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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11120

AMENDMENT OF EXECUTIVE ORDER NO. 10152, RELATING TO INCENTIVE PAY FOR HAZARDOUS DUTY, EXECUTIVE ORDER NO. 10168, RELATING TO PAY FOR SEA DUTY AND DUTY AT CERTAIN PLACES, AND EXECUTIVE ORDER NO. 10204, RELATING TO BASIC ALLOWANCES FOR QUARTERS

By virtue of the authority vested in me by sections 301 (a) and (f), 305, and 403 of title 37, United States Code, and as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

SECTION 1. Executive Order No. 10152 of August 17, 1950, as amended, is further amended as follows:

(a) Section 6 is amended to read as follows:

"SEC. 6. As determined by the Secretary of the Navy, members who, pursuant to competent orders, are attached to a submarine which is in an active status and members qualified in submarines who, pursuant to competent orders, are assigned as prospective crew members of a submarine under construction or are receiving instruction to prepare for assignment to a submarine of advanced design or for a position of increased responsibility on a submarine shall be entitled to receive incentive pay for the performance of submarine duty. In the case of nuclear-powered submarines this entitlement shall include periods of training and rehabilitation after assignment thereto. A member who, pursuant to competent orders, performs duty as an operator or crew member of an operational, self-propelled submersible, including undersea exploration and research vehicles, shall likewise be entitled to receive incentive pay for the performance of submarine duty."

(b) Section 8(a) is amended to read as follows:

"(a) As used in section 301(a) of title 37 of the United States Code, the term 'duty involving parachute jumping as an essential part of military duty' shall be construed to mean duty performed by members who, under such regulations as the Secretary concerned may prescribe, have received a rating as a parachutist or parachute rigger, or are undergoing training for such a rating, and who are required by competent orders to engage in parachute jumping from an aircraft in aerial flight."

(c) Section 9 is amended by striking out subsections (c), (d), and (g) and amending subsection (e) to read as follows:

"(e) The term 'duty inside a high- or low-pressure chamber' shall be construed to mean duty performed within pressure chambers at physiological facilities by members assigned to that duty."

(d) Section 10 is amended to read as follows:

"SEC. 10. Any member who is required by competent orders to perform hazardous duty, or multiple hazardous duties, and who becomes injured or otherwise incapacitated as a result of the performance of any such hazardous duty, by aviation accident or otherwise, shall be deemed to have fulfilled all of the requirements for the performance of all hazardous duties which he is required by competent orders to perform, for a period not to exceed three months following the date as of which such incapacity is determined by the appropriate medical authority."

(e) Sections 12 and 13 are redesignated as sections "13" and "14", respectively, and the following new section is added:

"SEC. 12. Under such regulations as the Secretary concerned may prescribe, a member who performs multiple hazardous duties under competent orders may be paid not more than two payments of incentive pay for a period of time during which he qualifies for more than one such payment. Dual payments of incentive pay shall be limited to

those members who are required by competent orders to perform specific multiple hazardous duties in order to carry out their assigned missions."

SEC. 2. Executive Order No. 10168 of October 11, 1950, as amended, is further amended as follows:

(a) The title is amended to read as follows:

"REGULATIONS RELATING TO SPECIAL PAY FOR SEA DUTY AND DUTY AT CERTAIN PLACES".

(b) Section 2(a) (2) is amended to read as follows:

"(2) While in a vessel pursuant to orders to temporary additional duty or temporary duty on that vessel issued by competent authority although based or stationed ashore, but only when such duty is eight days or more in duration in each case."

(c) Sections 4, 5, 6, and 7 are amended to read as follows:

"SEC. 4. Enlisted members entitled to receive basic pay shall be entitled to receive additionally, pay under the rates prescribed by section 305(a) of title 37 of the United States Code, while on duty at places that are outside the contiguous 48 States and the District of Columbia and that are designated for this purpose by the Secretary of Defense or, in the case of enlisted members of the Coast Guard when it is not operating as a service in the Navy, by the Secretary of the Treasury. Subject to the provisions of section 305 of title 37 of the United States Code, an enlisted member who is permanently assigned to duty at a place so designated is entitled to receive that pay during a period of authorized leave, temporary additional duty, temporary duty, or hospitalization, or while on an operational aircraft flight, but not for more than thirty days while he is away from that place.

"SEC. 5. Unless otherwise entitled to special pay in accordance with the last sentence of section 4, during periods spent on temporary additional duty or temporary duty, or on operational aircraft flights, pay in accordance with section 4 shall accrue to enlisted members only for periods of eight continuous days or more in duration at places designated, including the dates of arrival at, and the dates of departure from, those places.

"SEC. 6. Enlisted members shall not be entitled to additional pay under this order for duty which, under the provisions of supplementary regulations prescribed hereunder, does not constitute either sea duty or duty described in sections 4 and 5 hereof.

"SEC. 7. No enlisted member shall be entitled under this order to receive both sea-duty pay and pay for duty described in sections 4 and 5 hereof for the same period of time; nor sea-duty pay and credit for basic allowance for subsistence for the same period of time except periods during which messing facilities are temporarily out of operation to permit alterations or repairs and periods during which the member is on leave beyond the contiguous 48 States and the District of Columbia."

SEC. 3. Executive Order No. 10204 of January 15, 1951, is amended by adding the following new section:

"8. Unless the Secretary concerned, or his designee, determines that military operational conditions require otherwise, a commissioned officer without dependents who is in a pay grade above pay grade O-3 and who is assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service, appropriate to his grade or rank and adequate for himself, may elect not to occupy those quarters and instead to receive the basic allowance for quarters prescribed for his pay grade by section 403 of title 37 of the United States Code."

SEC. 4. The amendments made by this order shall be effective as of October 1, 1963.

JOHN F. KENNEDY

THE WHITE HOUSE,
October 2, 1963.

[F.R. Doc. 63-10583; Filed, Oct. 2, 1963; 11:10 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter II—Employment and Compensation in the Canal Zone

PART 1202—FILLING POSITIONS

Methods of Filling Vacancies

Effective upon publication in the FEDERAL REGISTER, § 1202.1 is amended as follows:

§ 1202.1 Methods of filling vacancies.

In his discretion an appointing officer may fill any position either by competitive appointment from a Canal Zone Merit System register, by appointment or position change of a present or former Federal employee through noncompetitive action in accordance with the regulations in this part, or, when authorized under § 1202.13, by temporary appointment. He shall exercise his discretion in all personnel actions solely on the basis of merit and fitness. In determining merit and fitness of any person, there shall be no discrimination on the basis of religious or political affiliations, marital status, physical handicap, race, color, sex, national origin, or of nationality as between citizens of the United States and citizens or residents of the Republic of Panama or of the Canal Zone, except as required by § 1202.2.

CYRUS R. VANCE,
Secretary of the Army.

[F.R. Doc. 63-10456; Filed, Oct. 2, 1963;
8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 28—COTTON CLASSING, TESTING AND STANDARDS

Subpart A—Regulations Under the United States Cotton Standards Act

Subpart D—Cotton Classification and Market News Services for Organized Groups of Producers

LICENSING OF WAREHOUSEMEN TO SAMPLE COTTON

On August 3, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7952) regarding proposed amendments of the Regulations Under the United States Cotton Standards Act (7 CFR Part 28, Subpart A) and the Regulations for Cotton Classification and Market News Services for

Organized Groups of Producers (7 CFR Part 28, Subpart D).

Statement of considerations leading to amendment of regulations. The changes in the regulations are designed to protect the interests of the government and purchasers of cotton classed under the Form A service by providing (1) more effective supervision and control of sampling through the licensing of warehousemen to sample cotton, (2) detailed instructions on the drawing, handling, identification, and submission of samples for classification, and (3) procedures for withdrawal of licenses and the classing service from warehousemen and users of the service who violate, or attempt to violate, the regulations.

The only significant change from the published proposal was the deletion of paragraph (g) of § 28.25 of the proposed amendments. This paragraph would have required warehousemen to sign a certification for each lot of samples submitted for Form A determination. After careful evaluation of the comments received on the proposed requirement and further review of the need for the requirement, it was determined that it could be deleted without impairing the effectiveness of the amendments. A few minor changes in wording were made for clarification.

For administrative reasons the effective date of the amendments will be November 15 instead of October 15 as indicated in the published proposal.

After consideration of all relevant matters presented pursuant to the notice, said regulations are hereby amended, pursuant to authority contained in section 10 of the United States Cotton Standards Act (42 Stat. 1519; 7 U.S.C. 61) and in section 3c of the Cotton Statistics and Estimates Act (50 Stat. 62; 7 U.S.C. 473c).

The Regulations under the United States Cotton Standards Act are amended as follows:

1. In § 28.2 the following new paragraphs (k) and (l) are added:

§ 28.2 Terms defined.

* * * * *

(k) *License.* A license issued under the Act by the Secretary to sample cotton.

(l) *Licensed warehouseman.* A cotton warehouseman licensed under the United States Cotton Standards Act to sample cotton.

* * * * *

§ 28.15 [Amendment]

2. In the first sentence of paragraph (a) of § 28.15, the words "public warehouse" are changed to "licensed warehouseman".

3. The following new center heading and sections are added immediately following § 28.19:

LICENSING OF WAREHOUSEMEN FOR SAMPLING

§ 28.20 When license is required.

Samples for Form A determination shall be accepted under this subpart from licensed warehousemen only. No license is required to sample cotton for Form C or Form D determination.

§ 28.21 Application.

Application for licenses to draw and submit samples for Form A determination shall be submitted by warehousemen on forms furnished by the Division.

§ 28.22 Authority granted by license.

Each license issued by the Division shall authorize the warehouseman to draw and submit samples for Form A determination from cotton stored in his warehouse.

§ 28.23 Suspension of license; revocation.

(a) After notice and opportunity for hearing has been afforded, the Deputy Administrator may suspend or revoke any such license whenever he is satisfied that such licensee has knowingly or carelessly sampled cotton improperly, or has submitted improper samples for classification, or has violated any provision of the Act or the regulations, or has used his license, or allowed it to be used for any improper purpose. Pending final action, the Deputy Administrator may temporarily suspend any license without hearing whenever he deems such action necessary.

(b) During any period when the license of the warehouseman is suspended or revoked, the Division will not accept any samples from the warehouseman for Form A determination, or for classification pursuant to §§ 28.901-28.917 of this Part 28.

§ 28.24 Surrender of license certificate.

The warehouseman, in the event his license is suspended or revoked, shall promptly surrender to the Division his certificate of license.

4. The center heading immediately preceding § 28.25 and §§ 28.25 through 28.30 are deleted and the following new center headings and sections substituted therefor:

DRAWING, SUBMISSION AND DISPOSITION OF SAMPLES

§ 28.25 Samples for Form A determination.

Samples for Form A determination shall be drawn, handled, identified, and shipped by a licensed warehouseman according to the methods and procedures specified in this section. Any samples or set of samples which does not meet these specified requirements may be rejected by the chairman of a board.

(a) Samples shall be freshly drawn.

(b) Each sample shall consist of two portions, one drawn from each side of

the bale. Each portion shall be at least six (6) inches wide and approximately twelve (12) inches long and shall weigh at least three (3) ounces.

(c) Where it is necessary to draw two sets of samples, separate cuts in the bale should be made for each set of samples. Split samples may be accepted, provided the split is made across the layers without separating the layers.

(d) Dressing, trimming, or discarding part of the sample is prohibited. No part of the cotton or pieces of bagging, leaf, grass, dirt, sand, or any other material shall be removed from either side of the sample.

(e) A coupon showing the correct warehouse bale number and name and address of warehouse shall be placed between the two portions of each sample.

(f) Samples shall be identified and sacked immediately after they are cut without further handling prior to shipment to the board.

(g) Samples shall be mailed, shipped, or delivered direct from the warehouse to the board serving the territory in which the warehouse is located. Samples mailed or shipped shall be prepaid.

(h) The chairman of the board may require that any licensed warehouseman shall provide the crop year, gin name and gin bale number for each sample submitted whenever he deems that such information is necessary in order to assure that each sample is properly identified with the correct bale of cotton.

(i) The licensed warehouseman shall cooperate with employees of the Division making inspections of sampling procedures, and shall draw or permit the drawing of such additional samples, without charge as may be deemed necessary to appraise sampling procedures.

§ 28.26 Samples for Form C determination.

Samples submitted for Form C determination shall be drawn under the supervision of a Division employee who shall retain custody or control of the samples until they are shipped prepaid or delivered at the applicant's expense to the board serving the territory in which the bales of cotton are located.

§ 28.27 Samples for Form D determination.

Samples for Form D determination shall be shipped or delivered at the owner's expense to the board serving the territory in which the samples are located. A tag or coupon showing the bale number of the bale from which the sample was drawn, or other identification, shall be placed between the two portions of each sample.

§ 28.28 Lost or damaged samples.

If any samples are lost, damaged, or mutilated, the secretary of the board shall inform the applicant.

§ 28.29 Return of samples.

When so stipulated in the classification request for Form A, C, or D determination, the samples submitted shall be returned to the applicant at his expense, at the time the memorandum is issued or when the request for classification is withdrawn or rejected.

§ 28.30 Samples not returned are property of Department.

Samples not returned in accordance with this subpart, and loose cotton separated from samples in the handling and classification thereof, shall become the property of the Department.

VIOLATIONS

§ 28.31 Denial of service.

The Deputy Administrator may for good cause, including the acts or practices set forth in § 28.32, debar any person, including the agents, officers, subsidiaries, or affiliates of such person, from any or all benefits of the Act for a specified period, after notice and opportunity for hearing has been afforded. Pending final action, the Deputy Administrator may temporarily suspend services to such person without hearing if he determines that the continuation of services rendered under the Act would seriously jeopardize the integrity of such services.

§ 28.32 Misrepresentation; deceptive or fraudulent acts or practices; violations.

Any of the following acts or practices may result in debarment from any or all benefits of the Act:

(a) Any knowing misrepresentation or deceptive or fraudulent act or practice made or committed, or attempted to be committed, by any person in connection with (1) any request for classification, (2) the drawing, handling, identifying, or submitting of any samples for classification, (3) the making, issuing, or using of any memorandum or certificate of classification issued by a board or (4) the changing of any warehouse bale tags or numbers after the cotton has been sampled for classification.

(b) Any knowing violation of the regulations in this subpart or of the Act.

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61)

5. Section 28.906 of the Regulations for Cotton Classification and Market News Services for Organized Groups of Producers is amended as follows:

§ 28.906 Approval and bonding of sampling agents.

The cotton of members of organized groups shall be sampled at cotton gins or cotton warehouses. All sampling agents at these sampling locations are subject to the approval of the Director or his authorized representatives.

(a) *Sampling at cotton gins.* At locations where sampling is done at cotton gins each sampling agent serving one or more cotton gins shall, as a condition for approval, execute and file with the Division a good and sufficient bond to the United States to secure the faithful performance of his duties as a sampler under the terms of the Act and this subpart. This bond shall be in such form and amount and shall have such surety or sureties as shall be approved by the Service: *Provided*, That said bond shall be in an amount not less than \$1,000 for each gin serviced less than five, and not less than \$5,000 for five or more gins serviced: *Provided further*, That such

surety or sureties shall be subject to service of process in suits on the bond within the State, district, or territory in which such sampler shall perform services under the Act and this subpart.

(b) *Sampling at cotton warehouses.* At locations where the Director or his representatives authorize sampling to be done at cotton warehouses, it shall be a condition for approval of each warehouse sampling agent that the warehouseman hold a valid license to sample cotton issued pursuant to § 28.22.

(c) *Sampling by Department of Agriculture employees.* The Director, or his authorized representatives, may direct that sampling be performed by employees of the Department of Agriculture for the purpose of appraising the sampling procedures of sampling agents at cotton gins or warehouses, or for the purpose of providing service to organized groups in special cases where approved sampling agents are not available.

