby earn pool plant status for the months of April through July. As herein proposed pool plant status for the months of April through July would automatically accrue to such supply plant unless the operator of such plant notified the market administrator that he elected to have nonpool status for such plant beginning with any of the months during the April through July period.

A pool plant or a distributing plant which is not a pool plant should be defined as an "approved plant", thereby including in one designation all plants for which reports are required to be submitted to the market administrator. Such a definition will enable the market administrator to use the same report forms for all distributing plants, both pool and nonpool. In addition, it will facilitate formulating the language in the various order provisions as they apply to such plants, especially with respect to those distributing plants which are not pool plants.

Some handlers in the market receive milk from both Grade A and ungraded producers. Where such an operation takes place, it is generally the practice of the handler to maintain the ungraded operation physically apart from that of his Grade A operation. The handler who operates an ungraded plant which is in the adjoining or same building as his Grade A plant should not be restricted in the operation of his ungraded plant to any greater degree than the operator of any other ungraded plant. However, proper safeguard should be provided in the order to insure that the ungraded and graded portions of a plant operated by the same handler are maintained as separate entities. It is concluded, therefore, 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 should not be considered a part of a pool plant. However, if the graded and ungraded operations of a plant are not maintained separately, the entire operation of such plant would

be considered as that of a pool plant, and all ungraded milk received at such plant would be considered as other source milk received at a pool plant.

Some milk that is distributed in the marketing area is from plants which are fully subject to the classification and pricing provisions of other Federal milk marketing orders. It is not necessary to extend full regulation under this order to such plants which dispose of a major portion of their receipts in another regulated marketing area. To do so would subject such plants to duplicate regulation. However, in order that the market administrator may be fully apprised of the continuing status of such a plant, the operator thereof should, 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.

Handler. Handler should be defined as any person in his capacity as the operator of one or more approved plants. The definition should also include any cooperative association with respect to producer milk diverted for the account of such association from a pool plant to a nonpool plant.

A handler is the person who receives approved milk and who is responsible for reporting the receipts, utilization and payment thereof. A cooperative association which markets the milk of its members may for short periods of time need to divert such milk from a pool plant to a nonpool plant. If the association is defined as a handler for such milk, even though it has no plant, the producers whose milk is so diverted will continue to receive the uniform price under the order and their production will be available to the market for fluid use when needed.

A handler operating more than one approved plant should be required to report separately for each plant so that its pool plant status can be determined each month by the market administrator. If a handler operates a plant not associated with the regulated market, he would not be a handler with respect to such plant.

Approved dairy farmer. Approved dairy farmer should mean any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is received at an approved plant.

Producer. Producer should mean an approved dairy farmer whose milk is received at a pool plant.

Fluid milk product. Fluid milk product should mean milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, cream or any mixture of skim milk and cream (except aerated cream products, eggnog, milk shake mix, frozen dessert mix, sour cream, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). The items designated as fluid milk products pursuant to this definition are those products which when disposed of by handlers are considered as Class I milk.

Approved milk. Approved milk should be defined as all skim milk and butterfat contained in milk received at an approved plant directly from approved dairy farmers or diverted from an approved plant to a nonpool plant. Milk transferred to an approved plant from the plant of another handler should not be included in the approved milk definition. When receipts at a shipping plant are from approved dairy farmers and from other sources, the milk is commingled and it cannot always be ascertained whether the milk being moved is that from approved dairy farmers, from other sources or both.

When approved milk is not needed in the market for Class I purposes, the movement of such milk to a nonpool plant for manufacturing purposes should be facilitated. Allowing for unlimited diversion during those months when reserve supplies of milk are heaviest will contribute to this end. Unlimited diversion is neither necessary nor desirable during the other months of the year when approved milk regularly associated with the market is needed to supply the Class I needs of the market. It is necessary, however, to provide for limited diversion during such months to enable handlers to divert approved milk on such occasions as weekends or holidays when the milk is not needed in the market for Class I purposes.

Provision should be made so that the approved milk regularly received at an approved plant may be diverted for the account of a handler to a nonpool plant any day during the flush production months and on not more than the number of days that milk was delivered to an approved plant from the farm of the approved dairy farmer during any other months and still retain approved milk status under the order. Diverted milk should be deemed to have been received at the plant from which it was diverted.

A proposal made would permit cooperatives unlimited diversion throughout the year because they must carry the necessary reserve burden, guarantee their members a market and supply the supplemental needs of handlers who buy short from independent dairy farmers. Many proprietary handlers in the market maintain surplus handling facilities and dispose of their reserve supplies through their own manufacturing operations or by transfer to other plants. While the cooperative associations do handle the greater part of the reserve milk in the market, the diversion privileges provided apply uniformly to all handlers and should provide sufficient latitude for the efficient utilization and disposal of the reserve supplies of the market.

Producer milk. Producer milk should be defined as approved milk which is received at a pool plant.

Other source milk. Other source milk should be defined as all skim milk and butterfat contained in or represented by fluid milk products utilized by the handler in his operations except approved milk, fluid milk products received from pool plants, and inventory at the beginning of the month. Thus, other source milk would represent skim milk and butterfat which are not subject to the pricing provisions of this order during the month. It would include all milk products from plants other than pool plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It would include those manufactured products from a plant's own production which are made and are reprocessed or converted into another product during the same or a later month.

Producer-handler. Producer-handler should be defined as any person who operates a dairy farm and a distributing plant but who, during the month, receives no approved milk or other source milk at such plant. The order is not intended to establish minimum prices for such operators, but they should be required to make reports to the market administrator. Such reports are necessary to make a determination as to whether the operator is a producer-handler and to facilitate accounting with respect to the transfer of milk from other handlers.

The exemption from pricing and pooling of a producer-handler should be limited to bona fide producer-handlers and should not permit other operations masquerading as producer-handlers to abuse the exemption to the detriment of producers and the effectiveness of the order. It is appropriate, therefore, to provide that to maintain producer-handler status the maintenance, care and management of the dairy animals and other resources necessary to produce milk and the processing, packaging and distribution of the milk shall be the personal risk of the person involved. The term producer-handler is not intended to include any person who does not accept responsibility and risk for the operation of the plant in which the milk of his own production is processed and bottled for sale.

Classification provisions of the proposed order should provide that any milk, skim milk or cream transferred from a pool plant to the plant of a producer-handler will be Class I milk. Any supplemental supplies of milk which may be obtained from such plants may, by virtue of the type of operation involved, be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from pool plants and still maintain his status as a producer-handler. Pursuant to the proposed order, any milk which a handler receives from a producer-handler would be other source milk and would, therefore, be allocated to the lowest class utilization at the pool plant of a handler after the allocation of shrinkage on approved milk. Milk disposed of to another handler by a producer-handler would normally be surplus to the operation of the producer-handler.

(b) *Classification of milk.* Milk and milk products received by handlers

should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, such skim milk and butterfat was used or disposed of as either Class I milk or Class II milk.

Milk is received at approved plants directly from approved dairy farmers, from other handlers, and from other sources. Milk from all of these sources is commingled in handlers' plants. It is necessary, therefore, to classify all receipts of milk to afford a means to establish the classification of approved milk and to apply the classified price plan.

The products which should be included in Class I milk are those generally required by health authorities in the marketing area to be obtained from milk or milk products from approved "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products somewhat above the ungraded or manufacturing milk price. This higher price should be at such a level as will yield a blend price to farmers that will encourage production of enough milk to meet market needs.

Milk not needed for Class I purposes is utilized in the manufacture of various dairy products which are sold in competition with the same products made from ungraded milk. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

In accordance with these standards, Class I milk should comprise all skim milk (including concentrated and reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream and any mixture in fluid form of skim milk and cream (except eggnog, milkshake mix, frozen dessert mix, aerated cream products, sour cream, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers); and skim milk and butterfat not accounted for as Class II milk.

Class I products which contain concentrated skim milk solids, such as skim milk drinks to which extra solids have been added or concentrated whole milk disposed of for fluid use, would be included under the Class I milk definition. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed cans would not be considered as concentrated milk.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. Included as Class II milk are products such as ice cream, ice cream mix and other frozen desserts and mixes; eggnog, aerated cream products, sour cream, butter, cheese (including cottage cheese); evaporated and condensed milk (plain or sweetened); nonfat dry milk, dry whole milk, condensed or dry buttermilk; and any other products not specified as Class I milk. The health ordinances applicable in the marketing area do not require that these products be made from Grade A milk.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. The accounting procedure would be facilitated by providing that month-end inventories of fluid milk products be classified in Class II milk. Such inventories would be subtracted, under the proposed allocation procedure, from any available Class II milk in the following month. The higher use value of any fluid milk products in inventory which are allocated to Class I milk in the following month should be reflected in returns to producers. The attached order provides for the reclassification of inventories on that basis.

Inventories should include all the skim milk and butterfat in fluid milk products, whether in bulk or in packages. Since the disposition of skim milk and butterfat in nonfluid milk products had been accounted for when used to produce a manufactured dairy product (and classified as Class II milk), such skim milk and butterfat should not be included in inventories.

Inventories of fluid milk products on hand at an approved plant at the beginning of any month during which such plant becomes an approved plant for the first time should likewise be allocated to any available Class II utilization of the plant during the month. This will preserve the priority of assignment of current approved milk receipts to current Class I use.

Some handlers proposed that inventories of fluid milk products be classified in Class I. There may at times be some advantage to providing for the classification of inventories in Class I instead of Class II as proposed by producers. It was not shown, however, that this method of classifying inventories would have any real advantage or work out more equitably within the framework of the proposed order than that herein recommended.

Skim milk and butterfat in fluid milk products utilized by a commercial food establishment devoted exclusively to the manufacture of bakery products, candy or processed foods in hermetically sealed containers should be classified as Class II milk. Currently such bulk disposition in the Indianapolis order market is considered in a category other than a fluid milk product for Class I use. Food manufacturers can generally utilize either fluid milk products or manufactured dairy products in their operations. If a Class II classification were not provided for sales to these outlets, handlers under the proposed order would be placed at a disadvantage in competing for such sales.

Skim milk which is dumped or sold for livestock feed should be classified as Class II milk. The only trade outlets for surplus skim milk for many handlers are located at considerable distances from their processing plants. Transportation costs are such that it is uneconomical for these handlers to ship relatively small quantities of unneeded skim milk to such outlets.

It would not be practicable to permit in an unlimited manner the dumping of skim milk by pool plant handlers. Neither would it be appropriate to classify such skim milk, for which no better outlet is available, in other than Class II. Accordingly, the order should clearly specify a Class II classification for skim milk dumped, with a proviso that the market administrator be notified in advance and be afforded the opportunity to verify the dumping.

No provision should be made for classifying as Class II milk the butterfat in fluid milk products which is dumped or disposed of for livestock feed. Butterfat in fluid milk products is generally salvageable, can be accumulated in the form of cream, and adequate outlets are available locally for utilizing such butterfat in manufactured dairy products.

Waste and loss of skim milk and butterfat experienced in plant operations are referred to as "shrinkage". Since shrinkage represents disappearance of milk for which the handler must account but for which no direct return is realized, it should be considered as Class II milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

The maximum shrinkage allowance in Class II at each approved plant should be 0.5 percent of the skim milk and butterfat in approved milk (excluding milk diverted to a nonpool plant) and other source milk received in bulk plus 1.5 percent of the skim milk and butterfat in all fluid milk products processed at such plant. Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk. This is reasonable and necessary to strengthen the classified pricing plan and will tend to encourage maintenance of adequate records and efficient handling of milk.

To avoid duplicate shrinkage allowance on interpool plant movements of milk, shrinkage should be based on the amount that receipts from other pool plants are in excess of transfers to such plants. No shrinkage should be allowed on approved milk diverted to nonpool plants. On milk received at an approved plant and transferred in bulk to another plant the transferor-plant would be limited to the 0.5 percent maximum receiving shrinkage allowance on such milk.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from farmers and, therefore, should be classified according to their separate uses. The skim milk and butterfat content of milk products received and disposed of by a handler can be determined through certain testing procedures. Some products such as ice cream and condensed products present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable in the case of such products to provide an acceptable means of

ascertaining the amount of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any concentrated milk product such as condensed milk or nonfat dry milk should be based on the pounds of milk or skim milk required to produce such product.

Butterfat and skim milk used to produce Class II products should be considered to be disposed of when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of any product, including products in Class I milk, should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of approved milk to Class I utilization.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from approved dairy farmers should be responsible for establishing the classification of and making payment for such milk. Fixing responsibilities in this manner is necessary to effectively administer the provisions of the order.

Except for the limited quantities of shrinkage that may be classified in Class II, all skim milk and butterfat for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage that might accrue to handlers who fail to keep complete and accurate records and to assure that dairy farmers receive payment for their milk on the basis of its use. Accordingly, the burden of proof should be on the handler to establish the utilization of any milk as other than Class I.

Transfers. Classification of butterfat and skim milk used in the production of Class II milk items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, some Class I items may be disposed of to other plants for Class II use. Classification of any product so transferred to another plant should, under certain circumstances, be determined according to its utilization in the plant to which transferred.

Fluid milk products transferred by a handler to a pool plant should be classified as Class I milk unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator. However, sufficient Class II utilization must be available at the transferee plant for such assignment after prior allocation of shrinkage and other source milk. Moreover, if other source milk had been received at either or both plants during the month, the skim milk or butterfat in fluid milk products involved in such transfer should be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants.

Fluid milk products transferred or diverted to a nonpool plant should be classified as Class I milk unless certain conditions are met. The operator of the nonpool plant, if requested, should make his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to insure proper application of the classification procedures prescribed in the order.

In order to classify such transfers or diversions as Class II milk the fluid milk products disposed of from the receiving nonpool plant should not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers directly supplying such plant. However, if the fluid milk products disposed of from the receiving nonpool plant exceed the receipts of skim milk and butterfat from dairy farmers regularly supplying such plant, the difference should be assigned to the fluid milk products transferred or diverted from an approved plant and classified as Class I milk. If the transfers and diversions to the nonpool plant during the month are from two or more plants subject to the provisions of this and other orders issued pursuant to the Act, the skim milk and butterfat assigned to Class I milk at each such approved plant under the Indianapolis order should be not less than that obtained by prorating the assignable Class I milk at the nonpool plant over the receipts from all plants subject to the provisions of this and other orders issued pursuant to the Act.

The method herein recommended for classifying transfers and diversions from approved plants to nonpool plants accords equitable treatment to Indianapolis order handlers and gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving priority to diary farmers directly supplying a nonpool plant recognizes that they are the regular and dependable source of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary functions of the transfer provision of the order by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

The provision for classifying fluid milk products as Class II milk should not be extended to include milk and skim milk transferred or diverted to nonpool plants located more than 150 miles from the city of Indianapolis. The area thus described is adequate to dispose of milk and skim milk not needed by order handlers for Class I purposes. Milk and skim milk moving greater distances are normally for Class I use. On the other hand, cream for manufacturing purposes is shipped by handlers to outlets at considerable distances from the marketing area and no limit should be placed on the distance to which such shipments of cream in the Class II classification may be made.

When milk or skim milk in bulk has been transferred or diverted to a nonpool plant located not more than 150 miles from Indianapolis, the market administrator is required to verify the utilization claimed by such nonpool plant. It may reasonably be expected that the market administrator will be able to make such verification within such "surplus disposal area" without incurring undue expense. A surplus disposal area larger than that provided herein might tend to make unreasonable demands on the market administrator in connection with the verification of occasional or irregular shipments to nonpool plants located beyond the area wherein handlers who would be subject to the Indianapolis order normally dispose of reserve supplies of milk and skim milk for Class II purposes.

As stated elsewhere in this decision, any fluid milk product transferred to a producer-handler should be classified in Class I and should not be subject to reclassification.

Allocation. The order provides for determining the value of approved milk at a plant each month on the basis of the classification of such milk. It is necessary, therefore, if a plant has butterfat or skim milk other than that received in milk from approved dairy farmers, to determine the quantities of milk in each class to be assigned to approved milk.

The milk of approved dairy farmers who are primarily engaged in supplying the market should be given priority in the assignment to the Class I utilization at approved plants. This is necessary to insure the stability of the classified pricing program of the order. If the order permitted handlers to obtain unpriced other source milk for Class I uses whenever it was advantageous to do so while approved milk in the plant was utilized in Class II, the market would be deprived of a dependable supply of milk and the order would not be effective in carrying out the purpose of the Act.

In general, the allocation procedure requires that skim milk and buttterfat, respectively, in each approved plant be assigned to approved milk after making the following deductions from gross utilization starting with Class II milk, except as otherwise noted:

(1) Fluid milk products in consumer packages subject to pricing under another order (from Class I);

(2) Other source milk not subject to Class I pricing provisions of another order;

(3) Other source milk in bulk subject to pricing under another order;

(4) Beginning inventory;

(5) Receipts from other handlers (according to classification); and

(6) Overage.

Separate allocation is provided for other source milk received under varying circumstances to facilitate the application of the compensatory payment provisions of the order and to provide flexibility in plant operations. Provision is made to allocate to Class I milk certain packaged fluid milk products subject to pricing under another Federal order. This will have the effect of giving the same treatment to such items moved from a plant under another Federal order whether distributed directly to consumers in the marketing area from such plant, as is sometimes the case in this market, or imported through an Indianapolis order approved plant.

(c) *Class prices.*

Class I price. The price for Class I milk should be computed by adding a differential to a basic formula price.

The method of adding a differential to a basic formula price in determining the Class I price is necessary to give appropriate consideration to the national economic factors underlying changes in the general level of prices for milk and manufactured dairy products. Prices for milk used for fluid purposes in the Indianapolis marketing area have a direct relationship to the prices paid for milk used for manufacturing purposes. The market for most manufactured products is nationwide and the prices of these products reflect general economic conditions affecting the supply and demand for milk and changes in the value of manufacturing milk throughout this area.

Differentials over manufacturing prices are necessary to cover the extra costs of meeting quality requirements in the production of market milk and transportation costs to the fluid market, and to furnish the necessary incentive for dairy farmers to produce and deliver an adequate supply of quality milk to meet the demand for fluid consumption.

The Class I price should be established at a level which, in conjunction with the Class II price hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate, but not excessive, supply of quality milk to meet the requirements of consumers in the marketing area, including the necessary reserves. Class I prices must also be in alignment with those prevailing in other nearby regulated markets and should not be at levels which exceed the cost of obtaining milk of acceptable quality and regular availability from alternative sources.

There are four Federal milk orders currently in effect in Indiana: Fort Wayne, South Bend-LaPorte-Elkhart, Ohio Valley (Evansville), and Louisville-Lexington (which marketing area includes 3 Indiana counties). In addition, the Dayton-Springfield and Cincinnati, Ohio, Federal order markets are relatively close to the proposed marketing area. The distance from Indianapolis to the major city in each of the six marketing areas is as follows: Dayton 107 miles, Cincinnati 110 miles, Louisville 113 miles, Fort Wayne 115 miles, South Bend 140 miles, and Evansville 167 miles.

In the two Federal milk order markets north of Indianapolis—South Bend-LaPorte-Elkhart and Fort Wayne—the Class I prices per hundredweight of 3.5-percent milk during 1959 averaged $4.19 and $4.27, respectively.

The Dayton-Springfield and Cincinnati marketing areas are southeast of Indianapolis and not far from the eastern boundary of the proposed marketing area. During 1959, the Class I price per hundredweight of 3.5-percent milk averaged $4.54 under the Dayton-Springfield order and $4.72 under the Cincinnati order.

The Ohio Valley and Louisville-Lexington order marketing areas include the 9 southernmost counties in Indiana. The Louisville-Lexington order Class I price for 3.5-percent milk averaged $4.35 in 1959.

The pricing provisions of the recently promulgated Ohio Valley order became effective March 1, 1960. The Class I price per hundredweight of 3.5-percent milk under this order is computed by adding a differential averaging $1.30 a month to a basic formula price, which is the higher of either the average of the prices paid by specified midwestern condenseries or a price based on a butter-powder formula. For the year 1959, a price thus computed would have averaged $4.41.