(Sec. 3c, 50 Stat. 62; 7 U.S.C. 473c)

Effective date. These amendments shall become effective November 15, 1963.

Dated: September 30, 1963.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 63-10502; Filed, Oct. 2, 1963; 8:47 a.m.]

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

PART 929—CRANBERRIES

Findings and Determinations Relative to Expenses To Be Incurred and Fixing of Rate of Assessment for 1963-64 Fiscal Period

On September 13, 1963, notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9945) regarding the expenses and the fixing of the rate of assessment for the 1963-64 fiscal period pursuant to the marketing agreement and Order No. 929 (7 CFR Part 929), regulating the handling of cranberries. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). After consideration of all relevant matters presented, including the proposals which were submitted by the Cranberry Marketing Committee (established pursuant to the marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 929.203 Expenses and rate of assessment for the 1963-64 fiscal period.

(a) *Expenses.* The reasonable expenses to be incurred by the Cranberry Marketing Committee, established pursuant to the provisions of the marketing agreement and Order No. 929, for its maintenance and functioning during the fiscal period ending July 31, 1964, will amount to \$45,000.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler

who first handles cranberries shall be 4 cents (\$0.04) per barrel of cranberries, or an equivalent quantity of cranberries, handled by him as the first handler thereof during the said fiscal period.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable cranberries from the beginning of such year; and (2) the current fiscal period began on August 1, 1963, and the rate of assessment herein fixed will automatically apply to all assessable cranberries beginning with such date.

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

Dated: September 30, 1963.

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

[F.R. Doc. 63-10503; Filed, Oct. 2, 1963; 8:47 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 126]

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

Findings and Determinations and Class Prices

§ 1126.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) 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 said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than October 1, 1963. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary was issued September 16, 1963, and the decision of the Under Secretary containing all amendment provisions of this order was issued September 26, 1963. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective October 1, 1963, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Section 1126.51(a) is revised to read as follows:

§ 1126.51 Class prices.

(a) The Class I price shall be the basic formula price for the preceding month

(rounded to the nearest one-tenth cent) plus \$1.85 for the months of March through June, and plus \$2.25 for all other months; plus 10 cents for the months of October 1963 through March 1964; and subject to a supply-demand adjustment of not more than 50 cents computed as follows:

(1) Divide the total receipts of producer milk by the total volume of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk) under this Part and Parts 1127, 1128, 1129, and 1130 of this chapter regulating the handling of milk in the North Texas, San Antonio, Central West Texas, Austin-Waco, and Corpus Christi marketing areas, respectively, in each of the following periods and round to one-tenth of one percent:

(i) The one-year period ending with the second preceding month;

(ii) The four-month period ending with the second preceding month; and

(iii) The four-month period ending with the second preceding month and the same period of the preceding year.

(2) Divide the utilization percentage computed pursuant to subparagraph (1) (iii) of this paragraph by the utilization percentage computed pursuant to subparagraph (1) (i) of this paragraph. Adjust the resulting "seasonal ratio" as follows:

(i) Add to the seasonal ratio a similar computation for each of the 11 preceding periods;

(ii) Divide 12 by the sum thus obtained; and

(iii) Divide the seasonal ratio by the quotient obtained in subdivision (ii) of this subparagraph.

(3) Compute the standard utilization percentage by multiplying the adjusted seasonal ratio of subparagraph (2) (iii) of this paragraph by 118.0.

(4) Subtract from the standard utilization percentage computed pursuant to subparagraph (3) of this paragraph the current utilization percentage computed pursuant to subparagraph (1) (ii) of this paragraph and round to the nearest full percentage. The result is the deviation percentage.

(5) Compute a sum of the deviation percentages for the current and the preceding month, excluding the deviation percentage for the preceding month when it is in the opposite direction from the deviation percentage of the current month, and excluding when it is the same direction, any amount by which such deviation percentage exceeds the deviation percentage for the current month.

(6) Compute the number of cents which is one times the sum of the plus or minus deviation percentages, as the case may be, computed pursuant to subparagraph (5) of this paragraph and increase or decrease, respectively, the Class I price by such sum: *Provided*, That after the first month in which this provision is effective if such adjustment varies from that for the preceding month by less than 4 cents, the supply-demand adjustment for the preceding month shall be the supply-demand adjustment for the current month.

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

Effective date: October 1, 1963.

Signed at Washington, D.C., on September 30, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 63-10504; Filed, Oct. 2, 1963;
8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., Amdt. 1]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1963 and Subsequent Crops

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 28 F.R. 2890 containing the General Regulations Governing Price Support for the 1963 and Subsequent Crops of grains and related commodities are hereby amended as follows:

Section 1421.02(a) is amended by deleting the entire paragraph and substituting in place thereof the following:

§ 1421.02 Administration.

(a) *Responsibility.* The Farmer Programs Division will administer the provisions of this subpart under the general supervision and direction of the Deputy Administrator, State and County Operations, in accordance with program provisions and policy determined by the CCC Board and the Executive Vice President, CCC. In the field such provisions will be administered by the Agricultural Stabilization and Conservation State and county committees (hereinafter called State and county committees), ASCS commodity offices and the ASCS Data Processing Center.

Section 1421.23(a)(2) is amended to change the word "support" to "subpart" so that the amended subparagraph reads as follows:

§ 1421.23 Inspection and delivery of commodities under purchase agreement.

(a) General. * * *

(2) If a producer who signs a purchase agreement wishes to sell the commodity to CCC, he shall have a 30-day period during which he must notify the county office in writing of his intention to sell. Such period shall end on the loan maturity date specified in the applicable commodity supplement to this subpart or on such other date as may be prescribed by the Executive Vice President, CCC.

Section 1421.25(c) is amended to provide that settlement for barley, flaxseed, grain sorghum, rye and wheat shall be based on the rate for the county in which the producer's customary shipping point

is located, except that if the producer is directed to deliver the commodity to a terminal market for which a support rate is established, settlement will be based on the support rate for such terminal market.

§ 1421.25 Settlement of loans and purchase agreements.

(c) *Other than approved warehouse storage.* (1) Settlement for corn, oats and soybeans delivered from other than approved warehouse storage shall be based (i) on the basic county support rate for the county where the commodity was produced and (ii) on the quality and quantity as shown on warehouse receipts and accompanying documents issued by an approved warehouse where delivery is being made, or if applicable, the quality and quantity as shown on a form prescribed by CCC for this purpose.

(2) Settlement for barley, flaxseed, grain sorghum, rye and wheat delivered from other than approved warehouse storage shall be based on the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except that if the producer is directed to deliver his commodity to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market. Settlement shall be based on the quality and quantity as indicated on warehouse receipts and accompanying documents issued by an approved warehouse or if applicable, the quality and quantity as shown on a form prescribed by CCC.

(Sec. 14 and 15, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072, secs. 101, 105, 301, 401, 405, 63 Stat. 1051, as amended; sec. 306, 76 Stat. 615, 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 30, 1963.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 63-10508; Filed, Oct. 2, 1963;
8:48 a.m.]

[C.C.C. Grain Price Support Reg., 1963-Crop
Wheat Supp., Amdt. 2]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—1963-Crop Wheat Loan and Purchase Agreement Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 28 F.R. 6959 and 9979, and containing specific requirements of the 1963-crop wheat loan and purchase agreement program are hereby amended as follows:

1. Section 1421.2105(b)(1) is amended to also make wheat grading No. 4, No. 5, or "Sample" because of damaged kernels eligible for loans or purchase agreements so that the amended subparagraph reads as follows:

§ 1421.2105 Eligible wheat.

(b) Grade requirements. * * *

(1) The wheat must be (i) wheat of any class grading No. 3 or better; (ii) wheat of any class grading No. 4 or No. 5 because of containing "Durum" and/or "Red Durum" but otherwise grading No. 3 or better; (iii) wheat of any class grading No. 4, No. 5, or "Sample" on the factor(s) of test weight and/or total damage (other than heat damage) provided the test weight is not less than 40 pounds per bushel and the wheat otherwise meets the requirements as stated in subdivisions (i) and (ii) of this subparagraph; or (iv) wheat of the class Mixed wheat, which consists of mixtures of grades of eligible wheat as specified in subdivisions (i), (ii), or (iii) of this subparagraph, provided such mixtures are the natural products of the field. In addition, wheat may have the special grade designations "Garlicky" and/or "Smutty."

2. Section 1421.2113(f)(2) is amended to provide discounts for wheat grading No. 4, No. 5, or "Sample" on account of total damaged kernels (other than heat damaged) so that the amended subparagraph reads as follows:

§ 1421.2113 Support rates.

(f) Discounts and premiums. * * *

	Cents per bushel
(2) Grade premium and discounts:	
(i) Premium:	
No. 1 Heavy (Hard Red Spring)	+1
(ii) Discounts:	
No. 2.....	-1
No. 3.....	-3
No. 4, No. 5 or "Sample" on account of test weight:	

Hard Red Spring		All other classes	
Test weight	Cents per bushel	Test weight	Cents per bushel
53.0-54.9.....	-6	54.0-55.9.....	-6
50.0-52.9.....	-9	51.0-53.9.....	-9
49.....	-13	50.....	-13
48.....	-17	49.....	-17
47.....	-21	48.....	-21
46.....	-25	47.....	-25
45.....	-29	46.....	-29
44.....	-33	45.....	-33
43.....	-35	44.....	-35
42.....	-41	43.....	-41
41.....	-47	42.....	-47
40.....	-53	41.....	-53
	-59	40.....	-59

No. 4, No. 5 or "Sample" on account of total damaged kernels (other than heat damaged)^{4,5}

Percent—Total damaged kernels:	Cents per bushel
7.1-8.....	-1
8.1-9.....	-2
9.1-10.....	-3
10.1-11.....	-4
11.1-12.....	-5
12.1-13.....	-6
13.1-14.....	-7
14.1-15.....	-8
15.1-16.....	-10
16.1-17.....	-12
17.1-18.....	-14
18.1-19.....	-16
19.1-20.....	-18

- (2) Grade premium and discounts.—Con.
 (1) Premium.—Continued
 No. 4, No. 5 or "Sample" on account of total damaged kernels (other than heat damaged).⁴—Continued

Percent—Total damaged kernels.—Con.	Cents per bushel
20.1-21-----	-20
21.1-22-----	-22
22.1-23-----	-24
23.1-24-----	-26
24.1-25-----	-28
25.1-26-----	-30
26.1-27-----	-32
27.1-28-----	-34
28.1-29-----	-36
29.1-30-----	-38
30.1 and over ⁵ -----	-60
No. 4 or 5 because of containing Durum and/or Red Durum ^{2,3} -----	-6
Smut—Degree basis:	
Light Smutty-----	-2
Smutty-----	-6
Smut—Percentage basis:	
One-half of 1 percent-----	-1
One percent or over-----	-3
Garlic—Degree basis:	
Light Garlicky-----	-6
Garlicky-----	-15

3. Section 1421.2113(f) is amended to add a new subparagraph (5) to read as follows:

Cents per bushel

- (5) Weed control discount (where required by section 1421.27)----- -10c

4. The footnotes at the end of § 1421.2113(f) (2) are deleted and a new set of footnotes are added at the end of such subparagraph to read as follows:

¹ Not applicable to any of the undesirable varieties listed in the variety discount schedule.

² This discount is in addition to any other applicable numerical grade discount, and any other discounts which may be applicable.

³ Not applicable to any of the Mixed Wheats or Red Durum. For discounts applicable to Mixed Wheat containing Durum and/or Red Durum, see subparagraph (1)(ii) of this paragraph.

⁴ Where damage is no more than 30 percent, this discount shall be in addition to all other applicable discounts and wheat otherwise grading No. 1 Heavy, No. 1 or No. 2 shall be discounted 3 cents per bushel in lieu of the numerical grade premium or discount.

⁵ Premiums in subparagraphs (1) and (4) of this paragraph are not applicable.

⁶ No additional discounts shall be applied except the variety discount in subparagraph (3), the test weight discount when the wheat would grade "Sample" on account of test weight, and applicable discounts for protein and sedimentation.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 306, 76 Stat. 614; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 30, 1963.

H. D. GODFREY,
 Executive Vice President,
 Commodity Credit Corporation.

[F.R. Doc. 63-10509; Filed, Oct. 2, 1963; 8:48 a.m.]

No. 193—2

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1989; Amdt. 628]

PART 507—AIRWORTHINESS DIRECTIVES

Cessna 190 and 195 Series Aircraft

Amendment 322, 26 F.R. 7695 (AD 61-17-1), which was issued following a fatal accident caused by fatigue failure of the front wing spar fuselage carry through lower cap, requires X-ray inspection of Cessna 190 and 195 Series aircraft with 4,500 or more hours' time in service. A recent fatal accident involving a similar fatigue failure of the same structure on an aircraft with relatively low service time makes it necessary to supersede Amendment 322 with a new directive requiring inspection and modification of all Cessna 190 and 195 Series aircraft within 10 hours' time in service after the effective date of the new directive.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CESSNA. Applies to all Model 190 and 195 Series aircraft.

Compliance required as indicated.

As a result of a fatal accident involving fatigue failure of the front wing spar fuselage carry through lower cap the following corrective action is required:

(a) Within 10 hours' time in service after the effective date of this AD, conduct the following visual and X-ray inspections in accordance with Cessna Service Letter 190/195-1 dated May 13, 1960, or FAA approved equivalent unless already accomplished within the last 100 hours' time in service:

(1) Inspect using X-ray method for cracks in the lower cap of the front spar carry through member at both left and right sides of the fuselage in the area of the two most inboard steel rivets;

(2) Remove rear spar to fuselage attachments bolts and visually inspect these bolts using at least a 4-power magnifying glass for evidence of wear or partial shear failures;

(3) Visually inspect the rear spar to fuselage fittings of both the wing structure and carry through structure including the bolt bushings for wear or hole elongation;

(4) Visually inspect the steel plates of the rear spar to fuselage attachment fittings on the wing for cracks using at least a 4-power magnifying glass; and

(5) If any of the defects specified are found replace the parts with new parts or make an FAA approved repair and accomplish the modification required by (b) before further flight.

(b) Within 10 hours' time in service after the effective date of this AD, accomplish the

fuselage front spar modification as specified in Cessna Service Letter 63-40, dated September 27, 1963. This specifies replacement of the five existing inboard lower cap high shear steel pins with NAS 464P7-A64 bolts and attachment of two ½ x 1¼ 4130 steel reinforcement bars on each side of the lower spar cap in accordance with Cessna Service Kit No. SK-195-3 and SK-195-4, dated September 23, 1963.

(c) At each periodic inspection after the accomplishment of (b), visually inspect for cracks the visible portion of the lower spar cap and reinforcement bars at the inboard bolt location. If cracks are found, replace the cracked part with a new part or make an FAA approved repair before further flight.

This supersedes Amendment 322, 26 F.R. 7695 (AD 61-17-1).

This amendment shall become effective October 8, 1963.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 27, 1963.

G. S. MOORE,
 Director,
 Flight Standards Service.

[F.R. Doc. 63-10462; Filed, Oct. 2, 1963; 8:45 a.m.]

[Reg. Docket No. 1988; Amdt. 627]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas Model DC3 Series Aircraft

Amendment 536, 28 F.R. 1371 (AD 63-4-1), as amended by Amendment 569, 28 F.R. 5232, requires inspection and modification of the wing lower surface attach angles and doublers on Douglas Model DC3 Series aircraft. It has subsequently been determined that the modifications should be made in accordance with the provisions of a later Douglas Service Bulletin and that closer tolerances are necessary for maximum service life. In addition, in response to numerous inquiries, Amendment 536, as amended by Amendment 569, is further amended for purposes of clarification and to permit the use of a 6-power rather than a 10-power magnifying glass. This amendment also sets forth additional information concerning FAA approved equivalent jig fixtures.

While certain of the provisions of this amendment are minor rules which either clarify or relax the present requirements, the additional requirements concerning closer tolerances and compliance with the later Service Bulletin require immediate action in the interest of safety. Therefore, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment 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. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 536, 28 F.R. 1371, as amended by Amendment 569, 28 F.R. 5232, Douglas Model DC3 Series aircraft, is further amended by:

1. Changing next to the last sentence in paragraph (a) to read: "Reinspection must be made at periods not to exceed 450 hours' time in service from the last inspection."

2. Changing paragraphs (b) (1), (2), and (3) to read:

(1) All outer wing lower surface doublers, P/N's 570602-206 and -207 or P/N's 5115200-206 and -207 shall be replaced with new doublers fabricated from 0.072 material in the manner described in Douglas Service Bulletin DC-3 No. 262, reissued June 14, 1963.

(2) All outer wing lower surface doublers P/N's 570602-208 and -209 or P/N 5115200-208 and -209 shall be replaced with new doublers fabricated from 0.064 material in the manner described in Douglas Service Bulletin DC-3 No. 262, reissued June 14, 1963.

(3) All outer wing lower surface attach angles shall be replaced with new angles fabricated for proper installation with the new heavier doublers in the manner described in Douglas Service Bulletin DC-3 No. 262, reissued June 14, 1963, except that aircraft modified prior to the effective date of this amendment to incorporate doublers and attach angles described in Douglas Service Bulletins No. 220 and No. 146, respectively, are satisfactory until parts must again be replaced.

3. Deleting paragraphs (b) (4) and (5) and adding the following paragraphs (b) (4) and (5) to read:

(4) The wing center section lower surface shall be modified by incorporating witness holes and installing new wrap around doublers attached to wing skin and new attach angles as described in Douglas Service Bulletin DC-3 No. 262, reissued June 14, 1963, except that modifications made prior to the effective date of this amendment in accordance with Douglas Drawing 5406787 "D", "E", or "F" are satisfactory until parts must again be replaced.

(5) The proper installation alignment of the attach angles and doublers described in (b) (1), (2), (3), and (4) shall be maintained. This shall be accomplished by the use of satisfactory jigs or by FAA approved equivalent means. Douglas jig fixtures P/N's A652-5110506-1-1F2 and A652-511-0506-1F2 or P/N's C652-5110500-101-1-1F1 and C652-5110500-101-1F1 or those that meet the criteria of Advisory Circular AC 39-1, are considered to be satisfactory for alignment purposes.

4. Changing paragraph (c) (1) to read:

(1) Prior to the issuance of an original airworthiness certificate except as covered by (d).

5. Changing paragraph (c) (2) (ii) to read:

(ii) Have been modified in the manner prescribed by (b) but from the maintenance record the time in service since such modification cannot be verified, unless an inspection per (f) (1), (2), and (3) reveals no cracks and reinspection is then made at intervals not to exceed 2,000 hours' time in service. If cracks are found the aircraft must then be modified per (b).

6. Changing paragraph (c) (3) to read:

(3) Every 16,000 hours' total time in service since last modified as specified in (b) unless an inspection per (f) reveals no cracks and reinspection is then made per (e) (2).

7. Changing in the last sentence of paragraphs (f) (1) and (2) the reference to a "10-power magnifying glass" to a "6-power magnifying glass."

8. Deleting in paragraph (h) the reference "or for inspection per (f)."

9. Revising paragraphs (h) (1) and (2) to read:

(1) Compression angles attached to corrugation and stringers and the spar cap butt plates of the center wing must be held in plane with the wrap around doubler on the attach angle to a plus 0.004 inch/minus 0.000 inch.

(2) The waffle plates attached to the stringers and the spar cap butt plates of the outer wing must be held in plane with the wrap around doubler on the attach angle to a plus 0.006 inch/minus 0.000 inch.

10. Deleting the Note immediately following (h) (2).

11. Adding the following paragraph (h) (3) to read:

(3) Tolerances of a maximum of 0.010-inch interference to a maximum of 0.010-inch clearance between the compression angles and waffle plates are acceptable if previously accomplished. The tolerances set forth in (h) (1) and (2) shall be used for all attach angle installations subsequent to the effective date of this AD.

12. Adding the following note immediately after (h) (3) to read:

NOTE: The tolerance ranges set forth in (h) (1) and (2) will allow flush to a 0.010-inch interference between the compression angles and plates when the wing is installed. This interference fit assures the most effective distribution of loads across the joint and the maximum service life.

This amendment shall become effective October 3, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 27, 1963.

G. S. MOORE,
Director,

Flight Standards Service.

[F.R. Doc. 63-10463; Filed, Oct. 2, 1963; 8:45 a.m.]

[Reg. Docket No. 1902; Amdt. 626]

PART 507—AIRWORTHINESS DIRECTIVES

North American Model NA-265 (T-39A) Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the external center wing fuselage intersection area for evidence of fuel leakage, and repair if fuel leakage is detected on North American Model NA-265 (T-39A) Series aircraft was published in 28 F.R. 8326.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489),

§ 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

NORTH AMERICAN. Applies to Model NA-265 Serial Numbers 265-1 through 265-75, Model NA-265-20 Serial Numbers 270-1 through 270-6, and Model NA-265-40 Serial Number 282-1.

Compliance required as indicated.

Fuel leakage has occurred in the wing center section of NA-265 (T-39A) aircraft. Leakage was due to cracks in the flange radius of the front spar splice, and the front spar sealing pad. To stop the fuel leakage accomplish the following:

(a) Within the next 100 hours' time in service from the effective date of this AD, and thereafter at periods not to exceed 100 hours' time in service from the last inspection, visually inspect the external center wing fuselage intersection area for evidence of fuel leakage.

(b) If fuel leakage is detected, before further flight, attempt to stop the leak by retorquing the screws, or injecting sealant in the sealant grooves, per the Fuel System Section of the Maintenance Manual. If the leakage persists, inspection and necessary repair must be accomplished in accordance with the procedures called out in the North American Aviation Sabreliner Field Service Bulletin No. 63-1, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Western Region. Repairs for locations not specifically covered by the Bulletin shall be made in accordance with a method approved by the Chief, Engineering and Manufacturing Branch, FAA, Western Region. The inspections in (a), however, must be continued.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator. (North American Aviation Sabreliner Field Service Bulletin No. 63-1 pertains to this same subject.)

This amendment shall become effective November 4, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 26, 1963.

G. S. MOORE,
Director,

Flight Standards Service.

[F.R. Doc. 63-10464; Filed, Oct. 2, 1963; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Hair Dyes; Deletion of Superseded Material

Effective on the date of publication of this order in the FEDERAL REGISTER,

§ 1.200 is deleted, the material therein having been superseded by § 8.1(u).

(Secs. 701, 706, 52 Stat. 1055 as amended; 74 Stat. 399; 21 U.S.C. 371, 376)

Dated: September 18, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10484; Filed, Oct. 2, 1963;
8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3238]

[Arizona 032166]

ARIZONA

Withdrawal of Land for Use of Department of Justice for Border Patrol Sector Headquarters Site

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

Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under the jurisdiction of the General Services Administration for use by the Immigration and Naturalization Service as a Border Patrol Sector Headquarters Site:

GILA AND SALT RIVER BASE MERIDIAN

T. 14 S., R. 13 E.,
Sec. 27, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$.

Containing approximately 4 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

SEPTEMBER 27, 1963.

[F.R. Doc. 63-10476; Filed, Oct. 2, 1963;
8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Havasu Lake National Wildlife Refuge, Arizona and California

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Havasu Lake National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,266 acres, is delineated on a map available at refuge headquarters, Parker, Arizona, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, gallinules, ducks (except canvas-back and redhead), and geese.

(b) Open season: All species—from 12 o'clock noon (standard time) to sunset October 8, and from one-half hour before sunrise to sunset October 9, 1963, through January 5, 1964, inclusive.

(c) Daily bag limits: Ducks 5, coots and gallinules 25, (singly or aggregate), geese 6. The daily bag limit of 5 ducks may not include more than 2 wood ducks and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include more than 1 Ross' goose; and the daily bag limit may not include more than 3 geese of the dark species, which on the California side of the Colorado River may not include more than 1 Canada goose or subspecies and on the Arizona side of the Colorado River may not include more than 2 Canada geese or subspecies.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl, coots, and gallinules.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State laws and regulations.

(5) Boats—The use of boats, including boats with motors, is permitted, except shooting is not permitted from motor boats unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 6, 1964.

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 33,000 acres, is delineated on a map available at refuge headquarters, Yuma, Arizona, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, gallinules, ducks (except canvas-back and redhead), and geese.

(b) Open season: All species—from 12 o'clock noon (standard time) to sunset October 8, and from one-half hour before sunrise to sunset October 9, 1963, through January 5, 1964, inclusive.

(c) Daily bag limits: Ducks 5, coots and gallinules 25 (singly or aggregate), geese 6. The daily bag limit of 5 ducks may not include more than 2 wood ducks and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include more than 1 Ross' goose; and the daily bag limit may not include more than 3 geese of the dark species, which on the California side of the Colorado River may not include more than 1 Canada goose or subspecies and on the Arizona side of the Colorado River may not include more than 2 Canada geese or subspecies.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used to retrieve wounded or dead waterfowl, coots, and gallinules.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State laws and regulations.

(5) Boats—The use of boats, including boats with motors, is permitted, except shooting is not permitted from motor boats unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 6, 1964.

DANIEL H. JANZEN,
Director, Bureau of
Sport Fisheries and Wildlife.

SEPTEMBER 24, 1963.

[F.R. Doc. 63-10469; Filed, Oct. 2, 1963;
8:46 a.m.]

PART 32—HUNTING

Chautauqua National Wildlife
Refuge, Illinois, et al.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory
game birds; for individual wildlife
refuge areas.

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Chautauqua National Wildlife Refuge, Illinois, is permitted only on the area designated by signs as open to hunting. This open area, comprising 555 acres or 13 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Havana, Illinois, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season: Ducks and coots—from 12 o'clock noon (standard time) to sunset November 1, 1963, and from sunrise to sunset November 2, 1963, through December 5, 1963. Geese—from sunrise to sunset October 20, 1963, through December 5, 1963.

(c) Daily bag limits: Ducks 4, coots 8, geese 5. The daily bag limit of 4 ducks may not include more than 2 mallard or black ducks, singly or in the aggregate of both kinds; 2 wood ducks; 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—the use of boats, including boats with motors, is permitted, except shooting is not permitted from motor boats unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge

areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 6, 1963.

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Crab Orchard National Wildlife Refuge, Illinois, is permitted only on the area designated by signs as open to hunting. This open area, comprising 12,380 acres or 28 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Carterville, Illinois, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season: Ducks and coots—from 12 o'clock noon (standard time) to sunset November 1, 1963, and from sunrise to sunset November 2, 1963, through December 5, 1963. Geese—from sunrise to 3:00 p.m. November 4, 1963, through December 23, 1963, and from sunrise to 3:00 p.m. January 1, 1964, through January 5, 1964, unless the open season is further restricted by State or Federal regulation.

(c) Daily bag limits: Ducks 4, coots 8, geese 5. The daily bag limit of 4 ducks may not include more than 2 mallard or black ducks, singly or in the aggregate of both kinds; 2 wood ducks; 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed. Pits may be dug in areas approved and designated by the refuge manager. The following State regulations pertaining to the use of blinds are adopted as a part of this regulation:

(a) It is prohibited for any person to take wild geese except from a blind or pit;

(b) It is prohibited for any person to establish or use a blind or pit within 100 yards of the boundary of the property on which the blind or pit is located;

(c) It is prohibited for any person to establish or use a blind or pit for the taking of wild geese within 200 yards of the refuge closed area boundary or public road right-of-way adjacent to that boundary;

(d) It is prohibited for more than 3 persons at the same time to occupy, or

attempt to take wild geese from, any blind or pit.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—The use of boats for hunting on the water in the open area of the refuge is prescribed as follows:

(a) Crab Orchard Lake—boats with motors will be permitted.

(b) Little Grassy and Devils Kitchen Lakes—boats with motors up to 6 h.p. will be permitted.

(c) Shooting from motor boats is permitted only if they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 6, 1964.

ILLINOIS AND IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Mark Twain National Wildlife Refuge, Illinois and Iowa, is permitted only on the area designated by signs as open to hunting. This open area, comprising 7,400 acres or 32 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Quincy, Illinois, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season:

Illinois—Ducks and coots—from 12 o'clock noon (standard time) to sunset November 1, 1963, and from sunrise to sunset November 2, 1963, through December 5, 1963. Geese—from sunrise to sunset October 20, 1963, through December 5, 1963.

Iowa—Ducks and coots—from 12 o'clock noon (standard time) to sunset October 5, 1963, and from sunrise to sunset October 6, 1963, through October 13, 1963, and from 12 o'clock noon (standard time) to sunset October 26, and from sunrise to sunset October 27 through November 17, 1963. Geese—from 12 o'clock noon (standard time) to sunset October 5, 1963, and from sunrise to sunset October 6, 1963, through December 13, 1963.

(c) Daily bag limits: *Illinois and Iowa*—Ducks 4, coots 8, geese 5. The daily bag limit of 4 ducks may not include more than 2 mallard or black ducks, singly or in the aggregate of both kinds; 2 wood ducks; 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag

limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—The use of boats, including boats with motors, is permitted, except shooting is not permitted from motor boats unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 6, 1963.

ILLINOIS, IOWA, MINNESOTA, AND
WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND
FISH REFUGE

Public hunting of migratory game birds on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 153,000 acres are delineated on maps available at refuge headquarters, Winona, Minnesota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open seasons:

Illinois—Ducks and coots—from 12 o'clock noon (standard time) to sunset November 1, 1963, and from sunrise to sunset November 2, 1963, through December 5, 1963. Geese—from sunrise to sunset October 20, 1963, through December 5, 1963.

Iowa—Ducks and coots—from 12 o'clock noon (standard time) to sunset October 5, 1963, and from sunrise to sunset October 6, 1963, through October 13, 1963, and from 12 o'clock noon (standard time) to sunset October 26, 1963, and from sunrise to sunset October 27, 1963, through November 17, 1963. Geese—from 12 o'clock noon (standard time) to sunset October 5, 1963, and from sunrise to sunset October 6, 1963, through December 13, 1963.

Minnesota—Ducks and coots from 12 o'clock noon (standard time) to sunset

October 5, 1963, and from sunrise to sunset October 6, 1963, through November 8, 1963. Geese—from 12 o'clock noon (standard time) to sunset October 5, 1963, and from sunrise to sunset October 6, 1963, through December 13, 1963.

Wisconsin—Ducks and coots from 12 o'clock noon (standard time) to sunset October 5, 1963, and from sunrise to sunset October 6, 1963, through November 8, 1963. Geese—from 12 o'clock noon (standard time) to sunset October 5 and from sunrise to sunset October 6, 1963 through December 13, 1963.

(c) Daily bag limits:

Illinois and Iowa—Ducks 4, coots 8, geese 5. The daily bag limit of 4 ducks may not include more than 2 mallard or black ducks, singly or in the aggregate of both kinds; 2 wood ducks; 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

Minnesota—Ducks 3, coots 8, geese 5. The daily bag limit of 3 ducks may not include more than 2 mallard or black ducks, singly or in the aggregate of both kinds; 2 wood ducks; 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese, or 1 Canada goose or subspecies and 1 white-fronted goose.

Wisconsin—Ducks 4, coots 8, geese 5. The daily bag limit of 4 ducks may not include more than 2 mallard or black ducks, singly or in the aggregate of both kinds; 2 wood ducks; 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—The use of boats, including boats with motors, is permitted, except shooting is not permitted from motor boats, unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas

generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 14, 1963.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Tamarac National Wildlife Refuge, Minnesota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,000 acres or 26 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Rochester, Minnesota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season: Ducks and coots from 12 o'clock noon (standard time) to sunset October 5, 1963, and from sunrise to sunset October 6, 1963, through November 8, 1963. Geese—from 12 o'clock noon (standard time) to sunset October 5, 1963, and from sunrise to sunset October 6, 1963, through December 13, 1963.