The handlers in Indianapolis who do not purchase milk from the local cooperative associations, handlers outside Indianapolis who distribute in the city, and other handlers throughout the marketing area pay producers on the basis of the blend price paid by the Indianapolis cooperatives to their producers. In some few instances, the uniform prices of nearby Federal order markets are used as a basis in computing the prices paid to their producers by handlers who would be regulated by the proposed order. The Indianapolis blend price for 3.5-percent milk in 1959 averaged $4.06.

The Class I price paid by the eight handlers receiving milk from members of the three cooperatives organized into the association known as the Milk Producers' Auditing Agency is arrived at by negotiation between the handler and the producer representatives. In recent years, and currently, this Class I price has been computed by adding a differential to a basic formula price.

Producers proposed a Class I price per hundredweight of 3.5-percent milk that would be computed each month by adding $1.30 to a basic formula price, which basic formula price is the same as that contained in the Ohio Valley order and a number of other midwestern orders. For the year 1959, the price thus computed would have averaged $4.41. The proposals made by various handlers would use amounts ranging from $1.10 to $1.20 to a basic formula price in arriving at the Class I price.

The intent of the Act will best be effectuated by fixing the Class I price under the recommended Indianapolis order at the level of the basic formula price plus $1.25. The basic formula price would be that proposed by producers and applicable in nearby order markets. This Class I price would be applicable to all plants located in the "base zone", which should be defined to include all the territory within the boundaries of Marion County, Indiana. However, the Class I price would be reduced by a location differential (as hereinafter discussed) for milk received from dairy farmers at plants outside the base zone.

Class II price. The Class II price should be the basic formula price that is used in determining the Class I price. This is the higher of a butter-powder formula or the "Midwest condensery price," which is the average of the prices paid for ungraded milk at eleven specified plants in Michigan and Wisconsin.

Some milk in excess of Class I requirements is necessary to maintain an adequate supply for the market on an annual basis. This excess milk must be disposed of in manufactured products and be classified as Class II milk. The price for such excess milk should be maintained at the maximum level consistent with facilitating its movement to manufacturing outlets when not required for Class I purposes. However, the Class II price should not be at a level so low as to encourage handlers to obtain milk supplies for the sole purpose of converting them into Class II products.

Elsewhere in this decision the need for maintaining an alignment of the Indianapolis order Class I price with those in nearby Federal order markets is emphasized. Providing for such alignment with respect to the Class II price for the Indianapolis marketing area is no less necessary. Of the six nearby Federal order markets, four have two separate classifications (Class II and Class III) for milk utilized for other than Class I purposes.

In those markets having three classes, the Class II classification includes the utilization of skim milk and butterfat in one or more of the higher valued outlets for manufacturing milk, such as cottage cheese, ice cream and related products. Class III milk includes utilization in the lower valued outlets, such as butter, skim milk powder and various types of cheese. There is a wide variation in the nearby order markets as to the specific utilizations included in Class II and Class III milk.

For the year 1959, the average Class II and Class III prices for 3.5-percent milk in the following markets were: South Bend-LaPorte-Elkhart $3.61 and $3.02, Louisville-Lexington $3.16 and $2.96, Dayton-Springfield $3.10 and $2.93, and Cincinnati $3.12 and $2.99.

Under the Fort Wayne and Ohio Valley orders there is one class (Class II) for milk used for manufacturing purposes. The Class II price for 3.5-percent milk in Fort Wayne averaged $3.00 in 1959. The Class II price under the Ohio Valley order for the months of September through February is the basic formula price under that order, which is the same as that herein recommended as the Class II price. For the months of March through August the Class II price under the Ohio Valley order is determined by adding 20 cents to the average of the prices paid by five specified local manufacturing plants. The basic formula price which would be utilized as the Indianapolis order Class II price averaged $3.11 during 1959.

There is much variation in the handling and marketing of reserve supplies of milk by handlers in the marketing area. Some handlers receive only as much milk from producers as is needed each day for their Class I requirements. A significant proportion of the total quantity of milk utilized for Class I purposes in the market is handled at plants with limited manufacturing facilities. However, a number of plants which would be pool plants under the order maintain manufacturing operations especially for such items as ice cream and cottage cheese. Throughout the year, particularly in the spring months

of heavy production, producer milk not needed by some handlers is moved to manufacturing plants by the handler who regularly receives the milk or by the cooperative association responsible for marketing such producer milk. The manner of determining the rate at which producers are paid for such milk utilized for manufacturing purposes or otherwise disposed of follows no consistent pattern.

The cooperative associations whose members deliver to handlers in Indianapolis have been paid a Class II price which is the average of the prices paid at five local manufacturing plants for ungraded milk. These prices averaged $2.90 per hundredweight for 3.5-percent milk during 1959. The quotations which are used in arriving at these prices do not include such payments as "cooler premiums," which approximate 15 cents per hundredweight. The cooperatives claim that the average of these pay prices has not been adequate as a Class II price and would not be suitable as a basis for a Class II price under the order. They claim that the weakening of their bargaining position in recent years has prevented their obtaining a Class II price commensurate with the value of milk for manufacturing purposes locally.

The butter-powder formula which is used in determining the basic formula price utilizes quotations for both spray and roller process nonfat dry milk. Producers proposed that spray process quotations only be used for the nonfat dry milk portion of the butter-powder formula. Spray process output nationally in 1959 was more than 90 percent of the total nonfat dry milk production and roller process manufacturing is declining steadily in importance. The spray and roller process quotations are used in determining class prices in the nearby Federal order markets. A more appropriate class price alignment with these other order markets would be assured by using the lower price obtained from the average of the spray and roller process quotations.

A number of proposals were made by handlers to provide a lower Class II price. One of these would provide a Class II price in the months of seasonally high production based on the average of the prices paid by five local manufacturing plants for ungraded milk. Other proposals would have handlers pay less than the Class II price for milk used in certain outlets, such as in the manufacture of butter and cheese. This would be accomplished by having a separate classification at less than the Class II price for such uses or by providing a "make allowance" of three cents per pound for butterfat used in the manufacture of butter.

The production of milk for the Indianapolis order market in relation to the Class I requirements of the market does not indicate that burdensome surpluses prevail. The Class II milk utilized by handlers in the market is predominantly in the higher valued Class II products of cottage cheese, ice cream and sour cream. During a substantial portion of the spring and summer months of high production there is a heavy demand locally for cream for ice cream manufacture.

The Class II price herein recommended is lower on the average than the prices provided in nearby order markets for milk utilized in cottage cheese and ice cream. If a price lower than Class II should be provided for some uses, it could result in handlers utilizing milk in these uses when higher valued outlets were available. This would be inconsistent with the principle of obtaining the highest utilization of producer milk and would result in unjustified lower returns to producers.

Butterfat differentials. Skim milk and butterfat should be accounted for separately for classification purposes as indicated previously. It is necessary, therefore, to adjust Class I and Class II prices for milk in accordance with the average butterfat content of milk in each such class. This can be accomplished by using a butterfat differential which will reflect differences in value due to variation in butterfat content of approved milk utilized in each product.

The values resulting from multiplying the Chicago butter price by 0.120 for Class I milk and by 0.113 for Class II milk will provide appropriate means for adjusting the prices in this market for each one-tenth percent variation in butterfat content of milk used in the various products. The employment of the Chicago butter price will mirror changes in central market prices for butterfat as they occur. All surrounding Federal order markets use the Chicago butter price as a basis for adjusting the value of milk according to butterfat content. The method provided for the Indianapolis market is consistent with that provided under nearby orders for adjusting the value of milk by a butterfat differential for varying butterfat tests and should result in reasonable alignment of prices among markets for milk of the same butterfat content.

The butterfat differentials now used by Indianapolis handlers in paying for their milk are obtained by multiplying the Chicago butter price by 0.130 for Class I milk and by 0.120 and 0.115 for the currently designated Class II and Class II–A uses in the market.

As proposed by producers, the Chicago butter price would be multiplied by 0.120 and 0.110 to determine the Class I and Class II butterfat differentials. This would place more value on the skim portion of milk than has prevailed under the present price structure of the market.

Handlers proposed that the Class I butterfat differential be not less than 0.130 times the Chicago butter price. This would allocate more value to the butterfat in Class I milk than proposed by producers. There are an increasing number of fluid milk products on the market made up of a proportionately high percentage of solids not fat (e.g. fortified or modified skim milk). With too high a butterfat differential producers would not receive their appropriate share of the Class I sales value represented by the solids not fat portion of fluid milk products. A high butterfat differential would have the effect of pricing cream for Class I uses at the high level. On the other hand, the butterfat differential herein recommended will give some encouragement to increasing the disposition of butterfat in Class I outlets.

One handler proposal would use a stated percentage of the Class I price as the Class I butterfat differential. The reason advanced for use of this method was that at some future date a different Class I price might allow the skim portion of milk to carry all the fluctuation in prices. If such situation should occur, an amendment hearing would be appropriate to consider need for a change in the butterfat differential. No advantage was shown for the use of a percentage of the Class I price as the butterfat differential.

The Class II butterfat differential herein proposed will facilitate the movement of butterfat in the reserve supply of milk to manufacturing outlets and thereby eliminate the potentialities of unstable marketing conditions which milk without a market tends to create. The butterfat differential value of 113 percent of the Chicago butter price should not be so high as to give an unnatural incentive to the movement of butterfat to the manufacture of butter at the expense of preferred outlets such as for cottage cheese and frozen desserts. Moreover, at the recommended rate the cost of butterfat in the market will be competitive with butterfat from alternative sources of supply.

A proposal by handlers to apply a somewhat lower value for butterfat used in butter and cheese is unnecessary in this market for essentially the same reason that a separate price should not apply to milk used in manufacture of such products. Handlers who would be regulated by the order do not maintain extensive butter and cheese manufacturing operations. To provide a lower butterfat differential for milk in such uses could stimulate uneconomic use of milk in these lower valued outlets while a higher use product demand is available. Thus, returns to producers would be adversely affected.

To coordinate the Class I price and Class I butterfat differential announcement date, the Class I butterfat differential should be based on the average price of butter in the preceding month. The Class II price and butterfat differential will not be announced until after the end of the month and should be based on current month prices. Although handlers will not know the exact cost of Class II milk as it it utilized, they will know that their cost tends to follow daily and weekly dairy product prices and cost of milk to their principal competitors.

The butterfat differential to producers should be calculated at the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in approved milk classified in each class during the month. Thus, returns to producers will reflect the actual value of their butterfat at the class prices provided by the order.

Location differentials. A schedule of location differentials should be incorporated in the order to provide an appropriate adjustment of order prices at

the location of any plant from which milk is moved to the marketing area. With the same class prices applicable, milk received at a plant outside the marketing area and moved to the marketing area for processing and packaging may be expected to be more costly to a handler than milk received directly from dairy farmers at his processing plant in the marketing area. In the same manner, additional transportation costs would be incurred by the operator of a plant from which packaged milk is moved a relatively long distance to the marketing area. Unless provision is made in the order for the application of location differentials, producers delivering milk to plants located at some distance from the marketing area would be paid the same uniform prices as producers delivering to plants in the marketing area.

It is economically more feasible to meet the needs of the market for fluid purposes from those farms or plants nearest the market before bringing in milk from more distant plants. The value of milk to the market for fluid purposes is greater at the location of a plant in the marketing area which packages it for distribution than at a plant from which milk must be moved to the marketing area for Class I uses. Recognition in the order through the medium of a location differential should be given to this difference in value.

So as to be equitable to all handlers, the minimum Class I price to be paid for approved milk should not be dependent upon the type of plant receiving the milk. However, to the extent that milk is received elsewhere from dairy farmers and brought to the marketing area by a handler, the handler has assumed a transportation cost which might otherwise be borne by the dairy farmers. Under these circumstances, the Class I price should be adjusted downward to give consideration to the cost of hauling milk to the marketing area.

It is customary, in both regulated and unregulated markets, for handlers to pay dairy farmers delivering milk to plants farther removed from the market a lesser price per hundredweight than is paid dairy farmers delivering directly to plants in the marketing area. To the extent that this represents a lower price because of the location of the milk, such difference in value should be recognized under the order.

Indianapolis is the principal city in the marketing area and is so situated with respect to the overall sales area of regulated handlers that basing location differential mileage zones from such city would be equitable to all handlers. The Monument Circle in Indianapolis represents an appropriate point from which the mileage used in applying the location differentials should be measured.

Because the Indianapolis marketing area is spread over a relatively large territory and because milk distributed in the marketing area is moved great distances, it would be inappropriate to have location differential mileage zones applicable less than 70 miles from Indianapolis. Accordingly, the Class I price should be reduced by 15 cents for the first 80 miles and 1.5 cents for each additional 10 miles or fraction thereof with respect to approved milk received at a plant which is not less than 70 miles from Monument Circle in Indianapolis.

Marion County, in which is located the city of Indianapolis, is the most heavily populated county in Indiana. Producers shipping to plants in Marion County must pay more for hauling their milk than do their neighbors supplying plants in the smaller cities and in the more rural communities in the marketing area. To give recognition to this factor, the Class I price for approved milk received at plants outside Marion County (the base zone) should be reduced by a location differential of 5 cents if such plant is less than 70 miles from Monument Circle in Indianapolis.

The location differentials here recommended are economically sound and will be applicable to all handlers wherever located. The proposed rates approximate those contained in other nearby Federal orders and are representative of the cost of hauling milk by an efficient means to the market.

Prices paid producers supplying plants at which location differentials apply should be reduced to reflect the lower value of such milk f.o.b. the point to which delivered.

No adjustment should be made in the Class II price because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with location of the plant receiving the milk. This is because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices paid for ungraded milk received at various points within the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk by the most advantageous method possible. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk. To do otherwise would remove part of the incentive for keeping handling costs at a minimum.

To insure that milk would not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that for the purpose of calculating such location differential credit the skim milk and butterfat in fluid milk products transferred in bulk form be assigned to the available skim milk and butterfat classified in Class II in the transferee plant before being allocated to Class I milk at such plant.

Use of equivalent prices. If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such a provision in the order will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotations which are customarily used and thereby prevent any unnecessary interruption in the operation of the order.

Payments on unpriced milk. The order should provide that payment be made into the producer-settlement fund with respect to unpriced milk which is allocated to Class I milk in a pool plant.

Receipt of milk in excess of Class I disposition is necessary to operate a fluid milk business. Because of seasonal fluctuations in production without corresponding changes in demand, this excess or reserve milk must be marketed in manufactured form in competition with products made from ungraded milk. The existence of this reserve Grade A milk, which must be marketed at a lower price, is the primary cause of the instability which may affect fluid milk markets.

Considerable volumes of Grade A milk must be disposed of as surplus by various unregulated plants from which the Indianapolis order handlers may obtain milk. When milk is available in substantial volumes from nonpool sources, handlers under the order could obtain such milk at prices reflecting its value as surplus milk, which prices would approximate the Class II price under the order. During the seasonally high production months of April, May and June, the compensation payment on other source milk allocated to Class I milk should be the difference between the minimum price of producer milk used for surplus (Class II) and the Class I price adjusted to the location of the plant from which such other source milk was received from farmers. This rate will reflect generally the difference in the value between unregulated and regulated milk for Class I use at that time.

During the months of July through March, when milk supplies tend to be shorter than in other months, it is not likely that other source fluid milk products will be available to the market at surplus prices. It may reasonably be expected that during such months milk would be available from unregulated sources at prices more nearly at the level of the uniform price under the order. The compensation payment during these months should be the difference between the marketing area uniform price to producers and the Class I price both adjusted to the location of the plant from which such fluid milk products are supplied. The relationship between the supply of and demand for milk in the market in the July through March period tends to fluctuate from year to year according to marketing conditions. These conditions will generally prevail also in surrounding markets which are potential sources of supply for unpriced milk. Thus, the rate of compensation payment based on the difference between Class I and uniform prices will adjust itself automatically in these months in accordance with the proportion of Class I milk to the total milk pooled.

The rates which are here found to be appropriate for the Indianapolis marketing area give recognition to general competitive conditions in the purchase

and sale of fluid milk products. However, since such conditions do not prevail uniformly in all instances and since all transactions are not made under the same circumstances, it would not be administratively feasible to adjust prices or payments to individual transactions.

It is therefore necessary to have definite and specified rates applicable to all handlers similarly situated. The rates herein provided are those which will best effectuate the intent of the Act under current marketing conditions in the area.

Other source milk used in the form of nonfat dry milk should be considered to be from a source at the location of the pool plant where it is used. In some instances there will be no and in all other cases insignificant transportation charges per hundredweight experienced by handlers on such other source milk. By following this procedure, the compensation payment on other source milk derived from nonfat dry milk will be comparable to that on any other unpriced milk which is allocated to Class I milk.

A handler whose distributing plant fails to qualify as a pool plant should make payment to the producer-settlement fund of either (1) the amount of Class I milk sold in the marketing area multiplied by the difference between the Class I and Class II price during April, May and June and by the difference between the Class I and uniform price during other months, or (2) the amount by which total payments to dairy farmers are less than the total amount of the plant's obligation to producers which would be computed as if such plant were a pool plant. Under the first option the amount of milk on which a handler would make payment should be reduced by his receipts of Class I milk from pool plants. Because such milk would be priced as Class I milk at the regulated plant where it was received from producers, the pool would not be disadvantaged and the integrity of regulation would be preserved.

If the handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, he will obviously not have any advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area, for his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

Affording this last option to nonpool plants which distribute some Class I milk in the marketing area will adequately protect the regulatory plan in this market. In the areas from which it is expected such nonpool handlers would procure supplies, no great quantities of milk are available. Moreover, the size of handlers who would use this option is relatively small. It is expected also that the difference between the Class I price and uniform price, which will prevail in this market, will be relatively minor. The price which these handlers would be required to pay under the option and the uniform price payable by wholly regulated handlers would not differ greatly. Consequently, the exercise of this option could not have a disruptive influence on the handling of milk in this area. For these reasons, it is not necessary, in order to maintain the integrity of the regulatory plan in this market, to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their producers at least the total amount of money which they would be required to pay if they were fully regulated.

No compensation payment should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where Indianapolis order handlers might obtain supplemental supplies approximate the Indianapolis order Class I price as adjusted for location of the supplying plants. Since handlers operating plants under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to dispose of their surplus producer milk in the Indianapolis marketing area for Class I use at less than Class I prices.

Resale prices. It was proposed that the market administrator be required to "investigate all matters pertaining to the production, transportation, storage, processing, distribution and sale of producer milk; and prohibit unfair trade practices in the handling thereof". Handlers who proposed such regulation indicated that the primary intent of the proposal is to fix prices at which chain groceries and other outlets in the Indianapolis marketing area shall sell milk to consumers.

In support of their position that an order is needed, producers stated that handlers purchasing milk from them on a classified price basis are at a competitive disadvantage with handlers in the area purchasing milk on a flat price basis comparable to the Indianapolis blend price. It was also suggested that reductions in a handler's resale prices were reflected in reduced returns to his producers.

The attached order provides that each handler shall pay the same minimum prices for producer milk in accordance with his utilization. In that way, all handlers will pay the same minimum prices for milk received from producers and will know precisely what the minimum pay prices of their competitors will be for these purchases. Moreover, no handler will be able to recoup from producers reductions in his resale prices. This will act as a most powerful deterrent to any resale price-cutting that is not justifiable on an economic basis.

The Agricultural Marketing Agreement Act provides that orders may contain terms and conditions "prohibiting unfair competition and unfair trade practices in the handling" * * * of the commodities specified as subject to regulation under the Act. All the terms and provisions which refer to the fixing of milk prices (sections 602, 608(c)(5), (7) and (18)) apply solely to transactions which take place between producers and cooperative associations on the one hand and regulated handlers on the other.

Section 608(c)(7)(B) of the Act, which permits the inclusion of provisions requiring that handlers sell a commodity or product regulated under an order only at prices filed by such handlers in the manner provided under such order, specifically excepts milk and cream sold for consumption in fluid form. There is no authority contained in the statute for the establishment of "resale prices" as there is for the establishment of prices to producers.

In view of the above stated considerations, it is clear that the statute does not authorize the regulation of unfair trade practices in the manner proposed. Accordingly, the handler proposal therefor is denied.