(c) Daily bag limits: Ducks 3, coots 8, Geese 5. The daily bag limit of 3 ducks may not include more than 2 mallards or black ducks, singly or in the aggregate of both kinds; 2 wood ducks; 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—The use of boats, including boats with motors, is permitted, except that shooting is not permitted from motor boats, unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 14, 1963.

MISSOURI

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Mark Twain National Wildlife Refuge, Missouri, is suspended during the 1963 season since no open area is prescribed. The provisions of this special regulation are effective to January 1, 1964.

SWAN LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game bird on the Swan Lake National Wildlife Refuge, Missouri, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,500 acres or 23 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Sumner, Missouri, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season: Ducks and coots from 12 o'clock noon (standard time) to sunset October 25, 1963, and from sunrise to sunset October 26, 1963, through November 28, 1963. Geese—from sunrise to sunset October 14, 1963, through November 17, 1963; and from sunrise to sunset December 10, 1963, through January 13, 1964.

(c) Daily bag limits: Ducks 4, coots 8, geese 5. The daily bag limit of 4 ducks may not include more than 2 mallard or black ducks, singly or in the aggregate of both kinds; 2 wood ducks; 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit for geese may not include, in the alternative, more than: 2 Canada geese or subspecies; 2 white-fronted geese; or 1 Canada goose or subspecies and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Blinds—Blinds are as constructed, maintained, and allotted by the Missouri Conservation Commission. Applications for public hunting and the registration of hunters are handled by the Missouri Conservation Commission.

(3) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area, but a

permit issued by the Missouri Conservation Commission is required. Hunters, upon entering or leaving the hunting areas, shall report at designated checking stations as may be established for the regulation of hunting activity and shall furnish information relative to their hunting as requested.

(3) The provisions of this special regulation are effective to January 14, 1964.

NORTH DAKOTA

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Lower Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 2,850 acres or 5 percent of the total area of the refuge, are delineated on a map available at the refuge headquarters, Upham, North Dakota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season: Ducks and coots from 12 o'clock noon (standard time) to sunset October 5, 1963, and from sunrise to sunset October 6, 1963, through November 8, 1963. Geese—from sunrise to 12 o'clock noon (standard time) October 1, 1963, through November 30, 1963.

(c) Daily bag limits: Ducks 4, coots 8, geese 5. The daily bag limit may not include more of the following species than 2 mallards; 2 wood ducks; 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit may not include more than 1 Ross' goose and, in the alternative, more than 2 Canada geese or subspecies; 1 Canada goose or subspecies and 1 white-fronted goose; or 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Retrieving Zones—Retrieving zones may be established by the Officer in Charge not to exceed 100 yards in width. Possession of firearms in retrieving zone is prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 1, 1963.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Lacreek National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as opening to hunting. This open area, comprising 310 acres or 3 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Martin, South Dakota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season: Ducks and coots from 12 o'clock noon (standard time) to sunset October 12, 1963, and from sunrise to sunset October 13, 1963, through November 15, 1963. Geese—from sunrise to sunset October 1, 1963, through December 14, 1963.

(c) Daily bag limits: Ducks 4, coots 8, geese 5. The daily bag limit may not include more of the following species than 2 mallards; 2 wood ducks; and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds. The daily bag limit may not include more than 1 Ross' goose and, in the alternative, more than 2 Canada geese or subspecies; 1 Canada goose or subspecies and 1 white-fronted goose; or 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1963.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Horicon National Wildlife Refuge, Wisconsin, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,700 acres or 8 percent of the total area

of the refuge, are delineated on a map available at the refuge headquarters, Mayville, Wisconsin, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Geese.

(b) Open season: Geese from 12 o'clock noon (standard time) until 2:00 p.m. October 5, 1963, and from 9:00 a.m. to 2:00 p.m. October 6, 1963, through December 13, 1963, unless the open season is further restricted by State or Federal regulations.

(c) Daily bag limits: Geese 1. The daily bag limit for geese may not include more than 1 goose of any species.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder. Only six shells may be possessed or fired in the managed hunting unit.

(2) Blinds—Blinds are as constructed, maintained, and allotted by the Wisconsin Conservation Department. Applicants for public hunting, and the registration of hunters, are handled by the Wisconsin Conservation Department.

(3) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting areas, but a permit issued by the Wisconsin Conservation Department is required. Hunters, upon entering or leaving the hunting area, shall report at designated checking stations as may be established for the regulation of hunting activity and shall furnish information regarding their hunting as requested.

(3) All geese killed in the managed hunting area must be registered at an authorized registration station.

(4) The provisions of this special regulation are effective to December 14, 1963.

DANIEL H. JANZEN,
Director, Bureau of
Sport Fisheries and Wildlife.

SEPTEMBER 30, 1963.

[P.R. Doc. 63-10470; Filed, Oct. 2, 1963;
8:46 a.m.]

PART 32—HUNTING

Fallon National Wildlife Refuge,
Nevada, et al.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting sea-

sons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEVADA

FALLON NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Fallon National Wildlife Refuge, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,600 acres, is delineated on a map available at the refuge headquarters, Fallon, Nevada, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redhead and canvasback), geese, coots, and gallinules.

(b) Open season: All species from 12 o'clock noon (standard time) to sunset October 11, and from one-half hour before sunrise to sunset October 12, 1963, through January 5, 1964.

(c) Daily bag limits: Ducks 4, geese 6, coots and gallinules 25, singly or in the aggregate of both kinds.

The daily bag limit on ducks may not include more than two wood ducks and one hooded merganser. In addition to the daily bag limit on other ducks, a daily bag limit of five American and red-breasted mergansers, singly or in the aggregate of both kinds, is permitted.

The daily bag limit on geese may not include more than three of the dark species. Only one Ross' goose is permitted in the daily bag.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used to retrieve wounded or dead waterfowl, coots, and gallinules.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons while hunting on the area may employ guides subject to the restrictions of State law and regulations. Guides must be licensed by the State and must be in possession of a refuge guiding permit.

(5) Boats—Use of boats, including boats with motors is permitted, except shooting is not permitted from motor boats unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area, but hunters will be required to report at such checking stations as may be established when entering or leaving the area.

(3) The provisions of this special regulation are effective to January 6, 1964.

RUBY LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Ruby Lake National Wildlife Refuge, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 7,100 acres or 19 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Ruby Valley, Nevada, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redhead and canvasback), geese, coots, and gallinules.

(b) Open season: All species from 12 o'clock noon (standard time) to sunset October 11, and from one-half hour before sunrise to sunset October 12, 1963, through January 5, 1964.

(c) Daily bag limits: Ducks 4, geese 6, coots and gallinules 25, singly or in the aggregate of both kinds.

The daily bag limit on ducks may not include more than two wood ducks and one hooded merganser. In addition to the daily bag limit on other ducks, a daily bag limit of five American and red-breasted mergansers, singly or in the aggregate of both kinds is permitted.

The daily bag limit on geese may not include more than three of the dark species. Only one Ross' goose is permitted in the daily bag.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used to retrieve wounded or dead waterfowl, coots, and gallinules.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons while hunting on the area may employ guides subject to the restrictions of State law and regulations. Guides must be licensed by the State and must be in possession of a refuge guiding permit.

(5) Boats—Boats are permitted. Motors not larger than 10 h.p. may be used only for access to the hunting area. Use of airthrust boats or scull boats is prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area, but hunters will report at such checking stations as may be established when entering or leaving the area.

(3) The provisions of this special regulation are effective to January 6, 1964.

STILLWATER WILDLIFE MANAGEMENT AREA

Public hunting of migratory game birds on the Stillwater Wildlife Management Area, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 180,430

acres, is delineated on a map available at the refuge headquarters, Fallon, Nevada, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redheads and canvas-back), geese, coots, and gallinules.

(b) Open season: All species from 12 o'clock noon (standard time) to sunset October 11, and from one-half hour before sunrise to sunset October 12, 1963, through January 5, 1964.

(c) Daily bag limits: Ducks 4; geese 6; coots and gallinules 25, singly or in the aggregate of both kinds.

The daily bag limit on ducks may not include more than two wood ducks and one hooded merganser. In addition to the daily bag limit on other ducks, a daily bag limit of five American and red-breasted mergansers, singly or in the aggregate of both kinds, is permitted.

The daily bag limit on geese may not include more than three of the dark species. Only one Ross' goose is permitted in the daily bag.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed two dogs per hunter may be used to retrieve wounded or dead waterfowl, coots, and gallinules.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons while hunting on the area may employ guides subject to the restrictions of State law and regulations. Guides must be licensed by the State and must be in possession of a refuge guiding permit.

(5) Boats—Use of boats, including boats with motors, is permitted, except shooting is not permitted from motor boats unless they are anchored or otherwise fastened to a fixed blind or the shore.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area, but hunters will be required to report at such checking stations as may be established when entering or leaving the area.

(3) The provisions of this special regulation are effective to January 6, 1964.

DANIEL H. JANZEN,
Director, Bureau of
Sport Fisheries & Wildlife.

SEPTEMBER 24, 1963.

[F.R. Doc. 63-10471; Filed, Oct. 2, 1963; 8:46 a.m.]

PART 32—HUNTING

Lacreek National Wildlife Refuge, South Dakota

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Lacreek National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 310 acres or 3 percent of the total refuge area, locally known as the Little White River recreational area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants and grouse (sharp-tailed and pinnated) during the season specified below. The hunting of other upland game species, as may be authorized by South Dakota State regulations, is prohibited.

(b) Open season: Pheasants—from noon to sunset (c.s.t.), daily, from October 19, 1963, through October 31, 1963; and from 9:00 a.m. until sunset (c.s.t.), daily, from November 1, 1963, through November 30, 1963. Grouse—from sunrise to sunset each day from the effective date of this publication through October 18, 1963; and from noon to sunset (c.s.t.), daily, October 19, 1963, through October 31, 1963.

(c) Daily bag limits: Pheasants—four male birds. Grouse—four birds.

(d) Methods of hunting.

(1) Game birds may be hunted with shotgun or with bow and arrow. Arrows used must be at least 24 inches long, have a broad head steel blade, and two untrimmed feathers.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 1, 1963.

R. W. BURWELL,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

SEPTEMBER 27, 1963.

[F.R. Doc. 63-10472; Filed, Oct. 2, 1963; 8:46 a.m.]

PART 32—HUNTING

Columbia National Wildlife Refuge, Washington

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

§ 33.22 Special regulations; upland game for individual wildlife refuge areas.

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Columbia National Wildlife Refuge,

Washington, is permitted only on the area designated by signs as open to hunting. This open area comprising 7,554 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasant, Hungarian and chukar partridge, scaled and valley quail, and cottontail rabbits.

(b) Open season: Pheasants—from 12 noon to sunset October 12 and from 7 a.m. to sunset October 13 through November 10; also from 7 a.m. to sunset November 23 through December 22, 1963. Chukars, Hungarian partridge and quail—from 12 noon to sunset October 12 and from 7 a.m. to sunset October 13, 1963, through January 12, 1964. Rabbits—from noon to sunset October 12, and from 7 a.m. to sunset October 13, 1963, through January 12, 1964.

(c) Daily bag limits: Pheasants—3 cocks; Chukars—8; Hungarian partridge—4; Quail—10; Rabbits—5.

(d) Methods of hunting:

1. Weapons—Shotguns only may be used for hunting upland game.

2. Dogs—Not to exceed two dogs per hunter may be used for hunting upland game.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Camping—Camping will be permitted only in designated areas.

3. A Federal permit is not required to enter the public hunting area, but hunters will report at such checking stations as may be established when entering or leaving the area.

4. The provisions of this special regulation are effective to January 13, 1964.

PAUL T. QUICK,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

SEPTEMBER 23, 1963.

[F.R. Doc. 63-10473; Filed, Oct. 2, 1963; 8:46 a.m.]

PART 32—HUNTING

Sacramento National Wildlife Refuge, California

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

CALIFORNIA

SACRAMENTO NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Sacramento National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,000 acres or 29 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fish-

eries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasants.

(b) Open season: November 23, 24, 30, and December 1, 7, and 8, 1963—only. Shooting hours 8:00 a.m. to 4:30 p.m.

(c) Daily bag limits: 2 cocks.

(d) Methods of hunting:

1. Dogs: Not to exceed two dogs per hunter may be used.

2. Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than three shells) fired from the shoulder.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area, but a

State permit available at the checking station at the entrance to the public hunting area is required to hunt on the area.

3. The provisions of this special regulation are effective to December 9, 1963.

HARRY A. GOODWIN,
*Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.*

SEPTEMBER 26, 1963.

[F.R. Doc. 63-10492; Filed, Oct. 2, 1963;
8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1004, 1010]

[Docket Nos. AO-160-A26, AO-276-A6]

MILK IN PHILADELPHIA, PA., AND WILMINGTON, DEL., MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Milk in the Philadelphia, Pennsylvania, and Wilmington, Delaware, marketing areas (to be newly designated as "Delaware Valley Marketing Area"):

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Philadelphia, Pennsylvania, and Wilmington, Delaware, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, not later than the close of business the 10th 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 amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Philadelphia, Pennsylvania, March 5-April 2, 1963, pursuant to notices thereof which were issued November 20, 1962 (27 F.R. 11673), November 30, 1962 (27 F.R. 11999), and February 26, 1963 (28 F.R. 2009).

The material issues on the record of the hearing relate to:

1. Extension of the marketing area and merger of Orders No. 4 and No. 10; and

2. Appropriate terms and provisions of the order with respect to:

(a) The distribution of returns to producers on a marketwide or individual-handler pool basis;

(b) Milk to be priced and pooled;

(c) Classification (including transfers) and allocation of milk;

(d) The method of determining the Class I price and the application of location differentials; and

(e) Administrative and miscellaneous provisions.

Findings and conclusions. The following findings and conclusions on the ma-

terial issues are based on evidence presented at the hearing and the record thereof:

1. *Extension of the marketing area and merger of Orders No. 4 and No. 10.* The marketing area of Order No. 4 should be extended to include all territory in the State of New Jersey not now included in the New York-New Jersey (Order No. 2) marketing area. (This area of proposed extension is hereinafter referred to as southern New Jersey.) In addition, the Wilmington (Order No. 10) and the Philadelphia (Order No. 4) marketing orders should be merged. This combined area of regulation as herein recommended should be designated the "Delaware Valley marketing area".

The southern New Jersey area here under consideration includes all territory in the State of New Jersey within the boundaries of the counties of: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean (except the boroughs of Bay Head, Beachwood, Island Heights, Lakehurst, Lavallette, Mantoloking, Ocean Gate, Pine Beach, Point Pleasant, Point Pleasant Beach, Seaside Heights, Seaside Park, South Toms River, and the townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester, and Plumsted) and Salem.

The existing marketing area of Order No. 4 includes Philadelphia and Delaware Counties together with portions of Montgomery and Bucks Counties, all in Pennsylvania. The Order No. 10 area includes that portion of New Castle County, Delaware, lying north of the Chesapeake and Delaware Canal.

Federal regulation of southern New Jersey was proposed by the three principal cooperative associations supplying milk for distribution in that area. The primary handlers in southern New Jersey joined the proponent cooperatives in supporting regulation of southern New Jersey.

State milk control has been in effect in the State of New Jersey since 1933. The New Jersey Office of Milk Industry, which administers the State regulation, has established both minimum producer and resale prices. However, because of the inability of the State to enforce minimum producer prices on milk received from out of State and because of the location of the State in relation to milk producing areas in Pennsylvania, Delaware, Maryland, and New York, many handlers secure all or a major part of their supplies outside the jurisdiction of the Office of Milk Industry at prices unrelated to and substantially below those established under the New Jersey regulation. In some cases the outside milk is priced under the Philadelphia, Wilmington, or New York-New Jersey Federal orders and in other cases the milk is not priced under any regulation.

In addition, the New Jersey regulation permits the purchase of milk from pro-

ducers under a "norm and excess" plan. The delineation and modification of the "norms" are made by the purchasing handler with approval of producers. Excess milk is priced under the State regulation as surplus milk regardless of use. Hence, handlers have had the ability to secure some low priced milk for Class I use even from local New Jersey producers.

The permanent population of southern New Jersey is approximately 1.4 million people. Much of the area is highly urbanized and/or industrialized, and since population density is rapidly increasing milk sales in the area have also been increasing. However, a diminishing proportion of such milk sales are being supplied by New Jersey dairymen.

In 1942 dairy farmers in southern New Jersey produced 77 percent of the milk needed for Class I purposes. In 1961 such dairy farmers produced only 34 percent of the Class I requirements of the area. Currently, there are about 270 New Jersey producers shipping milk to 34 non-federally regulated handlers in southern New Jersey. In addition, a substantial number of southern New Jersey dairy farmers deliver their milk to regulated plants under the Philadelphia, Wilmington, or New York-New Jersey Federal orders.

Class I sales of fluid milk products in southern New Jersey are approximately 35 million pounds per month with a seasonal peak in August. The seasonal increase in sales is due to the summer population increase at seashore resorts. It is estimated that 700,000 persons take up temporary residence at the resort area.

The Class I distribution within the area is made by 56 handlers. Ten of these handlers are regulated by Federal Order No. 2 (New York-New Jersey marketing area); 12 by Orders No. 4 (Philadelphia, Pennsylvania, marketing area) or Order No. 10 (Wilmington, Delaware, marketing area); and 34 are not regulated by any Federal order. The 10 Federal Order No. 2 handlers distribute approximately 7 percent of the total Class I sales in southern New Jersey. However, 85 percent of these southern New Jersey sales are in Mercer County, immediately adjacent to the present New York-New Jersey marketing area. The fluid milk sales of Order No. 2 handlers in Mercer County represent about 40 percent of the total sales in the county. The 12 handlers regulated by Order No. 4 or Order No. 10 distribute approximately 40 percent of the total Class I sales in southern New Jersey. Thirty of the 34 unregulated handlers average less than 10,000 quarts of Class I disposition per day. In addition, there are reported to be 19 producer-handlers selling milk in this southern New Jersey area.

Most of the 12 handlers regulated by Order No. 4 or Order No. 10 distributing

in southern New Jersey have routes extending throughout the entire area.

The Order No. 4 and No. 10 regulated handlers operate plants located in Trenton, Camden and Philadelphia. These handlers have retail and wholesale routes extending throughout the South Jersey marketing area. Bottled milk from the plants mentioned above is delivered to depots in the Atlantic City, Trenton, Hammonton and Wildwood areas. Two of these handlers have route sales extending into the Order No. 2 marketing area. The Order No. 2 regulated handlers distribute milk on routes along the fringe areas of Order No. 2, mostly in Mercer County and to a limited extent in other areas.

Three of the handlers not regulated by Federal orders distribute in a substantial portion of the area.

An unregulated plant located in Atlantic City distributes milk on retail and wholesale routes in Vineland, Bridgeton and Cape May. A plant in Bridgeton has retail and wholesale routes extending from Bridgeton to Camden. A plant in Burlington County has retail and wholesale routes servicing Trenton, Camden, Long Beach Island and Bridgeton. The sales distribution of the remaining handlers is primarily local in character.

While an unstable marketing situation has existed in southern New Jersey for an extended period of time, the situation became acute in October of 1962 when, because of certain changes in the regulations of the Office of Milk Industry of the State of New Jersey, handlers in southern New Jersey notified their dairy farmers that after 60 days (such notice is required under the New Jersey regulation) they would discontinue the purchase of milk from such dairy farmers. The reason given by the dealers for this action was that milk could be purchased cheaper from out-of-State sources. During the early part of December 1962 the Office of Milk Industry cancelled for a period of 180 days the action taken in October. Official notice is taken of a subsequent announcement by the Office of Milk Industry extending such cancellation for an additional 180-day period. As a result of these actions by the Office of Milk Industry, handlers have not carried through their expressed intent of laying off local producers.

New Jersey producers delivering to local handlers do not have a secure market for their milk. The situation in southern New Jersey constitutes a continuing threat to a dependable supply of pure and wholesome milk in that area. Federal regulation is the only appropriate means by which orderly marketing may be assured and such regulation will tend to effectuate the declared policy of the Act. A classified pricing plan based on audited utilization of all handlers will provide a uniform pricing system for milk and assure a fair division of returns among all producers who sell in this market. The public hearing procedure required by the Agricultural Marketing Agreement Act will provide opportunity for representatives of producers, handlers, and to the public to present information on marketing conditions and participate in the determination of prices for milk in the marketing area.

The extended marketing area should include also the area now under regulation by Order No. 10. Extension of the Philadelphia marketing area to include southern New Jersey will bring under regulation of that order the largest plant now regulated under the Wilmington order. The proximity of this area to and interrelationship with the Philadelphia market and the southern New Jersey area suggests a single regulation. This action was proposed and generally supported at the hearing by three principal cooperatives representing producers in the Philadelphia and Wilmington markets and in southern New Jersey, and by the Philadelphia Milk Dealer's Association. Handlers regulated under the Wilmington order opposed any change in the Class I price applicable to Wilmington plants if the orders were merged. The price issue is discussed later in this decision.

The several health regulations governing the production and sale of milk in the expanded marketing area as herein recommended are essentially similar. Several handlers now regulated by Order No. 4 distribute milk in the existing Order No. 10 marketing area and in southern New Jersey. Several Order No. 10 handlers distribute generally in southern New Jersey and in the Philadelphia marketing area. The processing and bottling plants of several regulated handlers (both Order No. 4 and Order No. 10) are located in southern New Jersey and such handlers distribute generally in southern New Jersey as well as in the presently defined marketing areas.

It is concluded that a single order is needed to regulate the handling of milk in the present Philadelphia and Wilmington marketing areas and in southern New Jersey. It should be designated the "Delaware Valley marketing area" in recognition of the general geography and location of the area.

Order No. 4 handlers proposed further extension of the marketing area to include 64 additional townships and 7 boroughs in Bucks, Montgomery, and Chester Counties, Pennsylvania. In general, the proposed addition would encompass all territory outside the existing marketing area in which present Order No. 4 handlers with membership in the Philadelphia Milk Dealer's Association do business.

In support of their proposal proponents relied upon a previous decision of the Secretary which raised a question as to the appropriateness of the then existing marketing area.

Presently regulated Order No. 4 handlers do a substantial business in the area of requested extension, approaching 60 percent of the total as estimated from population and average consumption figures. Nevertheless, the proportion of the total business done by such handlers in the several townships and boroughs varies substantially by locality. The evidence submitted is insufficient to determine the patterns of distribution of the presently unregulated handlers in the area, or to establish with assurance which, and how many, new handlers would be brought under regulation if only segments of the proposed area were included.

The area in question is regulated under orders issued by the Pennsylvania State Milk Control Commission and the Class I price under such orders substantially exceeds the Class I milk price under the Federal order. While proponents allege that presently nonfederally regulated handlers have a pricing advantage, they offered no substantive evidence in support of their position. They base their position on the fact that some unregulated handlers carry a greater variety of products and sell at the Pennsylvania Milk Control Commission minimum resale prices rather than the higher price at which Order No. 4 handlers sell. The advantage they contend results from the unregulated handler's ability to secure milk unpriced by either Federal or State orders. In fact, however, proponents were unable to substantiate that any unregulated competitor in this area was buying any milk not fully priced under the State orders.

Producers did not support the proposed extension. One cooperative association (which operates a plant fully regulated under either the New York-New Jersey or Philadelphia orders depending upon the utilization and distribution of milk by such cooperative), with a large number of its membership located within the proposed area of extension and also with substantial Class I distribution in this area, opposed the extension. The spokesman for the cooperative association contended that there is no evidence of disorderly marketing and that Order No. 4 handlers are not disadvantaged in competing with local handlers.

A cooperative association representing the majority of producers under the existing Wilmington order proposed that the marketing area of the combined order be further extended to include the remainder of the territory in the State of Delaware. However, proponent did not support the proposal. The addition was supported by several regulated handlers, who contended that they do substantial business in this unregulated area and that extension of regulation would provide assurance that their competition has no procurement advantage. The handler spokesman could not say whether regulated handlers' sales in the proposed area of extension had increased or decreased since the promulgation of the Wilmington order nor could he substantiate that his unregulated competitors have any actual procurement advantage.

Under such circumstances there is no apparent need for the proposed extensions and the requests for inclusion of such additional areas are denied.

2. Terms and provisions of the order. The terms and provisions of the existing Philadelphia and Wilmington orders are essentially similar. Both producers and handlers proposed that the Philadelphia order, with specified exceptions, be adopted as the appropriate regulation covering the expanded (Delaware Valley) marketing area. This procedure is adopted herein and, except as specifically discussed in the decision, the provisions of the existing Philadelphia order are concluded from the record to be the appropriate terms and provisions of the merged and extended order.

The Assistant Secretary issued a recommended decision on June 7, 1963 (28 F.R. 6171), based on a hearing conducted at Philadelphia, Pennsylvania, September 13 and 14, 1962, with respect to proposed amendments to the orders regulating the handling of milk in the Philadelphia, Pennsylvania, and Wilmington, Delaware, marketing areas. These proposed amendments dealt with problems created by the invalidation of compensatory payments under the New York-New Jersey order (Part 1002) by the United States Supreme Court in its June 4, 1962, decision in the case of *Lehigh Valley Cooperative Farmers, Inc., et al., Petitioners, v. United States et al.*

The record of the hearing held September 13 and 14, 1962, was incorporated by reference as a part of this record. The proposed findings and conclusions and order provisions of the recommended decision issued June 7, 1963, except as modified by this decision, are officially noticed and made a part of this decision as if set forth in full herein. The modifications of such proposed amendments to Order No. 4 and Order No. 10 specifically reflect (a) the removal of the provision in the definition of "producer milk plant" which permits the receipts of other source milk by such a plant for Class I use during certain months on not more than 10 days without regulation of the plant from which the other source milk is received, (b) the classification of inventory as Class II milk, (c) the application of skim milk and butterfat accounting on an individual plant basis, and (d) changes in the diversion provisions. The reasons for these modifications are discussed elsewhere in this decision. It is expected that any further changes that may be made in the decision issued June 7, 1963, as a result of exceptions thereto, will be officially noticed and adopted as a part of any final decision issued on the basis of the present (March 5-April 2, 1963) hearing record.

(a) *Distribution of returns to producers.* The method of distributing returns to producers should not be changed at this time.

The Act provides a choice of two methods of pooling returns to producers. One is the marketwide pool, the other is the individual-handler pool. In an individual-handler pool, the total money value of all milk delivered by all producers to each individual handler (pounds of milk in each class, multiplied by the minimum class prices with adjustment for butterfat and location differentials) is divided by the total amount of milk which is delivered by producers to such handler. All producers supplying such handler are paid a "uniform", or "blend", price per hundredweight. The proportions of milk used in the respective classes vary among handlers and therefore while producers supplying each handler receive a single uniform price for milk of similar quality and butterfat content, the uniform prices as among handlers vary.

Under a marketwide pool the total money value of all milk received by all handlers is combined into one marketwide pool and the total value is divided by the total amount of producer milk

which is to be priced. All producers in the market are paid the same "uniform", or "blend", price per hundredweight for their milk, except for specified adjustments provided by the statute.

Both the Philadelphia and Wilmington orders have, since their inception, provided for individual-handler pooling. Under the individual-handler pooling arrangements, certain handlers have historically maintained essentially only Class I use and hence a blend price closely approximating the Class I price. Other handlers, particularly those with manufacturing operations in conjunction with their fluid milk operations, have substantial Class II utilization and hence return to their producers a blend price significantly below that of handlers maintaining only Class I operations. As a consequence producers in these markets are accustomed to variations in blended prices as among handlers.

Both local cooperative spokesmen and handlers supported individual-handler pooling. It was their position that individual-handler pooling had accommodated the Philadelphia and Wilmington markets and was appropriate for the proposed regulation. They contended that competition among producers for outlets with high utilization handlers was a substantial incentive for continuing the production of quality milk and was in the general interest of both producers, handlers and the public.

Four proposals were made for a change to marketwide pooling. Three of these proposals were from interests in the adjacent New York-New Jersey market and the fourth was by a Philadelphia handler who, in addition to his fluid milk business, operates a separate plant manufacturing Italian-type cheese. The latter proponent offered no testimony but did bring in producer and dairy farmer witnesses who testified generally that they had had difficulty finding a market for their milk and believed that under the existing market situation they would have a more secure market under marketwide pooling.

The New York-New Jersey order proponents for marketwide pooling were inclined to blame the present Philadelphia individual-handler pool for part of the large reserve milk supply carried in the New York-New Jersey pool. They contended that because of individual-handler pooling the Philadelphia market does not carry its fair share of the regional reserve, and further, that Philadelphia handlers refuse milk which for lack of other outlets finds its way to the New York-New Jersey pool.

In support of their position proponents offered statistics on producer movements which purported to show that while there were shifts of producers in both directions (Philadelphia to New York-New Jersey and vice versa) the preponderance of such shifting was out of the Philadelphia market. In fact, however, the far greater number of producers added by Order 2 handlers from the overlapping Pennsylvania production area of the two markets were new producers or producers formerly associated with local plants not regulated under any Federal order.

While the data clearly indicate that producers have been added to Order 2 in significantly greater numbers than to Order 4 (and this could be argued as evidence that Philadelphia does not carry its proportionate share of the reserve supply), the reasons for this situation must be closely examined.

It is clear in certain cases brought out on the record that some Philadelphia handlers have laid off some producers. It is equally clear that producers without a market have difficulty in finding a ready outlet in the Philadelphia market. However, the individual-handler pooling system has functioned to maintain orderly marketing in the area.

The New York-New Jersey order is unique among the large number of Federal orders. Historically, plants have been able to associate their supply of milk with the "pool" through the "regular" pool plant provisions without shipment of any milk to the fluid market. In this manner plants have been added to the pool with permanent pooling status. As a consequence, for many years there have been strong incentives for actively encouraging dairy farmers to enter that market.

The New York-New Jersey market has been slow in comparison to the Philadelphia and Wilmington markets in shifting to farm bulk tanks. Can shippers generally have found a ready market, at New York-New Jersey plants, and hence, when confronted with the cost of a farm bulk tank as a condition of holding their present market producers frequently elect to shift markets. This obviously has been the predominate reason for the shifting of individual producers from Philadelphia and Wilmington markets to the New York-New Jersey market.

The individual-handler pooling arrangement has accommodated the Philadelphia market since the inception of the order and is supported by most producers and handlers. Pooling does not affect handlers' costs of milk but rather is a mechanism for distributing returns to producers. It is not apparent at this time that there are compelling problems resulting from individual-handler pooling which require a different pooling arrangement for the Delaware Valley market. Accordingly, it is concluded that the individual-handler pooling should be provided at the outset of the new regulation.

Notwithstanding this conclusion, there is some question whether the individual-handler pooling arrangement can be expected to accommodate the expanded market for an extended future period. In recent years several plants operated by cooperative associations and located beyond the normal boundaries of the milkshed have been brought under regulation of the Philadelphia order. The milk from these plants has essentially a Class I market, while regular Philadelphia producers, more favorably located, have either lost their market with Philadelphia handlers or have had their blend price materially reduced. Under the terms of the order, milk from these distant plants has not had a pricing advantage over local producer milk. Hence, it

is not clear why such distant source of supply have been sought by handlers in lieu of using available local supplies. However, had there been a marketwide pool, the prospects of a market blend price as compared to essentially a Class I price return, might well have resulted in a decision on the part of such co-operatives not to place their plants under the Philadelphia order.