(d) *Distribution of the proceeds to producers.* A marketwide equalization pool should be included in the order as a means of distributing to producers the proceeds from the sale of their milk. Such a pool will assure each producer supplying the market that he will receive a return based on his pro rata share of the Class I sales of the entire market. The "blend" price that a producer receives will depend on the over-all utilization of all producer milk received at the pool plants of all regulated handlers during the month. Although each handler subject to the order will be required to pay uniform prices for producer milk in accordance with the classification of such milk pursuant to the order, the minimum blend prices payable to producers will be the same for all producers in the market irrespective of the use made of such milk by the individual handler.

The uniformity of payments to producers which is provided under a marketwide pool permits a handler either to maintain a manufacturing operation in his plant to handle the seasonal and daily reserve supplies of milk or to limit the operation at his plant to the handling of milk for Class I purposes only, without affecting the blend prices payable to his producers as against other producers in the market. The facilities in the various plants in the area for handling producer milk which is in excess of that needed for Class I purposes vary considerably. While a number of plants in the market are exclusively Class I operations and handle no surplus milk, many plants which would be subject to the order handle substantial quantities of milk for manufacturing purposes. Under these conditions a marketwide pool in the Indianapolis marketing area will facilitate the marketing of producer milk. A marketwide pool will make it possible for the producers' associations to assist in diverting seasonal reserve milk and thus keep producers on the market who are needed to fulfill the year-round requirements of the market. It will assist also in apportioning among all producers the lower returns from reserve milk where otherwise this burden

would be placed on individual groups of producers. A marketwide pool will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk.

In distributing returns to producers, no different treatment should be accorded producers of any special breed milk than is accorded other producers. A proposal was made to establish a separate pool for "Golden Guernsey" milk because it must meet certain specified production and quality requirements. This would have the effect of giving preferred treatment to a small group of producers at the expense of all other producers supplying the market. It was not shown that there is any justification for according such preferred treatment to the producers who market their milk under the "Golden Guernsey" trademark or to any other designated group at the expense of other producers.

A "Louisville plan" of fall production incentive payments should be utilized in distributing returns to producers. Such a plan provides for setting aside a portion of payments made by handlers for producer milk in the spring months of flush production for distribution to producers on the basis of their deliveries during the fall months of low production.

Louisville plans, sometimes referred to as take-out and pay-back plans, are provided for in a number of Federal order markets, including the nearby markets of Louisville-Lexington, Dayton-Springfield and Cincinnati. The "Louisville plan" provided in the attached order is similar to that contained in these nearby markets.

The "take-out" or amount withheld from the pool under the Indianapolis order would be six percent of the Class I price times the hundredweight of producer milk deliveries during the months of April through July. One-third of this set aside would be divided by the total hundredweight of producer milk deliveries in each of the following months of September, October and November. The rates thus obtained would be paid to each producer on the basis of his deliveries during these months.

There is relatively little variation in the month-to-month Class I requirements of, and substantial monthly variations seasonally in, production for the Indianapolis order market. The incentive payment plan herein proposed will tend to encourage a more even pattern of production throughout the year. In this way, an appropriate impetus is provided to obtain greater production during the fall months of seasonally low production and to discourage the production of unnecessary supplies in the spring months of flush production. Moreover, each producer will have the opportunity of availing himself of the benefits of the fall incentive payment plan through his individual efforts by leveling out his own production.

The four take-out months (April through July) herein recommended are generally the months of highest production for the Indianapolis order market. Correspondingly, the pay-back months (September, October and November) are the months of lowest production.

Producers proposed that December be included in the pay-back months. Although production for the market in relation to demand may at times be relatively low during the early part of December, it would not be practicable to include it as one of the pay-back months. The low point of production is generally reached during October or November. During December production for the Indianapolis order market is on the rise, and during the latter part of the month it is frequently necessary to dispose of substantial quantities of producer milk for manufacturing purposes.

The proposal of producers would provide that 8 percent of the Class I price be set aside during take-out period. Since the pay-back period herein proposed is three months compared with the take-out period of four months, a rate which is 6 percent of the Class I price is more appropriate.

Payments to producers. Each handler should pay each producer for milk received from such producer, and for which payment is not made to a cooperative association, at not less than the applicable uniform price by the 15th day after the end of each month. Since it has been the practice in this area for handlers to pay producers semimonthly, provision should be made for partial payments to producers on or before the last day of each month for milk delivered during the first 15 days of such month at not less than the Class II milk price for the preceding month. No adjustment for butterfat content should be required on such partial payment.

Provision should be made for a cooperative association to receive payment for the producer milk which it causes to be delivered to a pool plant. The taking of title to milk of its members and the blending of the proceeds for the sale of such milk will tend to promote the orderly marketing of milk and will assist a cooperative association in discharging its responsibility to its members and to the market. Such functions can be accomplished more expediently if the association is collecting payments for the sales of members' milk.

The Act provides for the payment by handlers to cooperative associations of producers for milk delivered by them and permits the blending of all proceeds from the sale of members' milk.

The contracts with their members authorize each of the principal cooperatives in the market to collect payment for producer milk. Therefore, each handler, if requested by such cooperative association, would pay such association an amount equal to the sum of the individual payments otherwise payable to such producers. Handlers should be required to make such payments to the cooperative association on or before the 26th of the month for milk received during the first 15 days of the month and make the final settlement for milk received during the month on or before the 13th day of the following month.

At the time final settlement is made for milk received from producers during the month, the handler should be required to furnish to each producer (or his cooperative association) a supporting statement. Such statement should show the pounds and butterfat tests of milk received from such producer, the rate of payment for such milk and a description of any deductions claimed by the handler.

Producer-settlement fund. Because all producers will receive payment at the rate of the marketwide uniform price each month and because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers for such milk at the applicable uniform price would pay the difference into the producer-settlement fund, and each handler whose obligation for producer milk is less than the applicable uniform price value would receive payment of the difference from the fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached order is similar to that contained in all other Federal orders with marketwide pools.

For efficient functioning of the producer-settlement fund a reasonable reserve should be set aside at the end of each month. This is necessary to provide for such contingencies as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the attached order at not less than four nor more than five cents per hundredweight of producer milk in the pool for the month.

Compensatory payments received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby be distributed to all producers on the market.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the fund, payments to such handler would be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount. The remaining amounts due such handlers would be paid as soon as the balance in the fund becomes adequate to meet such payments, and handlers would then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has failed to make the required payments to the producer-settlement fund for the preceding month would be eliminated in the computation of the uniform price.

(e) *Administrative provisions.* Provisions should be included in the order with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term denotes the same meaning. Such terms as are defined in the attached order are common to many other Federal milk orders.

Market administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

Records and reports. Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make reports necessary to establish classification of approved milk and payments due therefor. Time limits must be prescribed for filing such reports and making such payments.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of approved milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the order.

Detailed reports to the market administrator and complete records available for his inspection by all handlers would be used to determine whether the plants of such handlers qualify as pool plants. Reports of handlers operating nonpool plants from which fluid milk products are distributed in the marketing area are needed by the market administrator to compute the amounts payable to the producer-settlement fund on such unpriced milk.

The market administrator should report to each cooperative association, upon request, the percentage of milk delivered by its members and utilized in each class at each pool plant receiving such milk. For the purpose of this report, the utilization of member milk in each handler's plant would be prorated to each class in the same ratio as all producer milk is allocated to each class during the month.

It is necessary that handlers retain records to prove the utilization of milk and that proper payments were made therefor. Since books and records of all handlers cannot be completely audited immediately after receipt of the milk, it becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the order shall terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision, covering the retention of records and limitation of claims, is equally applicable in this situation and is adopted as a part of this decision.

Marketing services. Provision should be made in the order for furnishing marketing services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. If a cooperative association is performing such services for its member producers and is approved for such activity by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of individual producer deliveries as reported by the handler are proved to be accurate.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization and marketing of milk will be promoted by providing for the dissemination of current market information on a market-wide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of five cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the number of producers involved and the expected volume of milk with that of markets of comparable size indicates that this maximum rate is reasonable and should provide the funds necessary to conduct the program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

Expense of administration. Each handler should be required to pay the market administrator, as his proportionate share of the cost of administering the order, not more than four cents per hundredweight, or such lesser amount as the Secretary may prescribe on (a) producer milk (including such handler's own production), (b) other source milk (not subject to administration expense under another order) at a pool plant which is allocated to Class I milk, and (c) receipts at a nonpool plant of approved milk on which no administration expense is being paid pursuant to another order.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The Act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment on the basis of approved milk received at a plant and on other source milk allocated to Class I milk.

If a nonpool handler from whose plant Grade A milk is distributed in the marketing area elects to make payment to the producer-settlement fund at the rate of payment applied to other source milk at a pool plant (instead of making payment for milk received from dairy farmers according to the utilization at such plant at not less than the minimum order prices) the audit of his records by the market administrator would be substantially reduced. Under such circumstances, it would be necessary to ascertain only the quantities of fluid milk products distributed in the marketing area from such plant during the month and the percentage that such utilization is of total receipts of approved milk at such plant. In such instances, the administrative assessment would be computed on the basis of the fluid milk products disposed of in the marketing area from the nonpool plant.

In view of the anticipated volume of milk and the cost of administering orders in markets of comparable circumstances, it is concluded that an initial rate of four cents per hundredweight is necessary to meet administration expenses. Provision should be made which would enable the Secretary to adjust the rate of assessment downward without the necessity of amending the order. This should be done at any time that experience indicates that a lesser rate will provide sufficient revenue to administer the order properly.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. 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 to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order 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 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 proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable 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. The following order regulating the handling of milk in the Indianapolis, Indiana, 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 proposed order.

DEFINITIONS

§ 1025.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1025.2 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.

§ 1025.3 Department.

"Department" means the United States Department of Agriculture.

§ 1025.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1025.5 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 is engaged in making collective sales of or marketing milk or milk products for its members.

§ 1025.6 Indianapolis, Indiana, marketing area.

"Indianapolis, Indiana, marketing area," hereinafter called the "marketing area," means all the territory within the boundaries of the counties of Boone, Clinton, Delaware, Fayette, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Johnson, Madison, Marion, Montgomery, Morgan, Putnam, Rush, Shelby, Tippecanoe, Tipton and Wayne, all in the State of Indiana, including territory wholly or partly within such boundaries occupied by government (Municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 1025.7 Approved dairy farmer.

"Approved dairy farmer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at an approved plant.

§ 1025.8 Producer.

"Producer" means an approved dairy farmer whose milk is received at a pool plant.

§ 1025.9 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area.

§ 1025.10 Supply plant.

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 1025.11 Approved plant.

"Approved plant" means a pool plant or a distributing plant which is not a pool plant.

§ 1025.12 Pool plant.

"Pool plant" means a plant specified in paragraphs (a) or (b) of this section except that of a producer-handler: *Provided,* That if a portion of a plant is physically separated 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.

(a) A distributing plant from which not less than 50 percent of the Grade A milk received at such plant from dairy farmers and other plants is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of on routes in the marketing area.

(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 to pool plants qualified pursuant to paragraph (a) of this section: *Provided,* That a pool plant qualified pursuant to this paragraph in each of the immediately preceding months of August through January shall be a pool plant for the months of April through July unless written application is filed with the marketing administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through July during which it would otherwise not qualify as a pool plant.

§ 1025.13 Nonpool plant.

"Nonpool plant" means a plant which (a) is neither a pool plant nor the plant of a producer-handler and (b) receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 1025.14 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more approved plants, or

(b) Any cooperative association with respect to milk from approved dairy farmers which it causes to be diverted from an approved plant to a nonpool plant for the account of such cooperative association.

§ 1025.15 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products from approved dairy farmers or from sources other than pool plants: *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 volume of fluid milk products 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.

§ 1025.16 Approved milk.

"Approved milk" means the skim milk and butterfat contained in milk received at an approved plant directly from an approved dairy farmer: *Provided,* That milk diverted from an approved plant to a nonpool plant shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further,* That in any of the months of July through March milk diverted from the farm of an approved dairy farmer for more than the number of days of production that such milk was delivered to an approved plant shall not be approved milk for such days.

§ 1025.17 Producer milk.

"Producer milk" means approved milk received at a pool plant.

§ 1025.18 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, cream or any mixture in fluid form of cream and milk or skim milk (except eggnog, milkshake 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 containers).

§ 1025.19 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) approved milk, or (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted into or combined with another product in the plant during the month.

§ 1025.20 Route.

"Route" means delivery (including 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 § 1025.41(a)(1) to a retail or wholesale outlet other than a milk plant or a distribution point.

§ 1025.21 Base zone.

"Base zone" means all the territory within the boundaries of Marion County, Indiana.

§ 1025.22 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1025.30 Designation.

The agency 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.

§ 1025.31 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.

§ 1025.32 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 30 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 provided by § 1025.78 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1025.77, necessarily incurred by him in the maintenance and functioning of his office and in the 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 §§ 1025.35 and 1025.36, nor payments pursuant to §§ 1025.62, 1025.70, 1025.74, 1025.76, 1025.77 and 1025.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 6th day of each month the minimum price for Class I milk pursuant to § 1025.51(a) and the Class I butterfat differential pursuant to § 1025.52(a), both for the current month, and the minimum price for Class II milk pursuant to § 1025.51(b) and the Class II butterfat differential pursuant to § 1025.52(b), both for the preceding month; and

(2) The 10th day after the end of each month the uniform price pursuant to § 1025.61 and the producer butterfat differential pursuant to § 1025.71; and

(k) On or before the 10th day after the end of each month report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association or its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month.

REPORTS, RECORDS AND FACILITIES

§ 1025.35 Report of receipts and utilization.

On or before the 6th day after the end of each month, or not later than the 8th day after the end of the month if the report required by this paragraph is delivered in person to the market administrator, each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each of his approved plants, in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of approved milk,

(2) Fluid milk products received from pool plants,

(3) Other source milk,

(4) Approved milk diverted to nonpool plants pursuant to § 1025.16, and

(5) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement, as requested by the market administrator, of the disposition of Class I milk outside the marketing area; and

(c) Such other information with respect to the utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1025.36 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator, on or before the 20th day after the end of the month for each of his pool plants, his producer pay roll for such month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

§ 1025.37 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 handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory 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.

§ 1025.38 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 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 written 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

§ 1025.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1025.35 shall be classified each month by the market administrator pursuant to the provisions of §§ 1025.41 through 1025.46.

§ 1025.41 Classes of utilization.

Subject to the conditions set forth in § 1025.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2) and (3) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) Skim milk and butterfat in fluid milk products delivered in bulk to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy, or processed foods packaged in hermetically sealed containers;

(4) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month; and

(5) Skim milk and butterfat in shrinkage allocated to receipts of approved milk (except milk diverted to a nonpool plant pursuant to § 1025.16) and other source milk in bulk but not in excess of 0.5 percent of such receipts of skim milk and butterfat, respectively, plus 1.5 percent of such receipts and of the receipts of skim milk and butterfat in bulk fluid milk products from pool plants, and less 1.5 percent of such bulk dispositions to other plants.

§ 1025.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his approved plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each approved plant, and

(b) Prorate the resulting amounts among the receipts of skim milk and butterfat contained in (1) approved milk (except milk diverted to a nonpool plant pursuant to § 1025.16), (2) other source milk in bulk, and (3) fluid milk products in bulk from other plants in excess of transfers of fluid milk products in bulk to other plants.

§ 1025.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1025.44 Transfers.

Skim milk or butterfat disposed of each month from an approved plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants in the reports submitted for the month to the market administrator pursuant to § 1025.35: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction of other source milk pursuant to § 1025.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further,* That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 1025.46(a)(4) and the corresponding step of § 1025.46 (b): *And provided further,* That if other source milk was received at either or both plants, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product and if the transferor plant is a pool plant;

(c) As Class I milk, if transferred or diverted to a nonpool plant in the form of a fluid milk product except as otherwise provided in paragraph (d) of this section;

(d) As Class I milk, if transferred or diverted in bulk either in the form of milk or skim milk to a nonpool plant not more than 150 miles from Monument Circle, Indianapolis, Indiana, by the shortest highway distance as determined by the market administrator, or in the form of cream to any nonpool plant unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted pursuant to § 1025.35;

(2) The operator of such nonpool 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, and

(3) The skim milk and butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided,* That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to such transfers or diversions from the approved plant and shall be classified as Class I milk: *And provided further,* That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and any other orders issued pursuant to the Act are more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at an approved plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

§ 1025.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1025.35 for each approved plant and shall compute the pounds of skim milk and butterfat in each class at each such plant: *Provided,* That if any 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 disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1025.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1025.45, the market administrator shall determine the classification of approved milk received at each approved 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 milk the pounds of skim milk in approved milk classified pursuant to § 1025.41(b)(5);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk received in the form of fluid milk products in consumer-type packages (including dispenser cans) subject to the pricing and pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package as received;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the

pounds of skim milk in other source milk received in the form of fluid milk products not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to the Act and not subtracted pursuant to subparagraph (2) of this paragraph;

(6) Subtract from the remaining pounds of skim milk 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;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products pursuant to § 1025.44(a);

(8) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in approved milk, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in series beginning with Class II milk.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of approved milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

§ 1025.47 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1025.46(a)(6) and the corresponding step in § 1025.46(b), subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk pursuant to § 1025.46 in:

(a) Approved milk, and

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order.

MINIMUM PRICES

§ 1025.50 Basic formula price.

The basic formula price shall be the higher of the prices, rounded to the nearest cent, computed as follows:

(a) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

PRESENT OPERATOR AND LOCATION

Borden Company, New London, Wis.
Borden Company, Orfordville, Wis.
Carnation Company, Oconomowoc, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Sparta, Mich.
Pet Milk Company, Belleville, Wis.
Pet Milk Company, Coopersville, Mich.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Wayland, Mich.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) Multiply the butter price by 4.2.

(2) From the arithmetical average of the weighted averages of carlot prices per pound of spray and roller process nonfat dry milk 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, deduct 5.5 cents and multiply by 8.2.

§ 1025.51 Class prices.

Subject to the provisions of §§ 1025.52 and 1025.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month, plus $1.25.

(b) *Class II milk price.* The price for Class II milk shall be the basic formula price.

§ 1025.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1025.51 shall be increased or decreased respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.113.

§ 1025.53 Location differentials to handlers.

(a) The Class I price for approved milk received at an approved plant outside the base zone shall be reduced by 5 cents if such plant is less than 70 miles from Monument Circle, Indianapolis, Indiana, by the shortest highway distance as determined by the market administrator.

(b) The Class I price for approved milk received at an approved plant located 70 miles or more from Monument Circle, Indianapolis, Indiana, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced by 15 cents for the first 80 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from Monument Circle: *Provided,* That for the purpose of calculating such location differential, fluid milk products transferred between approved plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1025.46(a)(6) and the corresponding step of § 1025.46(b) for such plant, such assignment to the transferor plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1025.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1025.55 Rate of payment on unpriced milk.

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk:

(a) During the months of April through July, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of August through March, the uniform price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk.

APPLICATION OF PRICES

§ 1025.60 Computation of value of milk at each approved plant.

The value of approved milk received during each month at each approved plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1025.46(a)(9) and the corresponding step of § 1025.46(b) by the applicable class prices;

(c) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1025.46(a)(3) and (4) and the corresponding steps of § 1025.46(b) by the rate of payment on unpriced milk determined pursuant to § 1025.55 at the nearest nonpool plants from which an equivalent amount of such other source skim milk or butterfat was received: *Provided,* That if the source of any such fluid milk product received at an approved plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the approved plant where it is classified.

(d) Add the amounts obtained by multiplying (1) the quantities of skim milk and butterfat in approved milk subtracted pursuant to § 1025.47(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) the quantities of skim milk and butterfat remaining after the calculation pursuant

to § 1025.47(b) by the rate of payment on unpriced milk pursuant to § 1025.55.

§ 1025.61 Computation of uniform price.

The market administrator shall compute the uniform price for each month as follows:

(a) Combine into one total the values computed pursuant to § 1025.60 for all pool plants for which the reports prescribed in § 1025.35 for such month were made, except those in default of payments required pursuant to § 1025.74 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential to producers and multiplying the result by the hundredweight of such producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1025.72;

(d) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of producer milk included in these computations by 6 percent of the Class I price for such month;

(e) Add an amount equal to one-half the cash balance in the producer-settlement fund, exclusive of amounts subtracted pursuant to paragraph (d) of this section or otherwise obligated pursuant to § 1025.75;

(f) Divide the value computed pursuant to paragraph (e) of this section by the hundredweight of producer milk included in such computation; and

(g) Subtract not less than four nor more than five cents from the price computed pursuant to paragraph (f) of this section.

§ 1025.62 Handlers operating nonpool plants.

Each handler in his capacity as the operator of a nonpool plant shall pay to the market administrator for deposit into the producer-settlement fund the amount computed pursuant to paragraph (a) of this section unless the handler elects at the time his report pursuant to § 1025.35 is due to pay the amount computed pursuant to paragraph (b) of this section. The amounts payable pursuant to this section shall be made on or before the 15th day after the end of each month.

(a) An amount obtained by multiplying the rate determined pursuant to § 1025.55 by the hundredweight of skim milk and butterfat disposed of as Class I milk from such plant on routes in the marketing area during the month which is in excess of the hundredweight of skim milk and butterfat, respectively, received from pool plants during the month and classified as Class I milk at such pool plants.

(b) Any plus amount remaining after deducting from the value of approved milk at such plant computed pursuant to § 1025.60:

(1) The total payment made on or before the 15th day after the end of the month to approved dairy farmers for approved milk received at such plant during the month; and

(2) Any payments to the producer-settlement fund under other orders issued pursuant to the Act applicable to milk at such plant during the month.

§ 1025.63 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 § 1025.12 and a greater volume of fluid milk products is disposed of from such plant on routes and to pool plants in the Indianapolis 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 part 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 § 1025.35) and allow verification of such reports by the market administrator.

PAYMENTS FOR MILK

§ 1025.70 Time and method of payment.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 15th day after the end of each month, for each hundredweight of producer milk received during such month, an amount computed at not less than the uniform price adjusted pursuant to §§ 1025.71, 1025.72, and 1025.77 plus the payment provided by § 1025.75(b), and less the payment made pursuant to subparagraph (1) of this paragraph: *Provided,* That if by such date the handler has not received full payment from the market administrator pursuant to § 1025.75 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) Each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(c) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1025.71 Butterfat differential to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1025.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1025.72 Location differentials to producers.

(a) The uniform price for producer milk received at a pool plant outside the base zone shall be reduced by 5 cents if such plant is less than 70 miles from Monument Circle, Indianapolis, Indiana, by the shortest hard-surfaced highway distance as determined by the market administrator.

(b) The uniform price for producer milk received at a pool plant 70 miles or more from Monument Circle, Indianapolis, Indiana, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced 15 cents for the first 80 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from Monument Circle.

§ 1025.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1025.62, 1025.74, 1025.75 and 1025.76; *Provided,* That the mar-

ket administrator shall offset the payment due to a handler against payments due from such handler.

§ 1025.74 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1025.70 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1025.60.

§ 1025.75 Payments from the producer-settlement fund.

(a) On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 1025.70, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1025.60: *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 become available.

(b) On or before the 13th day after the end of each month of September, October and November the market administrator shall pay to (1) each handler on all milk for which payment is to be made to producers pursuant to § 1025.70(a)(2) for such month, and (2) to each cooperative association on all producer milk for which such association is receiving payments pursuant to § 1025.70(b) for such month at the following rate per hundredweight: For each of the months of September and October divide one-third of the aggregate amount set aside in the producer-settlement fund pursuant to § 1025.61(d) for the immediately preceding months of April through July and for the month of November divide the balance remaining, by the hundredweight of producer milk received by all handlers during the month, computed to the nearest cent per hundredweight.

§ 1025.76 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 not later than the date for making payment next following such disclosure.

§ 1025.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1025.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make in, lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1025.78 Expense of administration.

As his prorata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1025.46(a)(3) and (4) and the corresponding steps in § 1025.46(b), and (c) receipts at a nonpool plant of approved milk on which no administration expense assessment is being paid pursuant to another order issued pursuant to the Act: *Provided,* That if the operator of such nonpool plant elects to make payment to the producer-settlement fund pursuant to § 1025.62(a), the expense of administration pursuant to this section shall be applicable only to the hundredweight of skim milk and butterfat on which payment to the producer-settlement fund is due pursuant to that paragraph.

§ 1025.79 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 two years after the last day of the calendar month during which the market administrator receives handler's utilization report on the milk 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 months 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 producers 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 two-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 two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation 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.

(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 milk involved in the claim was received if an underpayment is claimed, or two 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.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1025.80 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1025.81 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1025.82 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of

this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1025.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1025.90 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.

§ 1025.91 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.

Issued at Washington, D.C., the 10th day of November 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-10674; Filed, Nov. 15, 1960; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerances for Residues of 2,4,5,4'-Tetrachlorodiphenyl Sulfone

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)), the following notice is issued:

A petition has been filed by Niagara Chemical Division, Food Machinery and Chemical Corporation, Middleport, New York, proposing the establishment of tolerances for residues of 2,4,5,4'-tetrachlorodiphenyl sulfone in or on raw agricultural commodities as follows:

10 parts per million in or on figs.

5 parts per million in or on strawberries.

1 part per million in or on melons and tomatoes.

The analytical method proposed in the petition for determining residues of 2,4,5,4'-tetrachlorodiphenyl sulfone on figs is a gas chromatographic-microcoulometric procedure similar to that of Coulson et al., published in the Journal of Agricultural and Food Chemistry, Volume 8, page 399 (1960). The method used for determining 2,4,5,4'-tetrachlorodiphenyl sulfone residues on strawberries, melons, and tomatoes is the colorimetric procedure of Fullmer and Cassil published in the Journal of Agricultural and Food Chemistry, Volume 6, page 906 (1958).

Dated: November 8, 1960.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 60-10660; Filed, Nov. 15, 1960; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

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 has been filed by Olin Mathieson Chemical Corporation, New Haven, Connecticut, proposing the issuance of a regulation to provide for the safe use of maleic acid in cellophane used in the packaging of food.

Dated: November 9, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-10655; Filed, Nov. 15, 1960; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

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 has been filed by Harry Miller Corporation, Fourth and Bristol Streets, Philadelphia, Pennsylvania, proposing the issuance of a regulation for the safe use of a combination of edible tallow, oleic acid, mineral oil, potassium hydroxide, and water as a die lubricant in the manufacture of sanitary cans for food packaging.

Dated: November 9, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-10656; Filed, Nov. 15, 1960; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

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 has been filed by Dow Chemical Company, Midland, Michigan, proposing the issuance of a regulation for the safe use of polyoxyethylene (20) sorbitan monostearate, sodium dioctyl sulfosuccinate, and sodium lauryl sulfate in coatings for paper and paperboard packaging materials for food.

Dated: November 9, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-10657; Filed, Nov. 15, 1960; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

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)), the following notice is issued:

A petition has been filed by Paniplus Company, Kansas City, Missouri, proposing the issuance of a regulation providing for the safe use of stearyl-2 lactylic acid in shortening, in non-yeast-leavened bakery products, and in prepared mixes for non-yeast-leavened bakery products.

Dated: November 9, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-10658; Filed, Nov. 15, 1960; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

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 has been filed by E. I. du Pont de Nemours and Company, Wilmington, Delaware, proposing the issuance of a regulation to permit the safe use of vinylidene chloride polymer dispersion coated cellophane in the packaging of food.

Dated: November 9, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-10659; Filed, Nov. 15, 1960; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 625]

[Airspace Docket No. 60-WA-258]

LANDING AREA

Notice of Proposed Establishment, Alteration or Deactivation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amending Part 625 of the regulations of the Administrator as hereinafter set forth.

Section 309 of the Federal Aviation Act (72 Stat. 751; 49 U.S.C. 1350) provides that in order to assure conformity to plans and policies for, and allocations of, airspace by the Administrator under § 307 of the Act, no airport or landing area not involving expenditure of Federal funds shall be established, or constructed, or any runway layout substantially altered unless reasonable prior notice thereof is given the Administrator, pursuant to regulations prescribed by him, so that he may advise as to the effects of such construction on the use of airspace by aircraft. Section 312(a) of the Federal Aviation Act (72 Stat. 752, 49 U.S.C. 1353) directs the Administrator to make long-range plans for and formulate policy with respect to the orderly development of the navigable airspace, and the orderly development and location of landing areas, Federal airways, radar installations and all other aids and facilities for air navigation, as will best meet the needs of, and serve the interest of civil aeronautics and national defense, except for those needs of military agencies which are peculiar to air warfare and primarily of military concern. Section 307(a) of the Federal Aviation Act (72 Stat. 749; 49 U.S.C. 1348) authorizes and directs the Administrator to develop plans for and formulate policy with respect to the use of the navigable airspace; and assign by rule regulation, or order the use of the navigable airspace under such terms, conditions, and limitations as he may deem necessary in order to insure the safety of aircraft and the efficient utilization of such airspace. This section further provides that the Administrator may modify or revoke such assignment when required in the public interest.

The form and manner of public notice of construction or alterations of airports and landing areas are presently prescribed in Part 625 of the Regulations of the Administrator. However, Part 625 establishes the requirement for notice for both tall structure and landing area construction. In a Notice of Proposed Rule Making, published in the FEDERAL REGISTER as Airspace Docket No. 60-WA-159, on September 16, 1960 (25 F.R. 8911), the Federal Aviation Agency proposed the adoption of Part 626 of the regulations of the Administrator which would establish the criteria, procedures and rules for the determination of the effect upon use of navigable airspace of obstructions to air navigation. As stated in the Notice, Part 626 would prescribe the form and manner of notice required, where notice will promote safety in air commerce, for the construction or alteration of all structures exclusive of the construction or alteration of landing areas. It was further stated that appropriate modification of Part 625 would be accomplished by separate rule-making action. Accordingly, the Federal Aviation Agency is proposing to revise Part 625 to exclude the requirement for notice for structures extending above the surface, and to prescribe the form and manner of notice required for the establishment, alteration or deactivation of civil airports and landing areas.

As presently prescribed in Part 625, a notice of construction or alteration is required only when the landing area boundary is or would be within 20 miles of a Federal airway. However, the Agency requires full knowledge of all projects to establish, alter or deactivate landing areas in order to assure conformity to plans and policies for and allocations of airspace. Accordingly, it is proposed herein to extend the requirement for notice to include all such projects, regardless of location.

Among the various Agency functions involving allocation of airspace in which the data required in the notice is important are the alignment of airways and routes, location and orientation of landing aids, the evaluation of planned or present obstructions to air navigation in the vicinity of landing areas, and the allocation of special use airspace such as restricted and prohibited areas.

With the information contained in such notices, the Agency would have full knowledge of the size, location and runway layout of existing landing areas which may be affected by new or altered airports, by the designation of special use airspace, by military airbase or missile site construction, or by tall structure alteration or construction. The Agency will correlate this information for the purpose of integrating all landing areas into national airspace planning so that conflicts in the use or planned use of airspace may be eliminated.

Notice of the proposed establishment, alteration or deactivation of military airports or landing areas which are solely for military use would not be required under Part 625 because data is presently received for these projects pursuant to section 308(b) of the Federal Aviation Act.

The requirements of Part 625 are presently and would continue to be in addition to the requirements of the Regulations of the Administrator issued pursuant to the Federal Airport Act (60 Stat. 170), as amended. Therefore, persons commencing landing area projects in which Federal funds are or may be involved under the Federal Aid Airport Program would continue to comply with both Federal Airport Act and Part 625 reporting requirements.

It is suggested that notices also be submitted for existing airports which have not previously reported under the present Part 625. This would benefit both airport operators and the Agency by providing a complete record of all airports for consideration in airspace studies.

A minimum amount of information would be sufficient for small landing area projects and extensive engineering data would not be required. However, in such instances where possible conflict of airspace use with larger more complex airports becomes apparent, additional data may be requested by the Agency subsequent to its receipt of notice. Similarly, minimum data would be required for the deactivation of an airport or landing area.

Under the rule proposed herein, prior notice of establishment, alteration or deactivation would be submitted by the proponent by the execution and transmittal of an appropriate FAA Form (to be similar to Form ACA-117A; number to be assigned), to the District Airport Engineer or Regional Office of the Federal Aviation Agency having jurisdiction over the area of the proposed action. This notice would be required at least 90 days prior to the intended landing area establishment, alteration or deactivation. The data would then be evaluated by the Agency with respect to airport planning and to the potential effect the proposal would have on the use of airspace. To the extent appropriate in each case, the Agency would solicit comment from various user groups and appropriate Federal, State and local governmental bodies, either by informal contact or circular letter. These comments would be considered by the Agency in arriving at a determination of the effects of such action on the use of airspace by aircraft. The Agency determination would then be forwarded by the District Airport Engineer to the proponent for his guidance. Copies would be available to other interested persons as desired.

The 90 days' notice would provide a minimum of time for the processing described above. In situations where there appears to be a possible conflict or other complexities develop, more time may be necessary to adequately evaluate the proposal and arrive at a determination. It

is therefore recommended that notice be given at the earliest possible stage in the planning phase of the proposal. Additionally, it is proposed to require that the Agency be advised of any changes in the data filed in the notice.

It is not the intent of this proposed regulation or the airspace studies and determinations thereunder, to in any way supplant, derogate or otherwise adversely affect State or local authority. It is recognized that many States, counties, municipalities, and other local governmental bodies have various zoning regulation, construction permit, airport licensing, and related local requirements pertaining to the establishment, alteration or deactivation of airports and landing areas. It is the intent of the Agency to cooperate in every way possible with such local authorities, including making copies of Agency determination available to them. The Agency would give careful consideration to comments submitted by these State and local authorities in arriving at determinations with regard to proposals within their area of jurisdiction. It is recommended that such State and local authorities, in like manner, consult with the Agency prior to final action on their part. In this manner, the basic responsibilities of both may be better fulfilled without conflict.

If the action proposed herein is adopted, Part 625 of the regulations of the Administrator would be amended as follows:

§ 625.1 Basis and purpose.

(a) The basis of this part is found in sections 307, 308(a), 309, 312, and 313 of the Federal Aviation Act of 1958 as amended.

(b) The purpose of this part is to require all persons to give adequate notice of the proposed establishment, alteration or deactivation of landing areas for civil or joint civil-military use and to prescribe the form and manner of such notice.

§ 625.2 Explanation of terms.

As used in this part, terms are defined as follows:

(a) "Administrator" means the Administrator of the Federal Aviation Agency.

(b) "Alteration" means a modification, enlargement, runway realignment, landing area deactivation, or other substantial change to a landing area surface, including taxiways.

(c) "Deactivation" means the discontinuance of use of a landing area permanently or for a temporary period of one (1) year or more.

(d) "Establishment" means the construction, reactivation, laying out or otherwise setting apart of a new landing area.

(e) "Landing Area" means any locality, either of land or water, including airports, heliports and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(f) "Person" means any individual, firm, copartnership, corporation, company, association, joint-stock association or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

§ 625.3 Requirement for notice of proposed establishment, alteration or deactivation of landing area.

Except for military projects on military landing areas used exclusively by the military, all persons proposing to establish, alter, or deactivate a landing area are required to give adequate notice thereof to the Administrator in the form and manner prescribed herein.

NOTE: Notice under this part would not be required with respect to landing surfaces intended for one-time or short term use on a temporary basis.

§ 625.4 Submission of notice.

(a) Notices required in compliance with § 625.3 shall be submitted to the nearest District Airport Engineer's Office or Regional Office of the Federal Aviation Agency, in triplicate on Form FAA _____ (number to be assigned), Notice of Proposed Establishment, Alteration or Deactivation of Landing Area, not less than 90 days prior to the date on which such action is to begin. *Provided*, That in case of an emergency requiring immediate action, such notice may be communicated to an authorized representative of the Administrator by telephone, telegraph, or other expeditious means, and the executed Form FAA _____ shall be submitted within 5 days thereafter.

(b) Any delay in excess of 6 months in the date upon which the construction or alteration is to begin, or any other change in the data contained in the Form FAA _____ submitted in compliance with paragraph (a) of this section, shall be immediately forwarded to the Administrator on a Form FAA _____ by letter, or by telegraph.

NOTE: Copies of Form FAA _____ may be obtained from the Federal Aviation Agency, Washington 25, D.C., or from the nearest Regional Office or District Airport Engineer's Office of the Federal Aviation Agency.

§ 625.5 Determination of effect of proposed establishment, alteration or deactivation upon use of airspace by aircraft.

(a) Upon receipt of notice, the Agency will study the proposal from the standpoint of its effect upon efficient utilization of airspace and safety of aircraft, consulting with other interested persons when appropriate.

(b) As a result of such study, the Agency will issue its determination as to the effect the proposal would have upon the safe, efficient use of airspace.

(c) Such determination will be made available to the proponent, State and local agencies concerned with airport development, and other interested persons.

§ 625.6 Federal Airport Act reporting requirements.

Notice required by this part is in addition to the data required by the Regulations of the Administrator issued pursuant to the Federal Airport Act (60 Stat. 170), as amended.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five 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 Agency officials may be made by contacting the Chief, Airspace Utilization 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 Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on November 8, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-10624; Filed, Nov. 15, 1960; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 25]

[No. 33581]

GENERAL ACCOUNTING REGULATIONS UNDER THE INTERSTATE COMMERCE ACT

Financial Statements To Be Consistent With Accounting Regulations

NOVEMBER 7, 1960.

Notice of proposed rule making was published in the FEDERAL REGISTER, issue of October 15, 1960, at page 9906. The time for interested parties to file with the Commission written views and comments to terminate November 15, 1960, is extended to and including January 15, 1961.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-10653; Filed, Nov. 15, 1960; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[418.41]

SHOULDER PADS COMPOSED OF POLYURETHANE CONTAINING NO FILLER MATERIAL

Notice of Proposed Tariff Classification

NOVEMBER 9, 1960.

It appears that shoulder pads for men's suits, including men's burial suits, composed of polyurethane containing no filler material are properly dutiable at the rate of 20 percent ad valorem, the rate applicable to manufactures in chief value of cotton, not specially provided for, under paragraph 923, Tariff Act of 1930, as modified, by similitude (paragraph 1559(a)).

Pursuant to § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that there is under review in the Bureau the existing practice of assessing duty on this merchandise at the rate of 12½ percent ad valorem, the rate applicable to manufactures in chief value of india rubber, not specially provided for, under paragraph 1537(b), as modified, by similitude (paragraph 1559(a)).

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Bureau of Customs, Washington 25, D.C. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] LAWTON M. KING,
Acting Commissioner of Customs.

[F.R. Doc. 60-10647; Filed, Nov. 15, 1960; 8:48 a.m.]

[342.5]

SYNTHETIC INDIGO

Notice of Proposed Change of Basis for Assessing Duty

NOVEMBER 9, 1960.

It appears that synthetic indigo, colour index No. 1177, which is classifiable as such under paragraph 28(b), Tariff Act of 1930, is properly subject to a specific duty, the product of the rate per pound provided by law times the actual weight of the importation times the relative strength of the importation (when in excess of 1.0) in comparison with the official standard established by the Secretary of the Treasury.

Pursuant to § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that the existing practice of determining the amount of duty on synthetic indigo, colour index No. 1177, by multiplying the rate per pound provided by law times the actual weight of the imported merchandise is under review in the Bureau.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct method of assessing the specific duty applicable to this merchandise which are submitted in writing to the Bureau of Customs, Washington 25, D.C. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] LAWTON M. KING,
Acting Commissioner of Customs.

[F.R. Doc. 60-10648; Filed, Nov. 15, 1960; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

LEONARD J. DOYLE

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 as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: No Changes.
B. Additions: Geogia Pacific.

This statement is made as of October 30, 1960.

LEONARD J. DOYLE.

NOVEMBER 2, 1960.

[F.R. Doc. 60-10649; Filed, Nov. 15, 1960; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group No. 427]

CALIFORNIA

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

NOVEMBER 4, 1960.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Los Angeles, California, effective at 10:00 a.m., on November 21, 1960.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 3 N., R. 3 E.

This plat represents a retracement and re-establishment of portions of the east, north, west, and south boundaries, and portions of the sub-divisional lines designed to restore the corners in their true original location; surveys to complete the north half and east range of sections; and alteration of corner marks and establishment of new corners on south half of east boundary.