The principal bargaining cooperative in the market has arrangements with several Philadelphia handlers whereby the cooperative is responsible for disposing of milk in excess of the handlers' fluid requirements. The cooperative collects payment from such handlers for milk physically delivered and these proceeds are rebled with the monies received from the disposition of the surplus milk. The cooperative then pays the individual producers. The milk marketed by the cooperative is not "producer milk" under the terms of the order and hence is not included in the blended prices computed by the market administrator for such handlers. The producers involved, in reality, received a return substantially different from the blended prices announced for such handlers. The volume of milk involved approaches a million pounds per month. While this arrangement presently involves only three handlers, there is a strong probability that the cooperative may find it necessary to extend this service to other handlers, particularly if the present general supply situation continues.

This same cooperative, with some New Jersey members shipping to an Order 4 plant and others to the same handler's unregulated plant in New Jersey, has found it desirable to collect the proceeds from the sale of such milk at the two plants and pay one uniform price to these New Jersey members. In addition, this cooperative has members, who are qualified or who could readily qualify to ship fluid milk, delivering their milk to a nonregulated manufacturing plant. While the financial arrangement for paying such members for their milk is not known, producers qualified to ship to a fluid market may not be expected to be satisfied over any extended period of time with a manufacturing milk price.

The Delaware Valley market is a far more complex market than the Philadelphia market was ten to fifteen years ago. Today ten cooperative associations represent about two-thirds of the producers, none of the cooperatives, however, represent a majority of the total number of producers. Milk is received from distant plants and delivered in packaged form over an extensive marketing area. In this complex market handlers still do not transfer milk from one to another as supply and demand for fluid milk products vary. A spokesman for one cooperative association did imply, however, that with the advent of bulk tank milk on farms milk may be shifted between plants as the need for fluid milk products demands. It seems probable that as the market structure becomes more complex there will be increasing need for marketwide pooling to maintain orderly marketing in the Delaware Valley marketing area.

(b) *Milk to be priced and pooled.* Merging of the two regulations into a single order for an enlarged marketing area requires more specific delineation of the milk to be priced and pooled. This may be accomplished by redefining "producer milk plant", "producer", "producer milk" and providing new definitions of a "plant", "fluid milk product" and "route disposition".

The "producer milk plant" definition should be modified to include during any month of the year a plant from which a fluid milk product is supplied to a pasteurizing or bottling plant described in § 1004.8(a) any part of which is allocated to Class I milk pursuant to § 1004.47. Presently both Orders No. 4 and 10 have provisions allowing plants to make shipments of milk for Class I usage for ten days during certain months without becoming subject to regulation. The market is now adequately supplied with milk during all months of the year. Therefore, the necessity of obtaining supplemental milk to supply the Class I needs of the market during the "short" season from plants not regularly associated with the market no longer exists. Accordingly, it is provided that any plant supplying milk to the marketing area in the form of fluid milk products, any part of which is allocated to Class I, should be subject to regulation by this order. This modifies the terms of the prior decision issued June 7, 1963.

The "producer" and "producer milk" definitions should be revised to allow unlimited diversion to another producer milk plant (except that of a producer-handler) or to nonproducer milk plants if the producer held producer status throughout the preceding month or the greater volume of his milk from the first day of delivery or diversion during the current month was physically received at a producer milk plant.

Under the existing supply situation it is desirable that individual handlers have full opportunity to move in the most economical manner milk not needed for fluid use. Since most of the milk is picked up at the farm in bulk tank trucks there is no longer any need to receive milk at a plant for cooling and assembly. Hence, diversion represents the most economical way of disposing of milk not needed at the plant of normal receipt. Some safeguards must be retained, however, to assure that diverted milk is a normal part of the handlers' supply for the fluid market. Diversions to unregulated plants should be limited to milk which has been associated with the market as producer milk during the entire preceding month or which is received at a producer milk plant during the current month in greater volume than is diverted. This limitation presently applies during the months of February through September under the provisions of Order No. 4.

It is also desirable that a handler be permitted to divert milk between two of his own producer milk plants. With the expansion of regulation several handlers will have additional bottling plants under the order. It is desirable that such handlers be permitted to move milk between their regulated plants with maxi-

mum efficiency. However, to preclude the possibility of associating milk with a plant having a location differential and subsequently regularly diverting such milk to another plant for the purpose of a pricing advantage, it is provided that milk diverted between plants of the same handler, for the purpose of computing location differential credits, shall be considered a receipt at the plant having the lesser differential.

The addition of definitions of a "fluid milk product", a "plant" and "route disposition" makes no substantive changes in the applicability of order provisions but will provide greater clarity and specificity to the order provisions generally.

It was proposed that the definition of a producer-handler be restated. Specifically, the proposal would limit a producer-handler to purchasing supplemental milk from producer milk plants and would fully regulate any such handler when he exceeds Class I disposition of 20,000 pounds per month.

The order language contained herein provides that when a producer milk plant receives milk in the form of a fluid milk product some of which is allocated to Class I, then the plant supplying such milk becomes a fully regulated plant. Therefore, no possibility exists for a producer-handler to obtain unpriced fluid milk other than his own production for Class I usage. Under such circumstances there is no reason in an individual-handler pool market for placing a volume limitation on a producer-handler operation.

(c) *Classification of milk.* The classified use plan under a Federal order is necessary to insure that all milk and milk products are fully accounted for by the handler who is responsible for accounting and reporting to the market administrator and for making payments to producers on receipts of producer milk. Accounting for milk and milk products on a skim milk and butterfat basis and pricing in accordance with the form in which or the purpose for which such skim milk and butterfat is used or disposed of as either Class I milk or Class II milk is the most appropriate means of securing complete accounting on all milk involved in market transactions.

Milk is disposed of in the market in a wide variety of forms, representing different proportions of skim milk and butterfat components of milk which may be greatly changed from the proportions of skim milk and butterfat as it is first received from producers. Uniformity in accounting between markets may best be accomplished by using the skim milk and butterfat method.

Essentially, market administrators use a skim milk and butterfat accounting approach in their verification procedure, regardless of whether or not such a system is spelled out in the order. The skim milk and butterfat accounting procedure herein provided adopts the procedure generally used in Federal order markets for verification of the receipts and utilization of milk and milk products and will provide for uniformity in application of the accounting system to all handlers involved. In accounting for the receipts and utilization of milk, the

existing Wilmington order provides for skim milk and butterfat accounting, while the Philadelphia order provides for product pounds and butterfat accounting which is a slightly modified form of skim milk and butterfat accounting. Since no substantial change in costs to handlers and in returns to producers will result, and most of the other Federal order markets use the skim milk and butterfat method of accounting, it is concluded that this method of accounting is more appropriate for the Delaware Valley marketing area.

The classification provisions of Orders No. 4 and No. 10 are essentially similar with the exception of the classification of milk shake mix and the classification of closing inventory. Since milk shake mix is generally similar to eggnog it is appropriate that it be classified as Class II milk (presently provided for in Order No. 4) in the same manner as eggnog.

Under the present Wilmington order ending inventory is classified as Class II milk while the Philadelphia order treats inventory variations as Class I milk. Handlers asked that ending inventory be treated as a Class II item while producer cooperatives favored the present Philadelphia provisions. As was pointed out by handlers, the quarterly pricing system used for pricing Class I milk results in considerable fluctuations in such prices as between quarters while the Class II milk price remains relatively constant. A handler may experience a pricing disadvantage when inventory variations are classified as Class I milk and the Class I price drops. Also, a handler may experience a pricing advantage on such inventory when the Class I price increases. To deter handlers from manipulating inventories for a pricing advantage and to insure that producers receive the appropriate Class I price for milk disposed of for Class I milk use it is desirable that ending inventories be classified as Class II milk and reclassified as Class I in the following month if allocated to Class I milk.

It was proposed by a cooperative association whose membership is primarily among New York-New Jersey producers that cream and cream products for fluid use be classified as Class II milk and that a new Class III milk be established to include other products and uses presently included as Class II milk. The purpose of the proposal was to provide higher pricing for cream products disposed of for fluid uses which would more closely approximate the pricing of such products in the New York-New Jersey market.

Proponent in making the proposal had not considered the structure of the Philadelphia market or the fact that it is an open cream market. The existing Class II milk classification and pricing of cream in both Philadelphia and Wilmington appropriately reflects the competitive value of cream in the market and accordingly the proposal for a higher pricing on cream for fluid uses is denied.

(d) *Class I milk pricing factors.* The method of determining the Class I milk price, including the butterfat differential, and the application of location differentials to handlers and producers should

be revised. The revised Class I milk pricing provisions should be effective only through June 30, 1965. The revision of these provisions are limited to (a) the substitution of the average price for milk for manufacturing purposes, f.o.b., plants, United States, as reported by the Department of Agriculture for the Midwestern condensery price series presently used in computing the basic level of the Class I milk price pursuant to § 1004.50 (a) (1) (iv) of the Philadelphia order, and (b) the computation of the index of average daily Class I milk disposition and the supply-demand adjustment to receipts and disposition of fluid milk products from plants fully regulated as a result of their sales in the presently constituted regulated marketing areas.

The level of the Class I milk price and the alignment of this price with other markets in the Northeast was the subject of a public hearing held in New York City May 6-23, 1963. Therefore, the proposals considered at this hearing to revise the existing seasonality of Class I milk pricing and the removal or revision of the provision limiting the level of the Class I price in relation to the Midwestern condensery milk price are deferred in respect of any decision resulting from the aforementioned hearing. Thus, no action on these matters is being taken on the basis of this record.

One of the factors presently used in determining the level of the Class I milk price is an index of prices paid dairy farmers delivering to a selected group of Midwestern condenseries. There are now only seven Midwestern condenseries reporting to the Department of Agriculture the prices paid their dairy farmers. At the present time the average price for milk for manufacturing purposes, f.o.b. plants United States is used as a basis of determining the Class II milk price under the Philadelphia and Wilmington orders. This manufacturing milk price has a broader base than the currently used condensery price and more accurately reflects the value of milk for other than Class I use. It is concluded that this price, now used in Order 4 to determine the Class II milk price (§ 1004.50(b)(1)), more appropriately represents the value of milk for this purpose and, therefore, should be substituted for the condensery price series as one of the indices of prices used in computing the basic level of the Class I milk price.

In adopting the price of manufacturing milk in lieu of the condensery price in § 1004.50(a)(1)(iv), it is appropriate to use a base period of 1961-62 for the purpose of computing an index of prices of milk used for manufacturing purposes. During the 1961-62 period these prices were almost identical whereas in 1957-58 they varied by more than 10 cents per hundredweight.

During the two-year period 1957-58 the condensery average price was \$3.067. The average value of manufacturing milk, as presently determined pursuant to § 1004.50(b)(1) of the Philadelphia order, for this two-year period was \$2.959. For the two-year period, January 1961-December 1962, the condensery price averaged \$3.096 while the manufacturing

price averaged \$3.0707. Using a base period of 1961-62 for this index will result in no significant effect on the price through this change.

Further, a new seasonal index of prices for milk used for manufacturing should be computed based on the 1961-62 period. The substitution of these new factors, in the index of prices used to determine the basic level of the Class I milk price, would not have changed the level of the Class I milk price for the pricing quarters of April 1962 through July 1963. Thus, it is concluded that a factor of .030707, adjusted by the new seasonal adjustment factors, and applied to the monthly average price for milk used for manufacturing purposes (as determined pursuant to § 1004.50(b)(1)) will appropriately reflect, through the period June 30, 1965, the proper weight of value of such milk in the determination of the basic economic formula.

Since the numbers of producers, handlers, and volumes of milk that may be involved as a result of the expansion of the marketing area are not now known, the computation of an index as presently provided in § 1004.50(a)(1)(v) should be revised only to provide the same index that may have otherwise been computed had not the marketing area been expanded to include the southern portion of the State of New Jersey. This may be accomplished during the temporary pricing period through June 1965, by including in the computation of such index only the Class I milk disposition by those handlers whose route disposition in the marketing area exclusive of New Jersey makes them fully regulated handlers. Prior to the expiration of the Class I pricing provision in July 1965, it will be necessary that a further hearing be held to determine the appropriate mechanism necessary to compute a Class I price index with respect to Class I sales in the expanded marketing area.

Similarly, in the computation of the supply-demand adjustor (pursuant to § 1004.50(a)(4) and (5)) the receipts of milk from producers at producer milk plants should be limited to plants fully regulated as a result of sales therefrom in the marketing area other than in the State of New Jersey.

The issuing of a determination order by the Assistant Secretary, effective on issuance, on March 6, 1962, provided for the use of wholesale price index for all commodities on a 1957-59 base divided by 0.8420462. The Bureau of Labor Statistics, United States Department of Labor, is now publishing the weekly wholesale price index with the years 1957-59 as the base and has discontinued publication of such index on a 1947-49 base. Therefore, in § 1004.50(a)(1)(i) the index of wholesale commodity prices, using a 1957-1958 base period, may be maintained by substituting the number, 0.99614, for the divisor, 1.183, and substituting the weekly index figures of wholesale commodity prices as presently reported on a 1957-59 base by the Department of Labor for the discontinued 1947-49 base.

The recommended order as hereinafter set forth provides for the announcement

of prices on the basis of milk containing 3.5 percent butterfat content. Essentially all of the 83 Federal milk orders now in effect provide for the announcement of prices on a 3.5 percent butterfat basis. This use of a common basic butterfat test among all markets will assist in making regional and interregional price comparison and will thus tend to simplify business transactions among handlers, cooperative associations and other persons in the dairy industry. Producers located in common supply areas but who are associated with different markets will have a better understanding concerning the comparability of market prices. In addition, the preparation and analysis of statistical material concerning intermarket price relationships needed at public hearings and for other governmental and industry purposes will be facilitated. Comparable series of milk prices will be readily available for the Department's regular program for publishing dairy industry statistics. It is desirable therefore that price announcements under any order issued for the Delaware Valley marketing area conform with those of other regulated markets.

To implement the above conclusions the prices set forth in the Class I price schedule of § 1004.50(a) (2) are 14 cents below those contained in the similar provision of the present Philadelphia order, reflecting the value of two percentage points of butterfat (i.e., 3.5 vs. 3.7).

Several interested parties testified against any change from the announcement of prices on a 3.7 percent basis, contending that the average butterfat content of milk disposed of for Class I use was nearer 3.7 than 3.5 percent. A further concern expressed was that producers would be perplexed by a change to a 3.5 percent basis.

The announcement of prices on the basis of milk of 3.5 percent butterfat content will not change the level of class prices as currently provided in the existing Philadelphia order. The 3.5 percent prices, when adjusted by the appropriate butterfat differentials for milk of 3.7 percent butterfat content will result in the same price which the existing order provides.

Initially, the market administrator may also announce uniform prices for varying tests of milk. This practice is commonly followed by market administrators for the convenience of producers. Hence, there is no basis for concern that producers will be confused by a change from present basis of price announcements.

Handler Class I milk butterfat differential. The handler Class I milk butterfat differential should be revised to provide that such butterfat differential should not be less than the butterfat differential provided for Class II milk. Under the present order provisions the Class I milk butterfat differential can be, and for a period of time has been, less than the Class II milk differential for butterfat. Prior to an amendment to Order 4, effective July 1, 1962, the butterfat differentials for both Class I and Class II were the same. Because the fluid milk products used for Class I milk must meet higher health

standards than milk for manufacturing purposes, the value of butterfat in Class I milk under milk orders usually is priced at a higher level than for Class II milk. The Class II butterfat differential reflects the value of butterfat disposed of for manufacturing uses and there is no evidence that butterfat disposed of for Class I use has a lesser value. This conclusion may be implemented by retaining the present method of determining the Class I differential price of butterfat to handlers but with a qualifying condition that such differential price for Class I milk shall not be less than the differential price of butterfat classified as Class II milk.

Handler location adjustments. No location adjustment should apply at plants located less than 45 miles from the nearest of the City Halls in Philadelphia, Pennsylvania; Atlantic City or Trenton, New Jersey. The area thus circumscribed constitutes a homogeneous sales area in which the competition in procurement of milk among handlers requires the same Class I milk price level.

This location adjustment provision would result in no change in the application of location adjustments at plants presently regulated under Order No. 4. The present pattern of location price adjustments appears to be appropriate for plants now regulated under that order.

The adoption of Trenton and Atlantic City, New Jersey, as location basing points with no location adjustment for plants within 45 miles of such points will bring all unregulated plants (which would become regulated under this proposed regulation) located in New Jersey within the no-adjustment zone. Producers delivering to such plants have been receiving prices at least as high as those paid producers delivering to Philadelphia plants. Furthermore, they are located so that they have the opportunity to deliver milk directly to Philadelphia plants. Hence, there is no economic justification for establishing a Class I price at these plants which is below the Philadelphia Class I price.

Under the existing Wilmington order the Class I milk price at Wilmington plants is 15 cents less than the price at Philadelphia plants under the Philadelphia order. This proposed regulation would eliminate this price difference.

Wilmington is only 28 miles from Philadelphia. Although the record shows that producers whose milk was previously delivered to a Wilmington plant incurred a 7-cent increase in farm-to-plant hauling cost when their milk was shifted to a Camden plant there is no indication that the hauling cost to the Philadelphia-Camden plants is generally greater than the cost of hauling milk to Wilmington plants by the 15 cents difference in the Class I prices now provided. Producers delivering to Camden and to Philadelphia plants from the same area pay about the same hauling rate.

Handlers regulated under Order No. 4 joined handlers regulated under Order No. 10 in asking that a 15 cents lower Class I price be established for milk sold in the Wilmington area. They asked that the proposed lower price be applicable

to milk sold in the Wilmington area even though such milk was received at plants located in Philadelphia and Camden. This proposal is denied.

Price adjustments for the location at which milk is delivered by producers promote the orderly movement of milk from farms to plants serving a common fluid milk market. Milk plants located in areas of excess milk production give producers the opportunity to save on their hauling costs as compared to producers in the same area who deliver to more distant plants near the market centers of milk consumption. This saving to farmers should be reflected in relative prices paid at different locations. Once producers have paid the cost to have their milk delivered to a milk plant, however, the price paid for that milk should not be reduced because a handler moved the milk to another area.

The provisions of the Philadelphia order prescribing the procedure for applying location differentials are appropriate for the merged and extended order. It is desirable, as previously indicated, in the interest of efficient handling that a multiple plant handler be permitted to receive milk at a plant other than the plant of normal receipt by diverting the milk directly from the farm. To preclude any pricing advantage which might accrue through associating milk with a distant plant but diverting it regularly to a plant with a lesser or no location differential, it is provided, for purposes of computing location differential credits only, that milk diverted between producer milk plants of the same handler shall be priced as though received at the plant having the lesser location differential.

(e) Administrative and miscellaneous changes. The provision relating to the announcement of the names and locations of all nonproducer milk plants supplying to a producer milk plant skim milk and/or butterfat during the preceding month, any part of which is allocated to Class I milk, should be deleted. Since any plant supplying a fluid milk product to a producer milk plant any part of which is allocated to Class I milk becomes subject to full regulation, the provision could no longer serve a useful purpose.

A producer cooperative proposed that the names and locations of all milk plants subject to other Federal orders from which Class I milk is disposed of on wholesale and retail routes in the marketing area also be announced each month. The present provision of the order requiring the announcement of nonproducer milk plants supplying Class I milk to the market is primarily to enable cooperative associations to have knowledge of a handler's need for milk. The mere fact that the names and location of Federal order plants which are supplying Class I milk to this market are divulged gives no clue as to the amount of milk or to whom such milk is being supplied. Since the information requested has little if any value in the placement of producer milk, the proposal is hereby denied.

With respect to the verification of handler reports by the market administrator, a producer cooperative associa-

tion proposed using the terms of the existing Wilmington order. While the intent of this provision in the separate orders is the same, it is concluded that the records and facilities provision provided herein is more standard to other milk orders and more adequately describes a handler's responsibility in this regard.

To accomplish the merger of the Philadelphia and Wilmington orders effectively and equitably, administrative funds of the respective orders should also be merged and any debits or credits due from or to such funds under the individual orders should be paid from or to the fund so created.

Each handler should be required to pay the market administrator, as his pro rata share of the cost of administering the order, not more than two cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe on all receipts of producer milk (including such handler's own production). The recommended assessment is the same as the rate in the current Philadelphia order while the Wilmington handlers are currently assessed a maximum of five cents per hundredweight on such milk. The difference in the administrative costs between the two orders is a reflection of the difference in size of the two markets. A maximum assessment of two cents per hundredweight at this time should provide adequate funds for administration of the Delaware Valley order.

A proposal to change the administrative assessment to a "cost" basis is denied. The present rate of assessments as provided in the orders is a maximum one and may at the Secretary's discretion be decreased if the funds so provided are in excess of amounts needed to properly administer the order. The present scheme of assessing each handler on the basis of volume of receipts is the most equitable means of distributing the cost of administration as among handlers.

Proponents proposed that handlers be required to pay premiums for milk received as "premium Grade A". The States of New Jersey, Pennsylvania, and Delaware health regulations require that such milk meet the same production standards as regular Grade A except with reference to maximum bacteria count, temperature, and butterfat requirements. The present Philadelphia order requires handlers to pay from 25 to 40 cents per hundredweight for this premium milk, while the Wilmington order makes no provision for like payments for this type of milk. These premium Grade A sales approximate three percent of total Class I sales of present Order 4. Handlers are not required to pay Grade A premiums on the total receipts of such milk, but only on the percentage of such Grade A receipts actually sold under a Grade A label. Only approximately 50 percent of the Grade A milk supplied by producers and eligible for a Grade A premium receives a premium price. Because of the small amount of milk involved and the fact that the order does not preclude premium payments by handlers, it is

likely that a supply of premium Grade A which is adequate for the market's needs may more properly be obtained by negotiation between handlers and producers. Therefore, the special provision for "Grade A" milk now in Order 4 should not be included in the revised order.

It was proposed that the present definition of a cooperative association be revised to provide more definitive standards for qualification. The proposed revisions would require that such an association be one which is in good faith owned or controlled by the producers who are its members and further that such an association be precluded from selling milk of its patrons directly or indirectly at less than the order class prices or by granting anything of value to a handler or a customer of a handler.

The record does not disclose what existing problem proponents seek to relieve, or is it apparent that the proposed additional language would result in any change in procedure for the qualification of cooperative associations having member producers under the order. Under the definition as contained in the Philadelphia and Wilmington orders, which is essentially that contained in all Federal milk orders, a cooperative association must be a "Capper-Volstead" cooperative having full authority in the sale of its members' milk and engaged in making collective sales of or marketing milk or its products for the members thereof. The Act specifically provides (sec. 608c(5)(F)) that a cooperative association shall not sell milk or its products to any handler for use or consumption in any market at prices less than the price fixed under the order.

In addition, the payment provision of the present Philadelphia order, herein proposed to be adopted for the extended order, provides that handlers must pay to a cooperative association which is a handler with respect to milk received from a producer milk plant operated by such cooperative the minimum class prices applicable at the location of the buying handler. Under the circumstance, there is no apparent justification for the requested revision of the cooperative association definition and the request therefore is denied.

Other changes in order provisions not specifically discussed are merely conforming changes necessary to implement the conclusions previously set forth herein.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the

findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the orders. The following order amending and merging the orders as amended regulating the handling of milk in the Philadelphia, Pennsylvania, and Wilmington, Delaware, marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Order¹ Regulating the Handling of Milk in the Delaware Valley Marketing Area

DEFINITIONS

Sec.	Act.
1004.1	Secretary.
1004.2	Department of Agriculture.
1004.3	Person.
1004.4	Delaware Valley marketing area.
1004.5	Cooperative association.
1004.6	Plant.
1004.7	Producer milk plant.
1004.8	Nonproducer milk plant.
1004.9	Handler.
1004.10	Producer.
1004.11	Producer-handler.
1004.12	Producer milk.
1004.13	Fluid milk product.
1004.14	Other source milk.
1004.15	Certified milk.
1004.16	Route disposition.
1004.17	

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

MARKET ADMINISTRATOR

- Sec.
1004.20 Designation.
1004.21 Powers.
1004.22 Duties.

REPORTS, RECORDS AND FACILITIES

- 1004.30 Reports of receipts and utilization.
1004.31 Other reports.
1004.32 Records and facilities.
1004.33 Retention of records.

CLASSIFICATION

- 1004.40 Skim milk and butterfat to be classified.
1004.41 Classes of utilization.
1004.42 Shrinkage of other source milk.
1004.43 Responsibility of handlers and reclassification of milk.
1004.44 Transfers.
1004.45 Transfers of cream.
1004.46 Computation of skim milk and butterfat in each class.
1004.47 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

- 1004.50 Class prices.
1004.51 Butterfat differentials to handlers.
1004.52 Location differentials to handlers.
1004.53 Equivalent prices or indexes.

APPLICATION OF PROVISIONS

- 1004.60 Producer-handler.
1004.61 Plants subject to other Federal orders.

DETERMINATION OF UNIFORM PRICES

- 1004.70 Net obligation of handlers.
1004.71 Computation of uniform prices for handlers.

PAYMENTS

- 1004.80 Payments to producers.
1004.81 Butterfat differential to producers.
1004.82 Location differential to producers.
1004.83 Adjustment of accounts.
1004.84 Expense of administration.
1004.85 Termination of obligations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

- 1004.90 Effective time.
1004.91 Suspension or termination.
1004.92 Continuing obligations.
1004.93 Liquidation.

MISCELLANEOUS PROVISIONS

- 1004.100 Agents.
1004.101 Separability of provisions.

AUTHORITY: §§ 1004.0 to 1004.101 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

DEFINITIONS

§ 1004.1 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.).

§ 1004.2 Secretary.

"Secretary" means the Secretary of Agriculture, or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1004.3 Department of Agriculture.

"Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by Act of Congress, or by Executive order, to perform the price reporting functions of the United States Department of Agriculture.

§ 1004.4 Person.

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

§ 1004.5 Delaware Valley marketing area.

"Delaware Valley marketing area", called the "marketing area" in this part means all the territory in the Commonwealth of Pennsylvania situated within the following boundary line: Beginning at a point in the Pennsylvania State line at the northern boundary of the Lower Makefield township line in Bucks County, thence first westerly, thence southerly along said Lower Makefield township line to the Middletown township line; thence westerly and southerly along the Middletown township line to the Lower Southampton township line; thence northerly and thence westerly along the Lower Southampton township line to the Montgomery County line; thence northerly along the Montgomery County line to the Trenton cut-off of the Pennsylvania Railroad; thence westerly along said railroad to the Upper Dublin township line, thence along the southern and western boundaries of Upper Dublin township to the Whitemarsh township line; thence southerly along the Whitemarsh township line to the lower Merion township line; thence along the northern boundary of lower Merion township to the Delaware County line; thence northerly, westerly and southerly along the Delaware County line to the Pennsylvania State line; thence easterly and northerly along the Pennsylvania State line to the point of beginning; all of that territory situated within and bounded on the north, east and west by the boundary line of the State of Delaware, and on the south by the Chesapeake and Delaware Canals, all of which area lies within New Castle County, Delaware and all of the territory in the State of New Jersey within the outer boundaries of the following counties: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Salem, and Ocean (except the boroughs of Bay Head, Beachwood, Island Heights, Lakehurst, Lavallette, Mantoloking, Ocean Gate, Pine Beach, Point Pleasant, Point Pleasant Beach, Seaside Heights, Seaside Park, South Toms River, and the townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester, and Plumsted).

§ 1004.6 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1004.7 Plant.

"Plant" means the land, buildings together with their surroundings, facilities

and equipment, whether owned or operated by one or more persons constituting a single operating unit or establishment at which milk or milk products are received from dairy farmers or processed or packaged: *Provided*, That a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distribution depot for fluid milk products in transit for route distribution shall not be a plant under this definition.

§ 1004.8 Producer milk plant.

"Producer milk plant" means:

(a) A pasteurizing or bottling plant from which during the month route disposition is made in the marketing area; or

(b) Any plant from which, during the month, milk in the form of fluid milk products is moved to and received at a plant pursuant to paragraph (a) of this section unless Class II utilization is claimed for the fluid milk products so transferred by both the transferor and transferee handler in filing reports pursuant to § 1004.30 and a sufficient quantity of Class II utilization is available, after making assignments pursuant to § 1004.47(b) (1) through (5) and the corresponding steps of § 1004.47(c), in the transferee plant to cover such claimed classification: *Provided*, That in the case of a systemic operation in which the same handler operates both a pasteurizing or bottling plant(s) qualifying as a producer milk plant(s) under paragraph (a) of this section and one or more receiving plant(s), any such plant(s) as the handler may designate shall be included in the system or systems with producer milk plant status upon written notice to the market administrator setting forth the plant(s) to be included and the period during which such designation shall apply. Such notice and notice of any changes in designation shall be furnished on or before the 15th day of the month preceding the month to which the notice applies.

§ 1004.9 Nonproducer milk plant.

"Nonproducer milk plant" means any milk receiving, manufacturing, processing, bottling or distributing plant other than a producer milk plant.

§ 1004.10 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a producer milk plant; or

(b) Any person in his capacity as the operator of a nonproducer milk plant which disposes of any fluid milk product to a producer milk plant.

§ 1004.11 Producer.

"Producer" means any person who produces milk which is received directly at a producer milk plant or is diverted pursuant to § 1004.13 (b) except:

(a) A producer-handler; or

(b) A dairy farmer whose milk is received as milk diverted from a non-producer milk plant; or

(c) A dairy farmer whose farm is included in a pool bulk tank unit under the New York-New Jersey milk order.

§ 1004.12 Producer-handler.

"Producer-handler" means any person who operates as his own personal enterprises both a dairy farm and a producer milk plant from which route disposition is made in the marketing area during the month, but who receives no milk from other dairy farmers.

§ 1004.13 Producer milk.

"Producer milk" means all skim milk and butterfat in milk which is:

(a) Received at a producer milk plant directly from producers; or

(b) Diverted by the operator of a producer milk plant subject to the conditions of subparagraphs (1) and (2) of this paragraph: *Provided*, That milk so diverted shall be deemed to have been received at a producer milk plant at the location of the plant from which diverted except that, for the application of § 1004.52 only, milk diverted between producer milk plants of the same handler shall be priced as though received at the plant having the lesser location differential:

(1) To another producer milk plant, except that of a producer-handler; or

(2) To a nonproducer milk plant (except a plant at which the milk is subject to the classification and pricing provisions of another Federal order issued pursuant to the Act) if the producer:

(i) Held producer status throughout the entire preceding month; or

(ii) The greater volume of his milk from the first day of delivery or diversion during the current month was physically received at a producer milk plant.

§ 1004.14 Fluid milk product.

"Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, butter milk, cultured buttermilk, flavored milk, milk drinks (plain or flavored), concentrated milk, and any other mixture of cream and milk or skim milk containing less than 18 percent butterfat (other than ice cream, ice cream mixes, milk shake mixes, ice milk mixes, eggnog, and sterilized products in hermetically sealed containers): *Provided*, That when nonfat milk solids are added for "fortification", the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1004.15 Other source milk.

"Other source milk" means all skim milk and butterfat contained in receipts from any source in the form of products designated as Class II pursuant to § 1004.41(b) which are reprocessed or converted to another product during the month and all receipts in the form of fluid milk products from any source other than producers and producer milk plants other than those operated by producer-handlers.

§ 1004.16 Certified milk.

"Certified milk" is milk which is produced, packaged and sold under the label of certified milk in accordance with the rules and regulations promulgated by

the American Association of Medical Commissions.