Sec. 5: Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14;
Sec. 6: Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, E½SW¼, SE¼, S½NE¼;
Sec. 7: Lots 1, 2, 3, 4, E½W½, E½;
Sec. 8: Lots 1, 2, 3, 4, 5, 6, 7, S½NW¼, SW¼NE¼, SW¼, W½SE¼;
Sec. 14: Lots 1, 2, 3, 4, 5, 6, 7, 8, W½W½;
Sec. 15: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 17: All;
Sec. 18: Lots 1, 2, 3, 4, E½W½, E½;
Sec. 24: NW¼, S½;
Sec. 25: All;
Sec. 36: Lots 1, 2, 3, 4, 5, 6, 7, 8, N½S½, N½.

The area described aggregates 7,372.92 acres. Plat of survey accepted May 25, 1960.

2. Except for and subject to valid existing rights, it is presumed that title to the following lands passed to the State of California upon acceptance of the above mentioned plat of survey:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 3 N., R. 3 E.

Sec. 16: Lots 1, 2, 3, 4, S½N½, S½.

The area described aggregates 649.92 acres.

3. The following described lands have been included in a proposed withdrawal by the Bureau of Sport Fisheries and Wildlife for wildlife purposes under authority of the Fish and Wildlife Coordination Act of August 12, 1958 (72 Stat. 563), Los Angeles 0162121, filed January 2, 1959:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 3 N., R. 3 E.

Sec. 36: Lots 1, 2, 3, 4, 5, 6, 7, 8, N½S½, N½.

The area described aggregates 805.28 acres.

In accordance with 43 CFR 295.10(a), disposition of these lands will be held in abeyance pending final action of the proposed withdrawal.

4. The following described lands are classified as suitable for disposition under the Small Tract Act of June 1, 1938 by Classification Order No. 563, dated May 15, 1957, as amended. Such classification segregates the land from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 3 N., R. 3 E.

Sec. 5: Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14;
Sec. 6: Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, E½SW¼, SE¼, S½NE¼;
Sec. 7: Lots 1, 2, 3, 4, E½W½, E½;
Sec. 8: Lots 1, 2, 3, 4, 5, 6, 7, S½NW¼, SW¼NE¼, SW¼, W½SE¼;
Sec. 14: Lots 1, 2, 3, 4, 5, 6, 7, NW¼SW¼, SW¼NW¼;
Sec. 15: Lot 2, SW¼NE¼, N½SE¼;
Sec. 17: All;
Sec. 18: Lots 1, 2, 3, 4, E½W½, E½;
Sec. 24: N½NW¼.

The area described aggregates 4,231.16 acres.

The lands shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 662a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

5. The following described lands are opened to application, location, selection and petition as outlined in paragraph 7, below. No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 3 N., R. 3 E.

Sec. 5: Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14;
Sec. 6: Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, E½SW¼, SE¼, S½NE¼;
Sec. 7: Lots 1, 2, 3, 4, E½W½, E½;
Sec. 8: Lots 1, 2, 3, 4, 5, 6, 7, S½NW¼, SW¼NE¼, SW¼, W½SE¼;
Sec. 14: Lots 1, 2, 3, 4, 5, 6, 7, 8, W½W½;
Sec. 15: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 17: All
Sec. 18: Lots 1, 2, 3, 4, E½W½, E½;
Sec. 24: NW¼, S½;
Sec. 25: All.

The area described aggregates 5,917.72 acres.

6. Land Use Characteristics:

T. 3 N., R. 3 E., S.B.M.

Subject lands are located on the north and lower slopes of the San Bernardino Mountains, a few miles south and east of Old Woman Springs. Access is available to some of the subject sections by dirt roads extending south from the Old Woman Springs paved highway. All of the subject lands are characterized by varying degrees of rough topography. Terrain in Sections 5, 6, 7, 8, 18, 17, 16, 15, and 14, generally consists of moderately sloping (less than 15%) pediment and/or bajada type structures severely dissected by numerous intermittent streams. Alluvial fans are discernible in many places accompanied by granitic outcrops and ridges. Soil is immature and derived from the underlying alluvial deposits. Vegetation consists of creosote, cacti, yucca, burro brush, and some grasses. Terrain in Sections 24, and 25, is considerably rougher and more precipitous than in the aforementioned sections. Sections 24 and 25 are within the Bighorn Mountain chain, a northern extension of the San Bernardino Mountains.

7. Subject to any existing valid rights and the requirements of applicable laws, the lands described in paragraph 5 hereof, are hereby opened to filing applications, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on November 27, 1960 will be considered as simultaneously filed at that hour. Rights under such applications, selections, and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a.m. on November 27, 1960.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

8. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 215 W. Seventh Street, Los Angeles 14, California.

GEORGE H. WHEATLEY,
Acting Manager, Land Office,
Los Angeles, Calif.

[F.R. Doc. 60-10636; Filed, Nov. 15, 1960; 8:47 a.m.]

COLORADO

Notice of Filing of Plat of Survey

NOVEMBER 8, 1960.

1. Pursuant to authority delegated by B.L.M. Order No. 541 dated April 21, 1954 (19 F.R. 2473), as amended, notice is hereby given that the plat of survey (1) sheet, accepted July 12, 1960, of T. 33½ N., R. 18 W., N.M.P.M., Colorado, including lands hereinafter described, will be officially filed in the Land Office, Denver, Colorado, effective at 10:00 a.m., on December 14, 1960:

T. 33½ N., R. 18 W., N.M.P.M., Colorado

Sections 25, 26, 35, 36.

The areas described aggregate 2,560 acres of land, held in trust for the Ute Mountain Tribe by the United States. The lands are within the exterior boundaries of the Ute Mountain Indian Reservation, ceded to the United States by Treaty with the Ute Indians on March 2, 1868, as amended. By the Act of June 15, 1880 (21 Stat. 199), this area was ceded to the United States. Congress, by Act of June 28, 1938 (52 Stat. 1209) restored the land to Ute Mountain Tribe ownership. The area is under the jurisdiction of the Bureau of Indian Affairs, Department of the Interior, and is not available for disposal under the Public Land Laws, General Mining Regulations, the Mineral Leasing Act of February 25, 1920, or other acts administered by the Bureau of Land Management.

All inquiries concerning the survey described in this notice should be addressed to the Manager, Colorado Land Office, Bureau of Land Management, 371 New Custom House, P.O. Box 1018, Denver 1, Colorado.

LOWELL M. PUCKETT,
State Supervisor.

[F.R. Doc. 60-10637; Filed, Nov. 15, 1960; 8:47 a.m.]

COLORADO

Notice of Filing of Plat of Survey

NOVEMBER 8, 1960.

1. Pursuant to authority delegated by B.L.M. Order No. 541 dated April 21, 1954 (19 F.R. 2473), as amended, notice is hereby given that the plat of survey (1) sheet, accepted July 12, 1960, of T. 33 N., R. 18 W., N.M.P.M., Colorado, including lands hereinafter described, will be officially filed in the Land Office, Denver, Colorado, effective at 10:00 a.m., on December 14, 1960:

T. 33 N., R. 18 W., N.M.P.M., Colorado

Sections 1 through 36.

The areas described aggregate 23,400.19 acres of land, held in trust for the Ute Mountain Tribe by the United States.

The lands are within the exterior boundaries of the Ute Mountain Indian Reservation, ceded to the United States by Treaty with the Ute Indians on March 2, 1868, as amended. By the Act of June 15, 1880 (21 Stat. 199) this area was ceded to the United States. Congress, by Act of June 28, 1938 (52 Stat. 1209) restored the land to Ute Mountain Tribe ownership.

The area is under the jurisdiction of the Bureau of Indian Affairs, Department of the Interior, and is not available for disposal under the Public Land Laws, General Mining Regulations, the Mineral Leasing Act of February 25, 1920, or other acts administered by the Bureau of Land Management.

All inquiries concerning the survey described in this notice should be addressed to the Manager, Colorado Land Office, Bureau of Land Management, 371 New Custom House, P.O. Box 1018, Denver 1, Colo.

LOWELL M. PUCKETT,
State Supervisor.

[F.R. Doc. 60-10638; Filed, Nov. 15, 1960; 8:47 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Department of the Navy has filed an application, Serial Number F-026976 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The

applicant desires the land for research purposes.

For a period of sixty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 516 Second Avenue, Fairbanks, Alaska.

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

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

The lands involved in the application are:

BARROW AREA

TRACT NO. 1

Beginning at a point, latitude 71°18'16" N., longitude 156°35'00" W., from which U.S.C. and G.S. Station "Point Barrow-South Base" bears N. 27°17' W., 7,500 feet, more or less; thence

West 12,975 feet to the west bank of an unnamed stream flowing into a salt water lagoon; thence

Southeasterly, along the west bank of the said stream 3,150 feet, more or less, to line of latitude 71°17'53" N.; thence West, along said line of latitude 9,000 feet, more or less, to a point; thence

North, 1,900 feet to a point on the mean high water line of the Chukchi Sea; thence

Northeasterly, along the said mean high water line 26,600 feet, more or less, to an intersection with line of longitude 156°-35'00" W.; thence

South, along the said line of longitude 300 feet, more or less, across the narrow Barrow Peninsula to a point on the mean high water line of Elson Lagoon; thence

Southwesterly and Southeasterly, following the course of the said mean high water line 11,400 feet, more or less, to a point 1,600 feet southerly from Brant Point; thence

West, 1,800 feet, more or less, to the intersection with line of longitude 156°35'00" W.; thence

South, along the said line of longitude 9,150 feet, more or less, to the point of beginning.

Excepting therefrom those certain lands reserved by Public Land Order 1932 of July 31, 1959, described as:

POINT BARROW AIR FORCE STATION

TRACT A

A parcel of land situated 4.5 miles Northeast of Barrow in the Second Judicial Division, State of Alaska, more specifically described as follows:

Beginning at U.S.C. & G.S. Station "Point Barrow-South Base"; thence

West, 4,632.88 feet;

North, 146.00 feet, to a point on the mean high water line of the fresh water lake (unnamed);

Northerly, 3,550.00 feet, along said m.h.w. line;

N. 50° E., 700.00 feet;

North, 750.00 feet;

East, 600.00 feet, to a point on the mean high tide line of a salt water lagoon;

Southerly and Easterly, 6,265.00 feet along said m.h.t. line;

East, 500.00 feet;

South, 2,036.30 feet;

West, 867.12 feet to the point of beginning.

Containing 267.87 acres.

Containing, after the above exception, 4,541 acres, more or less, of which approximately 3,375 acres are land and approximately 1,166 acres are shallow water.

TRACT NO. 2

Beginning at a point from which U.S.C. & G.S. Station "Point Barrow-South Base" bears N. 3°41' W., 20,040 feet, more or less, thence

S. 22°49' W., 3,480 feet; thence

N. 67°11' W., 5,280 feet; thence

N. 22°49' E., 3,480 feet; thence

S. 67°11' E., 5,280 feet to the point of beginning.

Containing 421.6 acres of which approximately 344 acres are land and approximately 78 acres are shallow water.

TRACT NO. 3

Beginning at a point on mean high water line on the south side of the Barrow Spit at latitude 71°21'44" N., longitude 156°22'00" W., thence

N. 27°50' E., 300 feet, more or less, to a point on mean high water line on the north side of the Barrow Spit, thence

Easterly, Southerly, Westerly, and Northerly along said mean high water line around the tip of the spit to the point of beginning.

Containing 10.0 acres of land, more or less.

The three tracts described above contain 4,972.6 acres, more or less, of land and shallow water.

RICHARD L. QUINTUS,
Operations Supervisor, Fairbanks.

[F.R. Doc. 60-10668; Filed, Nov. 15, 1960; 8:51 a.m.]

Office of the Secretary

RESIDUAL FUEL OIL TO BE USED AS FUEL; DISTRICTS I–IV

Maximum Level of Imports

Pursuant to paragraph (e) section 2 of Presidential Proclamation 3279, as amended, the maximum level of imports into Districts I–IV of residual fuel oil to be used as fuel shall be 530,000 barrels daily for the allocation period January 1, 1961 through March 31, 1961. This action constitutes an adjustment upward of the maximum level (415,000 barrels daily) now in effect in those Districts. Neither the present level nor the adjusted level includes residual fuel oil withdrawn from bonded warehouse for ships' supplies or for exportation.

ELMER F. BENNETT,
Acting Secretary of the Interior.

NOVEMBER 15, 1960.

[F.R. Doc. 60-10765; Filed, Nov. 15, 1960; 11:58 a.m.]

IMPORTS OF CRUDE OIL, UNFINISHED OILS, AND FINISHED PRODUCTS OTHER THAN RESIDUAL FUEL OIL TO BE USED AS FUEL; DISTRICTS I–IV

Notice of Public Hearing

There appeared in the FEDERAL REGISTER for Friday, October 28, 1960 (25 F.R. 10370) a proposal for adjustments in the maximum level of imports into Districts I–IV of crude oil, unfinished oils, and finished products other than residual fuel oil to be used as fuel. In the light of the written comments which have been received, it appears desirable to hold a public hearing on the proposal. Accordingly, such a hearing will be held on November 21, 1960 at 10:00 a.m., in Room 5160, Interior Building, Washington, D.C. At this hearing all persons who are interested may appear and express their views on the proposal.

Each person who plans to express his views at the hearing is requested to inform the Administrator, Oil Import Administration, Department of the Interior, Washington 25, D.C., by the close of business Friday, November 18, 1960.

ELMER F. BENNETT,
Acting Secretary of the Interior.

NOVEMBER 15, 1960.

[F.R. Doc. 60-10766; Filed, Nov. 15, 1960; 11:59 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-133]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Construction Permit

Please take notice that pursuant to an order of the Presiding Officer dated October 17, 1960, the Director of the Division of Licensing and Regulation has issued Construction Permit No. CPPR-10. The permit authorizes Pacific Gas and Electric Company to construct a 50 megawatt (electrical) boiling water nuclear reactor at Buhne Point, near Eureka, Humboldt County, California.

Dated at Germantown, Md., this 9th day of November 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 60-10622; Filed, Nov. 15, 1960; 8:45 a.m.]

[Docket No. 50-170]

NATIONAL NAVAL MEDICAL CENTER

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of the proposed action with the Office of the Federal Register on October 21, 1960, the Atomic Energy Commission has issued Construction Permit No. CPRR-61 authorizing National Naval Medical Center to construct a TRIGA-type nuclear reactor on its site in Bethesda, Maryland. Notice of the proposed action was published in the FEDERAL REGISTER on October 25, 1960, 25 F.R. 10140.

Dated at Germantown, Md., this 8th day of November 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-10665; Filed, Nov. 15, 1960; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11212]

DELTA AIR LINES, INC., AND EASTERN AIR LINES, INC.

Enforcement Proceeding; 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 matter is assigned to be held on November 29, 1960, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 10, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-10669; Filed, Nov. 15, 1960; 8:51 a.m.]

[Docket 10571]

NORTHERN CONSOLIDATED 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 matter is assigned to be held on December 1, 1960, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C. November 10, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-10670; Filed, Nov. 15, 1960; 8:51 a.m.]

[Docket 11610, etc.]

RESORT AIRLINES, INC.

Notice of Hearing

In the matter of joint application of Resort Airlines, Inc., and Transportation Corporation of America d/b/a Trans-Caribbean Airways, Inc., for transfer of certificate for route 135, and the matter of the application of Resort Airlines, Inc., for an order authorizing temporary suspension of service.

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 December 5, 1960, at 10:00 a.m., e.s.t., in Room 1510, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D.C., before Examiner William J. Madden.

For further details of issues involved in this proceeding, interested persons are referred to Board order E-15470, dated June 30, 1960, and the reports of the prehearing conference served on August 30 and September 20, 1960.

Dated at Washington, D.C., November 9, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-10671; Filed, Nov. 15, 1960; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2281]

PACIFIC GAS AND ELECTRIC CO.

Notice of Land Withdrawal; California

NOVEMBER 9, 1960.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States are included in power project No. 2281 (Woodleaf P. H. to Palermo Substation Transmission Line) for which completed application for minor part license was filed October 10, 1960, by the Pacific Gas and Electric Company, 245 Market Street, San Francisco 6, California. Under said Section 24 these lands are, from said date of filing, reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MT. DIABLO MERIDIAN, CALIFORNIA

All portions of the following described subdivision lying within the 75-foot right-of-way delimited on map exhibit "J and K" (FPC No. 2281-1) entitled "Transmission Line, Woodleaf P. H. to Palermo Substation, Pacific Gas and Electric Co.," filed with the Federal Power Commission on October 10, 1960:

T. 19 N., R. 6 E.,
Sec. 4: Lot 4;
Sec. 5: Lots 1 and 2, S½NE¼, SE¼NW¼, N½SW¼;
Sec. 7: NW¼NE¼, NW¼.
T. 20 N., R. 6 E.,
Sec. 25: S½S½;
Sec. 34: S½NE¼, N½SW¼, N½SE¼;
Sec. 35: NW¼NE¼;
Sec. 36: N½NW¼.
T. 20 N., R. 7 E.,
Sec. 30: S½S½;
Sec. 32: NE¼NE¼.

The Commission's general determination of April 17, 1922 (2d Ann. Rept. 128) regarding lands reserved for transmission line purposes only, is applicable to these lands.

The area of United States lands reserved by the filing of this application is approximately 51 acres, all within the Plumas National Forest. Approximately 41 acres have been previously withdrawn by Power Site Classifications No. 179 or 425 or Projects No. 687, 1408, 2088 and 2100.

Copies of map exhibit "J and K" (FPC No. 2281-1) have been transmitted to the Bureau of Land Management, Geological Survey, and Forest Service.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-10627; Filed, Nov. 15, 1960; 8:45 a.m.]

[Project No. 2279]

UPPER INDIAN CREEK POWER PROJECT

Notice of Land Withdrawal; California

NOVEMBER 8, 1960.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States are included in power Project No. 2279 (Upper Indian Creek Power Project) for which an application for preliminary permit was filed September 20, 1960, by Robert P. Wilson, Taylorsville, California. Under said Section 24 these lands are, from said date of filing, reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 26 N., R. 12 E.,
Sec. 3: Lots 3 and 4, NE¼SW¼, W½SW¼;
Sec. 4: E½SE¼;
Sec. 9: E½E½, SW¼SE¼;
Sec. 10: NW¼, N½SW¼, SW¼SW¼;
Sec. 16: NE¼NE¼, W½NE¼, E½NW¼, SW¼;
Sec. 17: SE¼SE¼;
Sec. 20: E½E½, SW¼SE¼;
Sec. 21: W½W½, SE¼SW¼;
Sec. 28: N½NW¼;
Sec. 29: N½NE¼, E½NW¼, SW¼NW¼, W½SW¼;
Sec. 30: E½SE¼;
Sec. 31: E½NE¼.
T. 27 N., R. 12 E.,
Sec. 14: S½SW¼;
Sec. 15: S½SW¼, SE¼;
Sec. 22: E½, NE¼NW¼;
Sec. 23: E½NE¼, SW¼NE¼, NW¼, S½SW¼, NE¼SE¼;
Sec. 24: N½, N½S½, SE¼SE¼;
Sec. 26: NW¼NE¼, SW¼NW¼, NW¼SW¼;
Sec. 27: NE¼, SE¼NW¼, E½SW¼, SW¼SW¼, N½SE¼;
Sec. 33: SE¼SE¼;
Sec. 34: W½.
T. 27 N., R. 13 E.,
Sec. 19: Lots 1, 2, 3.

The area of United States lands reserved by the filing of this application for a preliminary permit is approximately 4689.80 acres, wholly within the Plumas National Forest, none of which has been previously withdrawn for purposes of power development.

Copies of Exhibit "H and I" (FPC No. 2279-1) have been transmitted to the Bureau of Land Management, Geological Survey, and Forest Service.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-10628; Filed, Nov. 15, 1960; 8:45 a.m.]

[Docket No. RI60-102]

HUGOTON PLAINS GAS & OIL CO.

Notice of Hearing

NOVEMBER 7, 1960.

The above-entitled proceeding relates to a proposed increased rate which has heretofore been suspended by order of the Commission, with the provision that

a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that pursuant to the provisions of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the prior order of the Commission in the above proceeding, a public hearing will be held on December 6, 1960, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters and issues involved in this proceeding.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-10629; Filed, Nov. 15, 1960; 8:45 a.m.]

[Docket No. 18502 etc.]

PLACID OIL CO. ET AL.

Notice of Applications and Date of Hearing

NOVEMBER 8, 1960.

Placid Oil Co.,[1] Docket No. G-18502; Humble Oil & Refining Co., Docket No. G-18714; Cities Service Production Co., Docket No. G-19707; Tidewater Oil Co., Docket No. G-19719; Continental Oil Co., Docket No. G-19838; The Atlantic Refining Co., Docket No. G-20020; Tennessee Gas Transmission Co., Docket No. CP60-57; Humble Oil & Refining Co., Docket No. CI60-96; Pan American Petroleum Corp., Docket No. CI60-133; Humble Oil & Refining Co., Docket No. CI60-531; J. Ray McDermott & Co., Inc., Docket No. CI60-659; Shell Oil Co., Docket No. CI61-104.

Take notice that applications have been filed in the above-entitled matters pursuant to section 7 of the Natural Gas Act for certificates of public convenience and necessity, authorizing the construction and operation of facilities for the transportation of natural gas and for the sale of natural gas in interstate commerce, subject to the jurisdiction of the Commission, as hereinafter described, all as more fully represented in the respective applications which are on file with the Commission, and open to public inspection.

On March 11, 1960, Tennessee Gas Transmission Company (Tennessee) filed an application in Docket No. CP60-57, as supplemented and amended on March 31, July 7 and September 9, 1960, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline facilities as described herein, necessary for the acquisition, gathering and transportation of approximately 104,000 Mcf of gas daily to be obtained from various gas fields located offshore of the Louisiana Gulf Coast. Approximately 9,000 Mcf of such gas will be produced from Tennessee's own wells.

Tennessee proposes to construct and operate the following lateral supply pipelines and appurtenances necessary for the acquisition and transportation of the aforementioned volumes of gas:

Name of line	Approximate length	Size	Estimated cost
	Miles		
Caillou Island (Placid) Line.	9.8	10-inch	$678,000
South Timbalier Block 54 Line.	16.8	12-inch	1,457,000
Grand Isle Block 47 Line.	15.2	12-inch	1,321,000
Bay Marchand Block 5 Line.	11.5	16-inch	1,375,000
West Delta Block 30 Line.	12.4	12-inch	1,081,000
West Cameron Block 68 Line.	11.6	20-inch	1,580,000
Lac Blanc Line	6.4	12-inch	502,000
Total cost			7,994,000

The above-mentioned proposed pipelines will be connected to Tennessee's main transmission line at various points on the Louisiana Gulf Coast.

The respective producers, herein, propose to sell natural gas to Tennessee from various fields located offshore of the Louisiana Gulf Coast as indicated below:

Docket No.	Field	Base	Rates in cents per Mcf @ 15.025 psia	
			Tax	Total
G-18502	Caillou Island	21.3	2.3	23.6
G-18714	West Delta Area, Block 30.	21.3	2.3	23.6
G-19707	Grand Island Area, Block 47.	21.5	1.75	23.25
G-19719	do	21.5	1.75	23.25
G-19838	do	21.5	1.75	23.25
G-20020	do	21.5	1.75	23.25
CI60-96	S. Timbalier Area, Block 54.	21.3	2.3	23.6
CI60-133	Caillou Island	21.3	2.3	23.6
CI60-531	Lac Blanc	21.3	1.5	22.8
CI60-659	West Cameron Area, Block 68.	22.0	1.8	22.8
CI61-104	West Delta Area, Block 30.	21.3	2.3	23.6

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 on December 13, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* that the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene or notice of intervention be timely filed in any of the above dockets, the above hearing date as to the docket will be vacated and a new date for hearing will be fixed as provided in § 1.20 (b) (2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX

Name and Principal Place of Business

Placid Oil Co., 418 Market Street, Shreveport, La.

Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.

Cities Service Production Co., Cities Service Building, Bartlesville, Okla.

Tidewater Oil Co., P.O. Box 1404, Houston 1, Tex.

Continental Oil Co., P.O. Box 2197, Houston 1, Tex.

Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex.

Tennessee Gas Transmission Co., P.O. Box 2511, Houston 1, Tex.

Pan American Petroleum Corp., P.O. Box 591, Tulsa, Okla.

Shell Oil Co., 50 West 50th Street, New York 20, N.Y.

J. Ray McDermott & Co., Inc., 14th Floor, Houston Club Building, Houston 2, Tex.

[F.R. Doc. 60-10630; Filed, Nov. 15, 1960; 8:46 a.m.]

[Docket No. CP61-14]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

NOVEMBER 7, 1960.

Take notice that on July 19, 1960, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP61-14 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 field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof from time to time during the calendar year 1961 at a total estimated cost not to exceed $3,000,000, with no single project to exceed a cost of $400,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

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 on December 13, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Wash-

[1] See Appendix for address of the respective Applicants.

ington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 2, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–10631; Filed, Nov. 15, 1960; 8:46 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

HAROLD M. BOTKIN

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last submission of statement published April 21, 1960 (25 F.R. 3498).

Dated: October 24, 1960.

HAROLD M. BOTKIN.

[F.R. Doc. 60–10623; Filed, Nov. 15, 1960; 8:45 a.m.]

TARIFF COMMISSION

[7–100]

CERAMIC MOSAIC TILES

Notice of Investigation and Date of Hearing

Having found in the course of investigation No. 3–9 under section 3 of the Trade Agreements Extension Act of 1951, as amended (25 F.R. 4779), that increases in duties or additional import restrictions on the articles described below are required to avoid serious injury to the domestic industry producing like or directly competitive articles, the United States Tariff Commission, in accordance with section 3(b)(1) of the said Act, instituted an investigation on the 10th day of November 1960, pursuant to section 7 of the said Act, for the purpose of determining whether such articles are, as a result, in whole or in part, of the customs treatment reflecting the concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Imported articles covered by the investigation. The imported articles covered by this investigation are ceramic tiles of less than six square inches in facial area, provided for in paragraph 202(a) of the Tariff Act of 1930.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m. e.s.t., on March 7, 1961, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, at least five days in advance of the date set for the hearing.

Issued: November 10, 1960.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 60–10639; Filed, Nov. 15, 1960; 8:47 a.m.]

[22–6 Supp.]

PEANUT OIL, FLAXSEED, AND LINSEED OIL

Notice of Supplemental Investigation and Date of Hearing

Investigation instituted. The United States Tariff Commission, on the 10th day of November 1960, instituted an investigation for the purposes of section 22(d) of the Agricultural Adjustment Act, as amended (7 U.S.C. 624(d)), supplemental to its investigation No. 6 under section 22, to determine whether the fees proclaimed by the President on imports of peanut oil, flaxseed, and linseed oil and combinations and mixtures in chief value of such oil should be terminated or modified.

Import fees were imposed on peanut oil, flaxseed, and linseed oil and combinations and mixtures in chief value thereof by Proclamation No. 3019, dated June 8, 1953 (3 CFR 1949–1953 Comp., p. 189), following an investigation by the Tariff Commission under section 22 of the Agricultural Adjustment Act, as amended, the President having found such fees to be necessary in order to prevent imports of these products from rendering or tending to render ineffective, or materially interfering with, certain programs of the Department of Agriculture. The import fee on peanut oil is 25 percent ad valorem on imports entered in any 12-month period beginning July 1 in any year in excess of 80,000,000 pounds. A fee of 50 percent ad valorem was imposed on flaxseed, and on linseed oil and combinations and mixtures in chief value thereof.

Public hearing ordered. A public hearing in connection with this supplemental investigation will be held in the Tariff Commission's hearing room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t., on December 13, 1960. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Issued: November 10, 1960.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 60–10664; Filed, Nov. 15, 1960; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 144]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 10, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points 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 10761 (Deviation No. 7), TRANSAMERICAN FREIGHT LINES INC., 1700 Waterman Avenue, Detroit 9, Mich., filed October 28, 1960. Carrier proposes to operate as a *common carrier,* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route between Champaign and Danville, Ill., over Interstate Highway 74, for operating convenience only, serving no intermediate points . The notice indicates that the carrier is presently authorized to transport the same commodities between Champaign and Danville over U.S. Highway 150.

No. MC 59485 (Deviation No. 1), DARLING TRANSFER INC., 1020 Jay Street, Auburn, Nebr., filed November 3, 1960. Carrier proposes to operate as a *common carrier,* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route as follows: From Dawson, Nebr., over U.S. Highway 75 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 73 at Hiawatha, Kans., and return over the same route, for operating convenience only, serving no

intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Auburn, Nebr., over U.S. Highway 75 to Dawson, Nebr., thence return over U.S. Highway 75 to junction Nebraska Highway 4, thence over Nebraska Highway 4 to Beatrice, Nebr.; from Falls City, Nebr., over U.S. Highway 73 to junction Nebraska Highway 54, thence over Nebraska Highway 54 to junction U.S. Highway 73, thence over U.S. Highway 73 to Omaha, Nebr.; and from Falls City over U.S. Highway 73 to Atchison, Kans., thence over U.S. Highway 59 to St. Joseph, Mo., and return from St. Joseph over U.S. Highway 36 to Hiawatha, Kans., thence over U.S. Highway 73 to Falls City, and return over the same routes.

No. MC 109914 (Deviation No. 1), DUNDEE TRUCK LINE INC., 660 Sterling Street, Toledo 9, Ohio, filed October 28, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio, over Interstate Highway 75 to the junction of U.S. Highways 24 and 25 south of Detroit, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the named points over U.S. Highways 24 and 25.

MOTOR CARRIERS OF PASSENGERS

No. MC 1940 (Deviation No. 6), TRAILWAYS OF NEW ENGLAND INC., 400 Trailways Building, 1200 Eye Street NW., Washington 5, D.C., filed November 3, 1960. Attorneys Roberts & McInnis, Continental Building, 14th and K Streets NW., Washington 5, D.C. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers*, over a deviation route as follows: From Windsor Locks, Conn., over Interstate Highway 91 to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Windsor Locks and Springfield over Alternate U.S. Highway 5.

No. MC 13028 (Deviation No. 2), THE SHORT LINE, INC., Post Office Box 1513, Providence, R.I., filed November 2, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers*, over a deviation route as follows: From Fall River, Mass., over U.S. Highway 24 to junction Massachusetts Highway 128 in Canton, Mass., thence over Massachusetts Highway 128 to Braintree, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent service route: From Boston over Massachusetts Highway 3 to Quincy, Mass., thence over Massachusetts Highway 37 via Holbrook, Mass., to junction Massachusetts Highway 28, thence over Massachusetts Highway 28 to Brockton, Mass., thence over Massachusetts Highway 123 to South Easton, Mass., thence over Massachusetts Highway 138 to Taunton, Mass., and thence over Massachusetts Highway 138 to Fall River, Mass., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–10651; Filed, Nov. 15, 1960; 8:49 a.m.]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 10, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub No. 197), filed October 17, 1960. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. 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 Chillicothe, Ohio, and Dayton, Ohio, from Chillicothe over U.S. Highway 35 to Dayton, Ohio, and return over the same route, serving no intermediate or off-route points and with service at Chillicothe and Xenia, Ohio, for purposes of joinder only, as an alternate route for operating convenience.

HEARING: January 26, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 2230 (Sub No. 12), filed October 3, 1960. Applicant: MACK'S TRANSPORT SERVICE, INC., 1215 North 17th Street, Box 1908, Lincoln, Nebr. Applicant's attorney: James E. Ryan, 214 Sharp Building, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in truckaway and driveaway service in secondary movements, between points in Nebraska.

HEARING: January 17, 1961, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93.

No. MC 2452 (Sub No. 4), filed September 6, 1960. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. Applicant's attorney: Eugene L. Cohn, One North LaSalle Street., Chicago 2, Ill. 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, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Cook County, Ill., on the one hand, and, on the other, Louisville, Ky., Cincinnati and Dayton, Ohio, and Three Rivers, Mich.

NOTE: Applicant states it is presently authorized to serve the proposed points through the gateways of North Judson and San Pierre, Ind., under Certificate No. MC 2452, and the purpose of the application is to permit an alternate routing between the proposed points to avoid operations through the gateways.

HEARING: January 16, 1961, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner John L. York.

No. MC 4405 (Sub No. 364), filed October 19, 1960. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radioactive waste in lead casks;* from Sandusky, Ohio, to Arco, Idaho, and *empty lead casks*, on return, and (2) *liquid hydrogen* and *liquid nitrogen*, in government-owned research type trailers; between Cleveland, Ohio, and Temperanceville, Va.

HEARING: January 16, 1961, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Francis A. Welch.

No. MC 10761 (Sub No. 99) (AMENDMENT), filed July 18, 1960, published in the FEDERAL REGISTER, issue of October 26, 1960. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Loose aluminum borings and turnings*, in bulk, from Pontiac, Mich. to Federal, Ill., from Pontiac, Mich., over U.S. Highway 10 to Detroit, Mich., thence over U.S. Highway 24 to Toledo, Ohio (also over U.S. Highway 25 to Toledo), thence over U.S. Highway 25 to Wapakoneta, Ohio, thence over U.S. Highway 33 to junction Ohio Highway 29, thence over Ohio Highway 29 to the Ohio-Indiana State line, thence over Indiana Highway 67 to Indianapolis, Ind., thence over U.S. Highway 40 to St. Louis, Mo., thence over U.S. Highway Alternate 67 to Federal, Ill., serving no intermediate or off-route points.

NOTE: The purpose of this republication is to show *Federal, Ill.* as destination point, shown in previous publication as East Alton, Ill.

HEARING: Remains as assigned December 9, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William N. Culbertson.

No. MC 10761 (Sub No. 101), filed October 31, 1960. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Street, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210–12 Fidelity Building, 111 Monument Street, Indianapolis 4, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Granite,* from Westford, Mass., to points in New York, and *rejected or damaged granite,* on return.

HEARING: December 16, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 16903 (Sub No. 18) (CORRECTION), filed September 8, 1960, published in the FEDERAL REGISTER issue of October 26, 1960. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, P.O. Box 375, Bloomington, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Stone, granite, marble* and *slate;* cut, uncut, finished and in the rough, when transported on flat-bed trailers, (1) from Clifton and Newark, N.J., and points in the New York, N.Y., Commercial Zone, as defined by the Commission, to points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, *Michigan, Minnesota, Mississippi, Missouri, Nebraska,* New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, Wisconsin, Vermont, New Hampshire, West Virginia, and points in Texas on, north, and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 180 to Lamesa, Tex., thence along U.S. Highway 87, to San Antonio, Tex., thence along U.S. Highway 181 to Corpus Christi, Tex., (2) from points in the Boston, Mass. Commercial Zone as defined by the Commission, *and from Weymouth, East Weymouth and Hampden County, Mass.,* to points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, Wisconsin, Vermont, New Hampshire, West Virginia, and points in Texas on, north, and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 180 to Lamesa, Tex., thence along U.S. Highway 87 to San Antonio, Tex., thence along U.S. Highway 181 to Corpus Christi, Tex., and (3) *rejected shipments* on return.

NOTE: The purpose of this republication is to add the above italicized territory inadvertently omitted from the previous publication.

HEARING: Remains as assigned December 7, 1960, at 346 Broadway, New York, N.Y., before Examiner Samuel C. Shoup.

No. MC 20783 (Sub No. 53), filed October 8, 1960. Applicant: TOMPKINS MOTOR LINES, INC., 730 Old Flat Shoals Road SE., Atlanta, Ga. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen, cooked* and *preserved foods,* from Cleveland, Ohio, to points in North Carolina, South Carolina, Tennessee, and West Virginia.

HEARING: January 17, 1961, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Francis A. Welch.

No. MC 20783 (Sub No. 54), filed October 8, 1960. Applicant: TOMPKINS MOTOR LINES, INC., 730 Old Flat Shoals Road SE., Atlanta, Ga. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products,* and *articles distributed by meat packing houses,* as set forth in Sections A, B, and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, from Cleveland and Columbus, Ohio, to points in North Carolina, South Carolina, and Tennessee.

HEARING: January 17, 1961, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Francis A. Welch.

No. MC 21060 (Sub No. 2), filed August 1, 1960. Applicant: CHARLES F. ILES AND HAROLD E. McKINNEY, a partnership, doing business as IOWA FILM DELIVERY, 214 15th Street, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510, Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Drugs, chemicals and medicines, including cosmetics and toilet preparations, and advertising materials* relating to said commodities, from Des Moines, Iowa to points in Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Chickasaw, Clarke, Clay, Clayton, Clinton, Dallas, Davis, Decatur, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Henry, Howard, Humboldt, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Madison, Mahaska, Marion, Marshall, Mitchell, Monroe, Montgomery, Muscatine, Page, Palo Alto, Pocahontas, Polk, Pottawattamie, Poweshiek, Ringgold, Sac, Scott, Shelby, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Winneshiek, Worth, and Wright Counties, Iowa, and *rejected or damaged shipments* of the above-described commodities, on return.

HEARING: January 13, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 24583 (Sub No. 8) (REPUBLICATION), filed July 25, 1960, published FEDERAL REGISTER issue of October 12, 1960. Applicant: FRED STEWART, CORDELIA STEWART, RODNEY STEWART, AND TROY STEWART, doing business as FRED STEWART COMPANY, P.O. Box 659, 129 South Clay Street, Magnolia, Ark. Applicant's attorney: Charles D. Mathews, Brown Building, Austin, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines, used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Arkansas, Louisiana, and Texas; (2) between Memphis, Tenn., and points in Mississippi; (3) between Memphis, Tenn., and points in Mississippi, on the one hand, and, on the other, points in Arkansas, Louisiana, and Texas and (4) between points in Oklahoma, Kansas, and Texas.

NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought. The purpose of this republication is to clarify the commodity description.

HEARING: Remains as assigned December 5, 1960, at the Baker Hotel, Dallas, Tex., before Examiner C. Evans Brooks.

No. MC 26739 (Sub No. 25), filed August 17, 1960. Applicant: CROUCH BROS., INC., Transport Building, St. Joseph, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt,* in bulk, from Hutchinson, South Hutchinson, and Lyons, Kans., to points in Iowa and those in Missouri north of the southern boundaries of Buchanan, DeKalb, Caldwell, Livingston, Linn, Macon, Shelby, and Marion Counties, except St. Joseph, Mo.

HEARING: January 19, 1961, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 55.

No. MC 30311 (Sub-No. 16), filed September 19, 1960. Applicant: FREIGHT, INC., 1350 Kelly Avenue, Akron, Ohio. Applicant's attorney: Ralph J. Dalessio, 165 West Center Street, Akron 2, Ohio. Authority sought to operate as a *com-*

mon carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, 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, serving Damascus, Ohio, as an intermediate point in connection with applicant's authorized regular route operations from Youngstown, Ohio, over U.S. Highway 62 via Salem, Ohio, to Canton, Ohio.

NOTE: Applicant states that it is presently restricted to delivery only at Damascus, Ohio, and that this application is being filed so as to include pick-up service also at Damascus, Ohio. Common control may be involved.

HEARING: January 27, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 30311 (Sub-No. 17), filed September 19, 1960. Applicant: FREIGHT, INC., 1350 Kelly Avenue, Akron, Ohio. Applicant's attorney: Ralph J. Dalessio, 165 West Center Street, Akron 2, Ohio. Atuhority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, livestock, 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 New Philadelphia, Ohio, and Guadenhutten, Ohio, from New Philadelphia over U.S. Highway 250 to Uhrichsville, Ohio, thence over U.S. Highway 36 to Guadenhutten, and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

HEARING: January 27, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 34683 (Sub No. 1), filed August 29, 1960. Applicant: THE NEAL STORAGE COMPANY, 7119 Carnegie Avenue, Cleveland 3, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Cleveland, Ohio, on the one hand, and, on the other, points in Ohio.

HEARING: January 23, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 52858 (Sub No. 90), filed September 6, 1960. Applicant: CONVOY COMPANY, a corporation, 3900 Northwest Yeon Avenue, Portland 10, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, busses*, and *chassis*, in secondary movements, in truckaway service, between points in Nebraska.

HEARING: January 16, 1961, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93.

No. MC 61825 (Sub No. 22), filed October 31, 1960. Applicant: ROY STONE TRANSFER CORPORATION, Collinsville, Va. Applicant's representative: Thaxton Richardson, P.O. Box 612, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer*, from Rock Island, Ill., to points in Virginia, and *damaged and rejected veneer* on return.

HEARING: December 16, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 64994 (Sub No. 32), filed September 6, 1960. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. 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, commodities requiring special equipment, and those injurious or contaminating to other lading; between points in Virginia on and east of Virginia Highway 16, west of Chesapeake Bay and on and south of a line extending eastward along U.S. Highway 460 from the West Virginia-Virginia State line via Christiansburg, Roanoke, Lynchburg, Farmville, and Blackstone to junction U.S. Highway 301 at Petersburg, and thence along U.S. Highway 301 via Richmond and Bowling Green to the Virginia-Maryland State line, on the one hand, and, on the other, Cleveland, Akron, Mogadore, Barberton, Cuyahoga Falls, and Wadsworth, Ohio.

NOTE: Applicant states that the proposed authority and that now held by the carrier between the same points shall be construed as comprising a single operating right so that the proposed authority and that now held by carrier between the same points shall not be severable by sale or otherwise. RESTRICTION: To be restricted to Charleston, W. Va. as a gateway, but with no service at Charleston except as otherwise authorized.

HEARING: January 24, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 312.

No. MC 69116 (Sub No. 57), filed September 19, 1960. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. 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, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Mechanicville, N.Y., as an off-route point in connection with applicant's presently authorized regular route operations to and from Albany, N.Y.

NOTE: Applicant states the proposed operations shall be restricted to the transportation of traffic which has moved or will move in applicant's trailers, on rail cars, in substituted rail-for-motor service.

HEARING: January 16, 1961, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner John L. York.

No. MC 74857 (Sub No. 5), filed September 29, 1960. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 1111 West Court Street, Cincinnati, Ohio. Applicant's attorney: Leonard D. Slutz, 900 Tri-State Building, Cincinnati 2, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such steel, iron, copper, brass, and aluminum items* as are stored, handled, and shipped by steel and metal warehouses or service centers, from points in the Cincinnati, Ohio, Commercial Zone, as defined by the Commission, to points in Indiana south and east of a line extending from the Ohio River at Tell City, Ind., along Indiana Highway 37 to Martinsville, Ind., thence along Indiana Highway 39 to Lebanon, Ind., and thence along Indiana Highway 32 to the Ohio-Indiana State line, and to points in Kentucky north of a line extending from the Ohio River at West Point, Ky., along U.S. Highway 31–W to Elizabethtown, Ky., thence along U.S. Highway 62 to Bardstown, Ky., thence along U.S. Highway 150 to Danville, Ky., thence along Kentucky Highway 52 to Richmond, Ky., thence along U.S. Highway 227 to Winchester, Ky., and thence along U.S. Highway 60 to the West Virginia-Kentucky State line, including points in Indiana and Kentucky on the indicated portions of the highways specified, and *returned or rejected shipments* of the above-specified commodities on return.

HEARING: January 25, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 76177 (Sub No. 281), filed September 30, 1960. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, from the Naval Ammunition Depot at Crane, Ind., to the plant site of Olin Mathieson Chemical Corporation, East Alton, Ill., and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return.

HEARING: January 9, 1961, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 78062 (Sub No. 55), filed September 19, 1960. Applicant: BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, Washington, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated houses, in pieces or sections, material, equipment, and supplies*, used or useful in the construction, selling or distribution thereof, when shipped to building sites to be used in the erection and completion of such houses; from the plant site of Showcase Homes, Inc., South Strabane Township, Washington County, Pa., and the plant site of Iron City Sash & Door Company, Greentree, Pa., to

points in Kentucky on and east of a line extending from the Kentucky-Tennessee State line along U.S. Highway 25 to the Kentucky-Ohio State line, points in Ohio on and east of a line beginning at the Ohio-Lake Erie Boundary Line and extending along U.S. Highway 42 to Delaware, Ohio, thence along U.S. Highway 23 to the Ohio-Kentucky State line, points in Maryland on and west of U.S. Highway 11 and points in West Virginia, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: January 10, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Frank J. Mahoney.

No. MC 89601 (Sub No. 4), filed November 2, 1960. Applicant: W. L. McNEILL, doing business as McNEILL TRUCKING COMPANY, P.O. Box 179, Salem, Ill. Applicant's attorney: Charles D. Mathews, Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines, used for the transmission of natural gas, petroleum or their products and by-products, between points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

NOTE: Applicant states the purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

HEARING: December 5, 1960, at the Baker Hotel, Dallas, Tex., before Examiner C. Evans Brooks, subject to the agreement of the parties and the order of October 7, 1960 assigning MC 704 (Sub No. 22) and related cases for hearing.

No. MC 97336 (Sub No. 9), filed August 29, 1960. Applicant: HOGUE FREIGHT LINES, INC., 4840 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bag and in bulk; from Schoolcraft, Mich., and points within a radius of three miles thereof, to points in Indiana and Illinois, and *rejected and damaged shipments*, on return.

HEARING: December 16, 1960, in Room 214, Federal Building, Lansing, Mich., before Joint Board No. 73.

No. MC 101126 (Sub No. 137), filed September 8, 1960. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Lecithin oil*, in bulk, in insulated, stainless steel tank vehicles, between Louisville, Ky., and Cincinnati, Ohio.

NOTE: A proceeding has been instituted under section 212(c) in No. 101126 (Sub No. 86) to determine whether aplicant's status is that of a common or contract carrier.

HEARING: January 25, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 103880 (Sub No. 211), filed September 12, 1960. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, coal tar products*, and *chemicals*, in bulk in tank vehicles, from Marshall, Ill., and points within five (5) miles thereof to points in the United States on and east of U.S. Highway 85.

HEARING: January 18, 1961, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner John L. York.

No. MC 105886 (Sub No. 3), filed Sept. 1, 1960. Applicant: MARTIN TRUCKING, INC., East Poland Avenue, Bessemer, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in pneumatic tank trailers, and *lime* in barrels or bags, on flat bed trailers from points in Beaver County, Pa., to points in Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Guernsey, Harrison, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, and Tuscarawas Counties, Ohio.

HEARING: January 9, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Frank J. Mahoney.

No. MC 106400 (Sub No. 32), filed October 3, 1960. Applicant: KAW TRANSPORT COMPANY, a corporation, 701 North Sterling Street, Sugar Creek, Mo. Applicant's attorney: Henry M. Shughart, 914 Commerce Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank or hopper type vehicles, from Wichita, Kans., to points in Illinois, and *damaged or rejected shipments* of above-specified commodities, on return.

NOTE: Common control may be involved.

HEARING: January 20, 1961, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 195.

No. MC 107500 (Sub No. 51), filed September 26, 1960. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: George W. Unverzagt, 547 West Jackson Boulevard, Chicago 6, Ill. 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, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; between Chicago, Ill., and Jacksonville, Ill., from Chicago, over U.S. Highway 66 to its junction with U.S. Highways 36–54, thence over U.S. Highways 36–54 to Jacksonville, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations from Chicago to Monmouth, Ill.

NOTE: Applicant is a wholly-owned subsidiary of the Chicago, Burlington and Quincy Railroad Company. Common control may be involved.

HEARING: January 10, 1961, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 109637 (Sub No. 168), filed October 28, 1960. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, between Fernald, Ohio, on the one hand, and, on the other points in Indiana and Kentucky.

HEARING: November 30, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 110563 (Sub No. 14), filed August 25, 1960. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 259, Sidney, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods*, from Collinsville, Ill., and Mount Summit, Ind., to Bridgeton, N.J., and *empty containers or other such incidental facilities*, used in transporting the above described commodities on return.

HEARING: January 17, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner Frank J. Mahoney.

No. MC 111397 (Sub No. 36), filed October 31, 1960. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Box 1282, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the plant site of Tamak Gas Products Company, at or near West Memphis, Ark., to points in Kentucky east of U.S. Highway 41, points in Illinois on and south of U.S. Highway 50, points in Missouri, Tennessee, Mississippi, and Alabama.

HEARING: December 9, 1960, at the Claridge Hotel, Memphis, Tenn., before Examiner Gordon M. Callow.

No. MC 111603 (Sub No. 1), filed August 15, 1960. Applicant: CLARENCE F. GUTHRIE, R.D. No. 2, Canonsburg, Pa. Applicant's attorney: Frank C. Roney, Washington Trust Building, Washington, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodi-*

ties in bulk, in dump vehicles, between points in Hancock, Brooke, Ohio, Marshall, Wetzel, Monongalia, Harrison, Lewis, Gilmer, Taylor, and Marion Counties, W. Va., points in Trumble, Mahoning, Columbiana, Jefferson, and Belmont Counties, Ohio, and points in Washington, Greene, Fayette, Allegheny, Westmoreland, Armstrong, Butler, Beaver, and Lawrence Counties, Pa., and empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodities, on return.

HEARING: January 23, 1961, at the City Council Chamber, City Hall, 501 Virginia Street, East Charleston, W. Va., before Joint Board No. 59, or, if the Joint Board waives its right to participate, before Examiner Frank J. Mahoney.

No. MC 111812 (Sub No. 110) (REPUBLICATION), filed October 3, 1960, published FEDERAL REGISTER issue of October 26, 1960. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* from Beecher Falls and Orleans, Vt., Boonville and Falconer, N.Y., Ashburnham, South Ashburnham, Webster, and West Concord, Mass., Burnham, Maine, Bridgewater, Va., and Maiden, N.C., to Sioux Falls, S. Dak.

NOTE: The purpose of this republication is to add South Ashburnham as an origin point inadvertently omitted from previous publication.

HEARING: Remains as assigned December 2, 1960, at the U.S. Court Rooms, Sioux Falls, S. Dak., before Examiner James O'D. Moran.

No. MC 112030 (Sub No. 8), filed September 23, 1960. Applicant: PAUL W. WILLS, INC., 9107 South Telegraph, Taylor, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt,* from ports of entry on the International Boundary line between the United States and Canada located on the St. Marys, St. Clair, Detroit, Niagara, and St. Lawrence Rivers, and on Lakes St. Clair, Ontario, Erie, Huron, Michigan, Superior, and Saginaw Bay, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Washington, D.C., having had a prior movement by water from Detroit, Mich., or Cleveland, Ohio.

NOTE: Common control may be involved.

HEARING: January 26, 1961, at the Interstate Commerce Commission, Room 1439 Book Building, 1249 Washington Boulevard, Detroit, Mich., before Examiner John L. York.

No. MC 112063 (Sub No. 4), filed August 2, 1960. Applicant: P. I. & I. MOTOR EXPRESS, INC., 836 South Irvine Avenue, Masury, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products,* in packages, and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, between Rouseville, Pa., and points in Venango County, Pa.

HEARING: January 12, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Frank J. Mahoney.

No. MC 112446 (Sub No. 30), filed November 7, 1960. Applicant: REFINERS TRANSPORT, INC., 1300 51st Avenue, North, Nashville, Tenn. Applicant's attorney: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Vegetable oils and blends thereof,* in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Arkansas, Georgia, North Carolina, Pennsylvania, South Carolina, West Virginia, Virginia, and Tennessee.

HEARING: December 15, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Leo M. Pellerzi, at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed).

No. MC 112703 (Sub No. 7), filed October 17, 1960. Applicant: OIL CARRIERS CO., a corporation, 12030 Pleasant Street, Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Synthetic resin,* in bulk, in tank vehicles; from Newark, N.J., and points within a ten (10) mile radius thereof, to Minneapolis and St. Paul, Minn.

HEARING: January 25, 1961, at the Interstate Commerce Commission, Room 1439 Book Building, 1249 Washington Boulevard, Detroit, Mich., before Examiner John L. York.

No. MC 114028 (Sub No. 5), filed September 8, 1960. Applicant: ROWLEY INTERSTATE TRANSPORTATION CO., 695 East 17th Street, Dubuque, Iowa. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packing houses,* as defined in parts A and C of Appendix I to Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, 766, from Boston and Worcester, Mass., New York, N.Y., Port Newark, N.J., Philadelphia, Pa., Baltimore, Md. and Norfolk, Va., to Chicago, Ill., and Dubuque, Iowa.

HEARING: January 19, 1961, in Room 852 U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner John L. York.

No. MC 114211 (Sub No. 20), filed September 19, 1960. Applicant: DONALDSON TRANSFER COMPANY, P.O. Box 215, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Buildings,* prefabricated, *component parts and accessories;* from Clinton, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, and *rejected shipments,* on return.

HEARING: January 17, 1961, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner John L. York.

No. MC 114463 (Sub No. 3), filed September 26, 1960. Applicant: J. FREDERICK STEVENSON AND HESTER L. STEVENSON, doing business as STEVENSON'S REFRIGERATED TRUCK SERVICE, 1017 Perkins Avenue, Muncie, Ind. Applicant's attorney: Mario Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, packing house products,* and *articles distributed by meat packing houses,* as defined in Section A, B and C of Appendix I to the report in *Descriptions* in Motor Carrier Certificate 61 M.C.C. 209 and 766, in pool-truck and pool railcar distribution, (a) from Muncie, Ind., to points in Indiana, excepting points within 75 miles of Muncie, Ind., (b) from Muncie, Ind., to points in Berrien, Van Buren, Kalamazoo, Cass, Calhoun, Jackson and Lenawee Counties, Mich., (c) from Muncie, Ind., to points in St. Joseph, Branch and Hillsdale Counties, Mich., (d) from Muncie, Ind., to points in Iroquois, Ford, Champaign, Vermillion, Douglas, Edgar, Coles, Clark and Crawford Counties, Ill., (e) from Muncie, Ind., to points in Preble, Butler, Warren, Clinton, Montgomery, Greene, Fayette, Madison, Union, Delaware, Marion, Morrow, Crawford, Seneca, and Wyandotte Counties, Ohio, and *empty containers or other such incidental facilities,* used in transporting the above described commodities and *damaged or rejected shipments* thereof, in (a), (b), (c), (d), and (e), on return.

HEARING: January 9, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner John L. York, at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed).

No. MC 115471 (Sub No. 8), filed September 26, 1960. Applicant: JOSEPH WALSH, doing business as NORTH AMERICAN TRANSPORT CO., 5216 Perkins Avenue, Cleveland 3, Ohio. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Radioactive waste,* in lead casks, from Sandusky, Ohio, to Arco, Idaho, and *empty lead casks,* on return. (2) *Liquid hydrogen* and *liquid nitrogen,* in government-owned research-type trailers, between Cleveland, Ohio and Temperanceville, Va.

HEARING: January 16, 1961, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Francis A. Welch.

No. MC 116077 (Sub No. 94), filed September 19, 1960. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Charles D. Mathews, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Asphalt,* in bulk; from points in Harris County, Tex., to points in Louisiana.

HEARING: December 13, 1960, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 116763 (Sub No. 16), filed September 19, 1960. Applicant: CARL SUBLER TRUCKING, INC., Auburndale, Fla. Applicant's attorneys: Herbert Baker *and* James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Empty cans and related material,* (a) from Burlington, Wis., and Weirton, W. Va., to Nashville, Ill., Covington, Defiance, Greenville, Union City, and Versailles, Ohio. (b) from Lewisburg, Tenn., and Weirton, W. Va., to Jonesboro, Tenn. (2) *Glass, glassware, glass containers and related material,* from points in West Virginia to points in Maine. (3) *Canned, prepared, or preserved foodstuffs,* between points in Indiana, Illinois, Michigan, and Ohio. (4) *Canned, prepared, or preserved foodstuffs, including animal foods,* from points in Maine and Virginia to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Minnesota, North Carolina, South Carolina, and Tennessee.

HEARING: January 16, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner Frank J. Mahoney.

No. MC 117344 (Sub No. 58), filed August 31, 1960. Applicant: THE MAXWELL CO., a corporation, 2200 Glendale-Milford Road, P.O. Box 37, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Core compound,* in bulk, in tank vehicles, from Dayton, Ohio to points in Iowa, Missouri, and Wisconsin, and *empty containers or other such incidental facilities,* used in transporting the commodities specified above, on return.

HEARING: January 17, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner Frank J. Mahoney.

No. MC 117344 (Sub-No. 60), filed October 13, 1960. Applicant: THE MAXWELL CO., a corporation, 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lacquers, paints, varnishes and surface coating compounds,* in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Michigan, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: January 26, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 296.

No. MC 117565 (Sub No. 3), filed August 5, 1960. Applicant: JOHN R. HAFNER, doing business as MOTOR SERVICE COMPANY, 235 South Fifth Street, Coshocton, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 Le Veque-Lincoln Tower, Fifty West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Mobile homes,* in secondary movements, in truckaway service; between points in Ohio, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, New Mexico, New York, Oklahoma, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia, and Wisconsin.

HEARING: January 19, 1961, at the New Post Office Building, Columbus Ohio, before Examiner Frank J. Mahoney.

No. MC 117651 (Sub No. 3), filed September 16, 1960. Applicant: FEASTER TRUCKING SERVICE, INC., Claflin, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Crude oil,* in bulk, in tank vehicles; from points in Red Willow and Hitchcock Counties, Nebr., to points in Thomas County, Kans.

NOTE: Applicant presently holds authority in MC–116317 and Subs thereunder to conduct operations as a contract carrier, therefore, dual operations may be involved.

HEARING: January 20, 1961, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 19.

No. MC 119380 (Sub No. 2), filed August 26, 1960. Applicant: RICHARD LEAF, DALE RATLIFF, OLIVER RATLIFF AND DAMON BARRITT, doing business as RATLIFF BROS. AND CO., 701 Dewey Avenue, Kewanee, Ill. Applicant's attorney: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Rock salt,* in dump vehicles, from Buffalo, Iowa, to points in that part of Illinois, north and east of a line commencing at junction of the Illinois State line and U.S. Highway 54, eastward on U.S. Highway 54 to junction of Illinois Highway 104, south and east along Illinois Highway 104 to junction of Illinois Highway 48, north on Illinois Highway 48 to junction of Illinois Highway 47–48, north along Illinois Highway 47–48 to junction of Illinois Highway 10, east along Illinois Highway 10 to junction of U.S. Highway 45, north on U.S. Highway 45–54 to junction of U.S. Highway 45–52, north on U.S. Highway 45 to the Illinois-Wisconsin State line.

HEARING: January 9, 1961, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 54.

No. MC 119443 (Sub No. 7) (CORRECTION), filed September 21, 1960, published in the FEDERAL REGISTER, issue of November 2, 1960. Applicant: P. E. KRAMME, INC., Monroeville, N.J. Applicant's attorney: Paul F. Barnes, Suite 601, 226 South Sixteenth Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coating, liquid chocolate liquor and liquid cocoa butter,* in bulk, in tank vehicles, from Lititz, Pa., to points in Maryland, Massachusetts, North Carolina, Ohio, Indiana, Virginia, and Memphis, Tenn., and Birmingham, Ala.

NOTE: The purpose of this republication is to correctly list the commodities proposed to be transported.

HEARING: Remains as assigned December 8, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner David Waters.

No. MC 119793, (REPUBLICATION), filed May 16, 1960, published in the FEDERAL REGISTER issue of August 24, 1960. Applicant: DEWEY WILFONG, FOREST G. WETZEL, RALPH ROY, BLAINE NESTOR AND ERNEST NESTOR, a partnership, doing business as WWRN COMPANY, 7 North Main Street, Philippi, W. Va. Applicant's attorney: Paul B. Ware, Philippi, W. Va. As originally filed application sought authority to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail grocery stores, from points in Fayette County, Pa., to points in Barbour, Randolph, and Tucker Counties, W. Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return. At the hearing held October 7, 1960, at Charleston, W. Va., before Examiner Robert A. Joyner, the application was amended to include points of service in Westmoreland County, Pa., as origin points. The application as amended is assigned for _____.

CONTINUED HEARING: January 25, 1961, at the City Council Chamber, City Hall, 501 Virginia Street, East Charleston, W. Va., before Examiner Frank J. Mahoney.

No. MC 119852 (Sub No. 2), filed August 31, 1960. Applicant: W. H. FAY COMPANY, a corporation, 3020 Quigley Avenue, Cleveland 13, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid helium,* in dewars mounted on dolly with tires, and *empty dewars,* between N.A.S.A., Cleveland, Ohio, and Naval Air Station, Lakehurst, N.J.

HEARING: January 18, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner Frank J. Mahoney.

No. MC 119897 (Sub No. 2), filed November 2, 1960. Applicant: O. C. WOFFORD, doing business as CITY MOVING & STORAGE, P.O. Box 829, 1219 West First Street, Odessa, Tex. Applicant's attorney: Charles D. Mathews, Brown Building, Austin, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies,* used in or in con-

nection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines, used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Missouri, Kansas, Oklahoma, and those in that part of Illinois within 150 miles of St. Louis, Mo. (2) Between points in Louisiana and Texas. (3) Between Iowa Park, Tex., and points within 100 miles of Iowa Park, on the one hand, and, on the other, points in Oklahoma, and those in Lea and Eddy Counties, New Mex.

NOTE: Applicant states the purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum, or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

HEARING: December 5, 1960, at the Baker Hotel, Dallas, Tex., before Examiner C. Evans Brooks, subject to the agreement of the parties and the order of October 7, 1960 assigning MC 704 (Sub No. 22) and related cases for hearing.

No. MC 119934 (Sub No. 20), filed October 21, 1960. Applicant: ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acid and chemicals* as described in Appendix XV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, also *dry commodities*, in bulk, in tank or hopper type vehicles, from Marseilles, Ill., and points within five (5) miles thereof, to points in Arkansas, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin; and *rejected shipments*, on return. (2) *Acid and chemicals* as described in Appendix XV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Humboldt, Iowa, and five (5) miles thereof, to points in Illinois, Minnesota, Missouri, Nebraska, South Dakota and Wisconsin, and *rejected shipments*, on return.

HEARING: January 10, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner John L. York, at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed).

No. MC 119945, filed July 27, 1960. Applicant: FRED D. SPENCER, doing business as A. A. DELIVERY, 410 Schofield Building, Cleveland 15, Ohio. Applicant's attorney: Douglas F. Schofield, Schofield Building, Cleveland 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles* by drivers supplied by applicant but not employed by applicant, for owners of such automobiles, from, to, and between points in the United States.

HEARING: January 18, 1961, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Francis A. Welch.

No. MC 123011, filed August 22, 1960. Applicant: GERALD SCHNEIDER, Postville, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: (1) *Cheese*, from the site of the Gunder Cooperative Cheese Factory in Gunder, Clayton County, Iowa, over unnumbered gravelled County Highway to Postville, Iowa, thence over Iowa Highway 51 to Waukon, Iowa, thence over Iowa Highway 9 to Lansing, Iowa, thence over the bridge across the Mississippi River at Lansing to junction Wisconsin Highway 35, thence over Wisconsin Highway 35 to De Soto, Wis., thence over Wisconsin Highway 82 to the site of the Marketing Assn. of America in Viroqua, serving no intermediate points; and (2) *supplies*, used in the manufacture of cheese, from the site of the Marketing Assn. of America in Viroqua, Wis., over the above-specified route to the site of the Gunder Cooperative Cheese Factory in Gunder, Clayton County, Iowa, serving no intermediate points.

HEARING: January 12, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 202, at 10:30 a.m., United States Standard Time.

No. MC 123016 (Sub No. 1), filed September 30, 1960. Applicant: NUSSEY CARTAGE LIMITED, 40 Young Street, Tilbury, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Brick* and *glazed tile*, from Logan, Nelsonville, Wadsworth, Greenfield, Midvale, Strasburg, Alliance, Baltic, and Woodville, Ohio, to the port of entry on the International Boundary line between the United States and Canada at Detroit, Mich. (B) *Lime*, in bags, from Woodville, Ohio, to the port of entry on the International Boundary Line between the United States and Canada at Detroit, Mich. (C) *Drain tile*, from the port of entry at Detroit, Mich., on the International Boundary Line between the United States and Canada to points in that part of Michigan on and east of U.S. Highway 23. (D) *Agricultural machinery, implements and parts*, as set forth in Appendix XII of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Mansfield, Ohio, Bluffton, Ind., and Kewanee, Ill., to the port of entry on the International Boundary Line between the United States and Canada at Detroit, Mich. (E) *Chemicals*, sodium phosphate (in dry powder form) carried in bulk in dump type equipment, from Dearborn, Mich., to the port of entry on the International Boundary line between the United States and Canada at Detroit, Mich. RESTRICTION: The service herein requested is restricted to the transportation of property between points and places within the Dominion of Canada, on the one hand, and, on the other, points and places within the United States.

HEARING: January 24, 1961, at the Interstate Commerce Commission, Room 1439 Book Building, 1249 Washington Boulevard, Detroit, Mich., before Examiner John L. York.

No. MC 123086, filed September 22, 1960. Applicant: ADRIAN D. DAVIS, Box 111, R.D. No. 2, Homer City, Pa. Applicant's attorney: G. S. Parnell, Sr., 640 Philadelphia Street, Indiana, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mine equipment and supplies and materials* used in the operation of coal mines and coke ovens for the Rochester & Pittsburgh Coal Co., (1) from points in Indiana and Armstrong Counties, Pa., to Four States, W. Va., and (2) from points in Indiana and Armstrong Counties, Pa., to San Fork, W. Va.

HEARING: January 9, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Frank J. Mahoney.

No. MC 123119, filed October 10, 1960. Applicant: VIGO FRUIT COMPANY, INC., 440 North Third Street, Terre Haute, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Terre Haute, Ind., to Memphis and Chattanooga, Tenn., East Point, Macon and Valdosta, Ga., Tampa, Ocala and Miami, Fla., and *damaged or rejected shipments*, on return.

HEARING: January 9, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner John L. York, at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed).

MOTOR CARRIERS OF PASSENGERS

No. MC 102129 (Sub No. 4), filed November 2, 1960. Applicant: ARTHUR QUEEN AND JOHN QUEEN, a partnership, doing business as QUEEN BROTHERS, 111 Hollins Ferry Road, Ferndale, Md. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations; beginning and ending at points in Anne Arundel, Howard, and Prince Georges Counties, Md., and extending to points in Pennsylvania, New Jersey, New York, Virginia, Ohio, North Carolina, West Virginia, and the District of Columbia.

HEARING: December 29, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 119414 (Sub No. 1) (AMENDMENT), filed July 15, 1960, published FEDERAL REGISTER, issue of August 17, 1960. Applicant: JAMES ENCAPERA AND THOMAS ENCAPERA, doing business as GREATER CHARLEROI BUS LINES, South McKean Avenue, Donora, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at Donora, California, Monongahela, Charleroi, Bentleyville, North Charleroi, Speers, Dunlevy, Allenport, Stockdale, Roscoe, Elco, West Brownsville, and Cokesburg, all in Washington County, Pa., the Townships of West Pike Run, Fallowfield, Somerset, and Carroll, all in Washington County, Pa., Monessen and North Belle Vernon, in Westmoreland County, Pa., the Township of Rostraver in Westmoreland County, Pa., Fayette City, Belle Vernon, and Brownsville, in Fayette County, Pa., and Washington and Jefferson Townships, in Fayette County, Pa., and extending to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 11, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Frank J. Mahoney.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 623 (Sub No. 35) (SECOND CORRECTION), filed October 14, 1960, published in the FEDERAL REGISTER issue of November 2, 1960, and republished on November 9, 1960. Applicant: H. MESSICK, INC., P.O. Box 214, Joplin, Mo. Applicant's attorney: Turner White, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *High explosives*, from Tooele, Utah, to Virginia, Minn., and points within 10 miles thereof.

NOTE: The purpose of this second republication is to specifically identify the destination point as the Town of Virginia, located in the State of Minnesota, incorrectly shown as Missouri in previous publication.

No. MC 13900 (Sub No. 11), filed November 3, 1960. Applicant: MIDWEST HAULERS, INC., 228 Superior Street, Toledo, Ohio. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, which are at the time moving on a bill of lading of freight forwarders as defined in section 402(a)(5) of the Act; between Albany, N.Y., and Mechanicville, N.Y., from Albany over New York Highway 32 to Mechanicville, and return over the same route, serving no intermediate points and serving Mechanicville for purposes of joinder with carrier's authorized regular routes. RESTRICTION: Restricted to the transportation of traffic which has moved or will move between Albany, N.Y., and points served under the authority presently held by carrier, limited to substituted rail-for-motor traffic in carrier's trailers on rail cars in trailer-on-flat-car service.

No. MC 22311 (Sub No. 4), filed October 31, 1960. Applicant: FREER MOTOR TRANSPORT CORPORATION, 2049 Calumet Avenue, Whiting, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, ex Parte No. MC-45, and *contractors' equipment*, from points in that part of Indiana bounded on the west by the Lake-Porter County line, on the south by U.S. Highway 20, on the east by Indiana Highway 49, and on the north by Lake Michigan, to points in Illinois and Indiana, points in Michigan on and south of a line extending along Michigan Highway 14 (formerly U.S. Highway 12) from within the city of Detroit, Mich., to Ann Arbor, Mich., thence along U.S. Highway 12 to junction Business Route U.S. Highway 12 (formerly U.S. Highway 12, thence along Business Route U.S. Highway 12 to Jackson, Mich., thence along unnumbered highway (formerly U.S. Highway 12) via Woodville, Sandstone, and Parma, Mich., to junction U.S. Highway 12, thence along U.S. Highway 12 to junction unnumbered highway (formerly U.S. Highway 12), thence along unnumbered highway via Galesburg, Mich., to junction Michigan Highway 96 to Kalamazoo, Mich., and thence along U.S. Highway 12 to the Michigan-Indiana State line, points in Iowa within 25 miles of the Mississippi River, and points in Missouri in the St. Louis, Mo., Commercial Zone, as defined by the Commission in 1 M.C.C. 656, and *contractors' equipment* and *damaged or rejected shipments* of iron and steel articles, on return movements.

NOTE: Applicant states a new steel mill is being constructed and will shortly be in operation in the origin territory as set forth above. Said territory is adjacent to the Chicago, Ill., Commercial Zone, as that zone is defined in 1 M.C.C. 673. Applicant is presently authorized to operate from Chicago Heights, Ill., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 673, to points in the same destination territory applied for herein. Applicant is also authorized to transport contractors' equipment and damaged or rejected shipments of iron and steel articles, from points in its destination territories to its authorized origin points.

No. MC 66562 (Sub No. 1743), filed November 2, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicants' attorney: Slovacek & Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service; serving Tipton, Iowa, as an off-route point in connection with carrier's authorized regular-route operations between Clinton, Iowa, and Omaha, Nebr. RESTRICTION: Shipments to be transported shall be limited to those moving on a through bill of lading or express receipt, covering in addition to a motor carrier movement by applicant, a prior or subsequent movement by air or rail.

NOTE: Applicant states that the instant application is for authority to substitute motor service for rail service in order to improve its service to Tipton, Iowa and to continue to provide service to Tipton where rail service is no longer available for applicant to use. Applicant considers that it effects no change in competitive conditions within the area involved.

No. MC 68183 (Sub No. 12), filed November 2, 1960. Applicant: YANKEE LINES, INC., 1400 East Archwood Avenue, Akron 6, Ohio. Applicant's representative: W. R. Hubbard, 1032 Standard Building, Cleveland 13, Ohio. 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 Cincinnati, Ohio, and Lafayette, Ohio, over U.S. Highway 42, serving no intermediate or off-route points, but serving Cincinnati and Lafayette, Ohio, for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

No. MC 68183 (Sub No. 13), filed November 4, 1960. Applicant: YANKEE LINES, INC., 1400 East Archwood Avenue, Akron 6, Ohio. Applicant's representative: W. R. Hubbard, 1032 Standard Building, Cleveland 13, Ohio. 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 Cincinnati, Ohio, and Zanesville, Ohio, from Cincinnati over U.S. Highway 22 to Zanesville and return over the same route, serving no intermediate points as an alternate route for operating convenience only in connection with applicant's presently authorized regular route operations in Ohio.

No. MC 116077 (Sub No. 95), filed November 3, 1960. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Charles D. Mathews, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Caprolactam*, in bulk, in tank vehicles, from Hopewell, Va., to ports of entry located on the International Boundary line between the United States and Mexico in Texas; and (2) *caprolactam, spent*, in bulk, in tank vehicles, from ports of entry located on the International Boundary line between the United States and Mexico in Texas to Hopewell, Va.

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 carrier 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 7681 (FREIGHT, INC.—MERGER—A.C.E. TRANSPORTATION CO., INC.), published in the October 19, 1960, issue of the FEDERAL REGISTER on page 9976. Vendee's address is changed to 1350 Kelly Avenue, P.O. Box 1290, Akron 9, Ohio.

No. MC–F 7702. Authority sought for purchase by DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind., of the operating rights of G.M.S. TRUCKING, INC., Dawsett Road, Galion, Ohio, and for acquisition by PAUL A. MAVIS, also of South Bend, of control of such rights through the purchase. Applicants' attorney: Charles Pieroni, 4000 West Sample Street, South Bend, Ind. Operating rights sought to be transferred: *Dump truck bodies, coal conveyors, hoists, tail gate lifts, chutes, farm machinery and equipment,* and *parts* for each, as a *common carrier* over irregular routes, from Streator, Ill., and points within five miles thereof, to points in Alabama, Arkansas, Arizona, Colorado, Connecticut, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia; *dump truck bodies* and *hydraulic hoists,* and *parts* for each, from Marion, Ohio, and points within five miles thereof, to points in Arizona, Colorado, Louisiana, Montana, New Mexico, Rhode Island, Utah, and Wyoming; *grave vaults, dump truck bodies, hoists, coal conveyors* and *parts* for such bodies, hoists, and conveyors, from Galion, Ohio, and points within five miles thereof, to points in Arizona, Colorado, Louisiana, Montana, New Mexico, Rhode Island, Utah, and Wyoming; *tail gate lifts* and *parts therefor,* from Marion, Ohio, and points within five miles thereof, to points in Alabama, Arkansas, Arizona, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming; *split shaft power take-offs* and *parts therefor, farm machinery and equipment,* and *road-building machinery and equipment,* from Galion, Ohio, and points within five miles thereof, to points in Alabama, Arkansas, Arizona, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming; *grave vaults, dump-truck bodies, hoists, coal conveyors,* and *parts* for such bodies, hoists, and conveyors, from Galion and Marion, Ohio, and points within five miles of each, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; *materials, supplies, and equipment* used in the manufacture of the immediately above-specified commodities, and *damaged and used parts* for dump-truck bodies, hoists, and coal conveyors, from points in the immediately above-specified destination territory to Galion and Marion, Ohio, and points within five miles of each. RESTRICTION: The separately-stated authorities herein shall not be tacked or joined one to another for the purpose of performing any through transportation. Vendee is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7703. Authority sought for purchase by DANIELS MOTOR FREIGHT, INC., P.O. Box 1151, Warren, Ohio, of the operating rights of ROBERT S. NASH, doing business as METROPOLITAN WAREHOUSE CO., 50 Florida Avenue NE., Washington, D.C., and for acquisition by J. W. COX, also of Warren, of control of such rights through the purchase. Applicants' attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in the WASHINGTON, D.C., COMMERCIAL ZONE, as defined by the Commission. Vendee is authorized to operate as a *common carrier* in Illinois, Missouri, Delaware, Pennsylvania, Maryland, Ohio, New Jersey, New York, West Virginia, Indiana, and Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7704. Authority sought for purchase by TRI-STATE TRANSPORTATION CO., INC., Vineland, N.J., of the operating rights and property of MOEY LIHN AND MAX LIHN, doing business as TRI-STATE TRANSPORTATION CO., North West Avenue, P.O. Box 48, Vineland, N.J., and JEROME J. COHEN, doing business as JERICHO MOTOR EXPRESS, 744 South Valley Avenue, Vineland, N.J., and for acquisition by MOEY LIHN, 11 South Valley Avenue, Vineland, N.J., MAX LIHN, 1564 Jefferson Street, West Englewood, N.J., and JEROME J. COHEN, Franklin Drive, Vineland, N.J., of control of such rights and property through the purchase. Applicants' representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Operating rights sought to be transferred: (TRI-STATE) *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Woodbine, N.J., and Philadelphia, Pa., serving all intermediate points and the off-route points of Dorchester, Leesburg, and Dennisville, N.J.; *men's and women's garments,* and *materials, supplies, equipment, and machinery* used in the manufacture of such garments, between Philadelphia, Pa., and New York, N.Y., and Bordentown, N.J., serving certain intermediate and off-route points; *general commodities,* excepting, among others, household goods and commodities in bulk, over irregular routes, between Egg Harbor City, N.J., and points within 20 miles thereof, on the one hand, and, on the other, New York, N.Y.; *men's garments,* on hangers, *pants and vests,* and *materials and supplies* used in the manufacture of men's garments, between Boston, Mass., and Woodbine, N.J., with the restriction that these rights shall not be joined, tacked, or combined with any other operating rights granted to said carrier; *clothing and hatters' supplies,* from Woodbine, N.J., to New York, N.Y.; *materials and supplies* used in the manufacture of clothing, from New York, N.Y., to Woodbine, N.J.; *rubber heels,* from Woodbine, N.J., to New York, N.Y., and Marlboro, Mass.; *rubber cement,* from Woodbine, N.J., to New York, N.Y.; *materials and supplies* used in the manufacture of shoes, and *rejected shipments thereof,* between Woodbine, N.J., on the one hand, and, on the other, New York, N.Y., and Marlboro, Mass.; *clothing and wearing apparel,* on hangers, and *component parts used in the manufacture of such garments,* as described in Appendix X to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, between points in Cumberland and Atlantic Counties, N.J., on the one hand, and, on the other, Martinsburg, W. Va.; (JERICHO) *general commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, certain points in New Jersey. Vendee holds no authority from this Commission. However, its controlling stockholders are the vendors herein. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7705. Authority sought for purchase by ROBERTSON TANK LINES, INC., 5700 Polk Avenue, P.O. Box 9218, Houston 11, Tex., of the operating rights of KEMPER, INC., Pin Hook Road, (P.O. Box 1343, Oil Center Station), Lafayette, La., and for acquisition by ROBERTSON TRANSPORTS, INC., and, in turn, by L. M. ROBERTSON, both of Houston, of control of such rights through the purchase. Applicants' attorney: Charles D. Mathews, P.O. Box

858, Austin 65, Tex. Operating rights sought to be transferred: *Salt*, as a *contract carrier* over irregular routes, from Avery Island, Weeks Island, and Jefferson Island, La., to points in Arkansas and Texas. Vendee is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-10652; Filed, Nov. 15, 1960; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 10, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36701: *Fresh meats and packing house products to the south.* Filed by O. W. South, Jr., Agent (SFA No. A4038), for interested rail carriers. Rates on fresh meats and packing house products, in carloads, as described in the application, from Evansville, Ind., Louisville and Lexington, Ky., and Cincinnati, Ohio to points in southern territory.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 124 to Southern Freight Association tariff I.C.C. 1415 (Spaninger series).

FSA No. 36702: *Sugar—Western points to Ashley, Ill.* Filed by Western Trunk Line Committee, Agent (No. A-2147), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, from points in trans-continental and western trunk line territories, also Montana, to Ashley, Ill.

Grounds for relief: Market competition.

Tariffs: Supplement 74 to Western Trunk Line Committee tariff I.C.C. A-4099, and other schedules named in the application.

FSA No. 36703: *Sugar from California and Washington to Texas points.* Filed by Trans-Continental Freight Bureau, Agent (No. 373), for interested rail carriers. Rates on sugar, beet or cane, liquid, in tank-car loads, from points in California and Washington to Dallas, Fort Worth, Garland and Great Southwest, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 40 to Trans-Continental Freight Bureau tariff I.C.C. 1628.

FSA No. 36704: *Substituted service—D&H, et al., for National Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, Agent (No. 29), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between specified points in Illinois, Maryland, Massachusetts, New Jersey, also Norfolk, Va., on the one hand, and specified points in Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Ohio, Pennsylvania, Tennessee and Texas.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 9 to Household Goods Carriers' Bureau tariff MF-I.C.C. 83.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-10650; Filed, Nov. 15, 1960; 8:48 a.m.]

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