§ 1004.17 Route disposition.

"Route disposition" means any delivery of a fluid milk product from a plant to retail or wholesale outlets (including any delivery by a vendor, from a plant store or through a vending machine) except any delivery of a fluid milk product to a plant.

MARKET ADMINISTRATOR**§ 1004.20 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.

§ 1004.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1004.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 1004.84, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation and (3) all other expenses 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 his successor or to such other person as the Secretary may designate;

(f) Publicly disclose to the handlers and producers, at his discretion, the name of any person who within 5 days after the day upon which he is required to perform such acts, has not made (1)

reports pursuant to §§ 1004.30 and 1004.31 or (2) payments pursuant to §§ 1004.80 through 1004.84;

(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) Prepare and make available for the benefit of producers, consumers and handlers, general statistics and information concerning the operation of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handlers' records and the records of any other handler or person upon whose utilization the classification of milk and butterfat for such handler depends; and

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the following:

(1) The 5th day of each month, the Class II price and the handler butterfat differential, both for the preceding month;

(2) The 15th day of the month preceding the start of each calendar quarter, the Class I price for such calendar quarter;

(3) The 15th day of each month, the uniform price for each handler computed pursuant to § 1004.71, the utilization percentage for such handlers, and the differentials applicable pursuant to §§ 1004.81 and 1004.82 all for the preceding month;

(4) Promptly after receipt of notice from any handler of unit (system) designations, or of changes therein, pursuant to the proviso of § 1004.8(b) the names and locations of plants so designated; and

(5) The 15th day of each month, the indexes computed pursuant to § 1004.50

(a) (1) for the preceding month, the 12-month average of prices for milk for manufacturing purposes as determined pursuant to § 1004.50(b) (1) for the period ending with the preceding month and the 12-month percentage utilization factor for the period ending with the preceding month calculated in the manner described in § 1004.50(a) (4) and (5).

REPORTS, RECORDS AND FACILITIES**§ 1004.30 Reports of receipts and utilization.**

On or before the 10th day after the end of each month each handler, except a producer-handler, shall report for each of his producer milk plants for such month to the market administrator in the detail and on forms prescribed by the market administrator the quantities of skim milk and butterfat contained in:

(a) Receipts of producer milk (including such handler's own production);

(b) Receipts from other producer milk plants in the form of fluid cream and fluid milk products;

(c) Receipts of other source milk;

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

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(f) Milk diverted from a producer milk plant, from the farm on which such milk was produced to another plant(s);

(g) Milk received, directly from the farm on which such milk was produced, as milk diverted from a nonproducer milk plant(s); and

(h) Milk received from dairy farmers whose farms are included in a pool bulk tank unit(s) as defined under the New York-New Jersey order.

§ 1004.31 Other reports.

(a) Each producer-handler and each handler in his capacity as the operator of a nonproducer milk plant, shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(b) Each handler (except a producer-handler) in his capacity as the operator of a producer milk plant shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 25th day after the end of the month for each of his producer milk plants his producer payroll for such month which shall show for each producer:

(i) His name and address;

(ii) The total pounds of milk received from such producer;

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

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

(2) His purchases, if any, of sweet cream showing the quantity and source of each such purchase and the cost thereof at Philadelphia;

(3) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, or with respect to any dairy farmer whose farm is included in a pool bulk tank unit as defined under the New York-New Jersey milk order for whom such information is requested by the market administrator, and with respect to a period or periods of time designated by the market administrator;

(i) The name and address;

(ii) The total pounds of milk received;

(iii) The average butterfat test of milk received; and

(iv) The number of days upon which milk was received;

(4) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may prescribe; and

(5) Promptly after milk is first received from any producer or dairy farmer whose farm is included in a pool bulk tank unit as defined under the New York-New Jersey milk order:

(i) The name and address of such producer;

(ii) The date upon which such milk was first received; and

(iii) The plant at which such milk was received.

§ 1004.32 Records and facilities.

Each handler shall maintain and make available to the market administrator or

to his representative during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data which are required to be reported pursuant to this part and the payments required to be made pursuant to this part.

§ 1004.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15) (A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further 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

§ 1004.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month at each producer milk plant and which is required to be reported pursuant to § 1004.30 shall be classified by the market administrator pursuant to the provisions of §§ 1004.41 through 1004.47.

§ 1004.41 Classes of utilization.

Subject to the conditions set forth in §§ 1004.43 through 1004.45, the classes of utilization shall be as follows:

(a) *Class I milk*. Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products, except as provided in paragraph (b) (2), (3) and (5) of this section; and

(2) Not accounted for as Class II milk; and

(b) *Class II milk*. Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of for livestock feed;

(3) Contained in any fluid milk product which is dumped, provided that the handler shall give such advance notice as the market administrator may require;

(4) Contained in inventory of fluid cream and of fluid milk products on hand at the end of the month;

(5) Disposed of in the form of fluid milk products and used in soup, candy, bakery products or any other nondairy commercial food product, but not including such dispositions to retail establishments which dispose of milk both for fluid and other uses;

(6) In skim milk contained in any fortified fluid milk product in excess of the pounds of skim milk in such product classified as Class I milk pursuant to paragraph (a) (1) of this section;

(7) In actual plant shrinkage not to exceed two percent of skim milk and butterfat, respectively, in producer milk; and

(8) In shrinkage of other source milk.

§ 1004.42 Shrinkage of other source milk.

The market administrator shall determine shrinkage of other source milk for each producer milk plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each plant; and

(b) Assign a pro rata share of the shrinkage computed pursuant to paragraph (a) of this section to skim milk and butterfat, respectively, to other source milk on the basis of the percentage that such skim milk and butterfat represents of total receipts of skim milk and butterfat, respectively, to which shrinkage may be assigned to Class II milk pursuant to § 1004.41(b) (7) and (8).

§ 1004.43 Responsibility of handlers and reclassification of milk.

(a) 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; and

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1004.44 Transfers.

Skim milk and butterfat disposed of each month in the form of a fluid milk product from a producer milk plant shall be classified:

(a) As Class I milk if transferred or diverted to another producer milk plant, except that of a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 1004.30. The amount of skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee handler after making the assignments pursuant to § 1004.47(b) (1) through (8) and the corresponding steps of § 1004.47 (c), and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk. If either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers;

(b) As Class I milk if transferred to a producer-handler;

(c) In the class or classes to which assigned under another Federal order if transferred to a nonproducer milk plant regulated by the other order: *Provided*, That (1) if any milk is disposed of in the New York-New Jersey marketing area, either on routes or to regulated

plants, which is subject to the classification and pricing provisions of Order No. 2 it shall be classified in accordance with its classification assignment under the New York-New Jersey order, or (2) if such milk is subject to "partial pooling" under another Federal order it shall be classified in accordance with the utilization reflected by the blend price computed under such order; and

(d) As Class I milk if transferred or diverted in bulk to a nonproducer milk plant which is not subject to another Federal order unless:

(1) The transferring handler claims Class II use in his report submitted pursuant to § 1004.30;

(2) The operator of the nonproducer milk plant or refrigerated holding facility maintains books and records which are made available for the examination upon request by the market administrator and which are adequate for verification for such Class II use; and

(3) If the conditions as set forth in subparagraphs (1) and (2) of this paragraph are met, the market administrator shall classify such transfers as follows:

(i) Determine the use of all skim milk and butterfat in such nonproducer milk plant or refrigerated holding facility;

(ii) Allocate receipts from dairy farmers determined to be the regular source of supply of the nonproducer milk plant to the highest use beginning with Class I milk. Allocate transferred milk to Class I milk to the extent remaining, except that if receipts from this and other orders issued pursuant to the Act exceed the amount remaining, the amount of such transferred milk allocated to Class I milk shall be not less than that obtained by prorating the remaining Class I utilization in accordance with the receipts from all such plants at the nonproducer milk plant; and

(iii) In the case of a refrigerated holding facility transferring a fluid milk product to a nonproducer milk plant such product shall be Class I milk unless the nonpool plant to which such product is transferred meets the conditions set forth in subparagraph (2) and (3) (ii) of this paragraph.

§ 1004.45 Transfers of cream.

Cream containing 18 percent or more butterfat disposed of each month from a producer milk plant shall be classified:

(a) As Class II milk if transferred to a producer milk plant of another handler: *Provided*, That the cream so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee handler after the allocation of receipts from plants subject to regulation under other Federal orders, pursuant to subparagraph (8) of § 1004.47 (b) and (c) and any additional amounts of cream shall be classified as Class I milk; (b) as Class II milk if transferred to a producer-handler; and (c) as Class II milk if transferred to a nonproducer milk plant.

§ 1004.46 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors the reports of each

handler for each producer milk plant submitted pursuant to § 1004.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk in each producer milk plant of such handler: *Provided*, That if any of the water contained in the milk or skim milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of such product shall be considered to be an amount equivalent to the nonfat milk solids therein plus all the water originally associated with such solids.

§ 1004.47 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1004.46 the market administrator shall determine the classification of producer milk at each producer milk plant as follows:

(a) For each handler who either receives milk priced under a Federal order which provides for marketwide pooling to offset his disposition of Class I milk under a marketwide pool order, or receives milk from dairy farmers whose farms are included in a pool bulk tank unit under the New York-New Jersey order, subtract such receipts from the total pounds of skim milk and butterfat in each class in accordance with its classification assignment under the other order, except that if any such milk exceeds the quantity classified under such other order as Class I (Class I-A in the New York-New Jersey order), it shall not be subtracted pursuant to this paragraph.

(b) Skim milk remaining after the computation of paragraph (a) of this section 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 producer milk classified pursuant to § 1004.41 (b) (7);

(2) Subtract from the total pounds of skim milk in Class I milk, the pounds of skim milk in receipts of certified milk in packaged form;

(3) Subtract from the remaining pounds of skim milk in Class I milk, any remaining pounds of skim milk in other source milk in the form of fluid milk products received during the month in consumer-type packages from a fully regulated plant under another Federal order if classified and priced as Class I milk under such order, or subject to such classification and pricing if assigned to Class I milk under this order;

(4) Subtract from the remaining pounds of skim milk in each class, in sequence, beginning with Class II milk the total pounds of skim milk received in the form of a fluid milk product in receipts from a producer-handler as defined in any Federal order;

(5) Subtract from the remaining pounds of skim milk in each class, in sequence, beginning with Class II milk, the pounds of skim milk in receipts of other source milk;

(i) In the form of cream containing 18 percent or more butterfat;

(ii) In the form of condensed skim milk or nonfat dry milk utilized in a reconstituted or fortified product; and

(iii) In other Class II products which are reprocessed or converted to another product during the month;

(6) Subtract from the remaining pounds of skim milk in each class, in sequence, beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products at:

(i) Any producer milk plant pursuant to § 1004.8(b) from a nonproducer milk plant not regulated under any Federal order;

(ii) Any producer milk plant pursuant to § 1004.8(a) from any nonproducer milk plant which is not regulated under any other Federal milk order if the operators of both plants have claimed in writing Class II utilization at or before the time handler reports are due pursuant to § 1004.30.

(7) Subtract from the remaining pounds of skim milk in each class, the pounds of skim milk in other source milk received in the form of a fluid milk product which is priced under another Federal order and not allocated pursuant to paragraph (a) of this section, as follows:

(i) In sequence, beginning with Class II milk, if received at a producer milk plant defined in § 1004.8(b) in bulk, or in consumer-type packages but not allocated to Class I milk in subparagraph (3) of this paragraph;

(ii) Pro rata from each class, if received at a producer milk plant defined in § 1004.8(a) in bulk: *Provided*, That the quantity assigned under this subdivision shall not exceed the quantity classified and priced as Class I milk under the other order or subject to such classification and pricing if assigned to Class I milk under this order; and

(iii) In sequence, beginning with Class II milk, if received at a producer milk plant defined in § 1004.8(a) in consumer-type packages or in bulk but not allocated to Class I milk in subparagraph (3) of this paragraph or subdivision (ii) of this subparagraph;

(8) Subtract from the remaining pounds of skim milk in each class, in sequence, beginning with Class II milk, the pounds of skim milk contained in inventory of fluid cream and fluid milk products on hand at the beginning of the month;

(9) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk in receipts from other producer milk plants and assigned to such class pursuant to §§ 1004.44(a) and 1004.45(a): *Provided*, That if the pounds of skim milk of such receipts to be subtracted from Class II milk are greater than the remaining pounds of skim milk in such class, the balance shall be subtracted from the remaining pounds of skim milk in Class I milk;

(10) 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;

(11) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage";

(c) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraphs (a) and (b) of this section; and

(d) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, pursuant to paragraphs (b) and (c) of this section, and determine the weighted average butterfat content of each class.

MINIMUM PRICES

§ 1004.50 Class prices.

Subject to the provisions of § 1004.51 and § 1004.52 each handler shall pay, at the time and in the manner set forth in § 1004.80 for each hundredweight of milk containing 3.5 percent of butterfat received at his producer milk plant(s) during the month from producers or a co-operative association, not less than the following prices:

(a) *Class I milk.* For each month in each calendar quarter through June 1965, the price per hundredweight of Class I milk shall be the price computed for such quarter pursuant to subparagraphs (1) through (5) of this paragraph:

(1) Compute the indexes set forth in subdivisions (i) through (v) of this subparagraph for the second, third and fourth months preceding the first month of the pricing quarter and divide the sum of these indexes by 15. The result shall be the formula index:

(i) Compute an index of wholesale commodity prices, using a 1957-1958 base period by dividing by 0.99614, the average of the four latest weekly index figures (those available on the 15th day of the following month) of wholesale commodity prices as reported on a 1957-1959 base by the Bureau of Labor Statistics, United States Department of Labor;

(ii) Compute an index of prices paid by Pennsylvania farmers per hundredweight for 20 percent protein mixed dairy feed, using a 1957-58 base period, by dividing by 0.03896 the monthly price for such feed published by the Pennsylvania Federal-State Crop Reporting Service;

(iii) Compute an index of prices received by Pennsylvania farmers for farm products except dairy, using a 1957-58 base period, by dividing by 2.103 the monthly index published by the Pennsylvania Federal-State Crop Reporting Service;

(iv) Compute an index of prices for milk for manufacturing purposes, f.o.b. plant United States, as reported by the Department of Agriculture, using a 1961-62 base period, by dividing by .030707 the monthly average prices determined pursuant to paragraph (b) (1) of this section, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for such month:

Jan	1.023	July	.988
Feb	1.014	Aug	.997
Mar	1.006	Sept	1.000
Apr	.980	Oct	1.004
May	.976	Nov	1.014
June	.984	Dec	1.014

(v) Compute an index of average daily pounds of Class I milk disposition using a 1957-1958 base period, by dividing by 29.476 the daily average for the month

of pounds of Class I milk disposition by producer milk plants fully regulated as a result of their sales in the marketing area other than in the State of New Jersey and excluding Class I milk disposition (on route or otherwise) outside the marketing area by any handler whose route disposition in the marketing area, exclusive of New Jersey, is less than 5.0 percent of his total route disposition, and excluding any duplication because of disposition between plants, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for the month:

Jan	1.009	July	0.946
Feb	1.023	Aug	.949
Mar	1.011	Sept	1.020
Apr	1.025	Oct	1.046
May	1.010	Nov	1.005
June	.966	Dec	.990

(2) Subject to the conditions set forth in subparagraphs (3), (4), and (5) of this paragraph the Class I price shall be that price indicated for the pricing quarter in the following Class I price schedule in which the formula index computed pursuant to subparagraph (1) falls, or if such index value is not within a bracket, the price for the calendar quarter shall be determined by the adjacent index bracket which is the same as or nearest to the bracket equivalent to the price in the previous quarter;

CLASS I PRICE SCHEDULE
[PRICE PER HUNDREDWEIGHT]

Formula index	1st quarter (Jan., Feb., Mar.)	2d quarter (Apr., May, June)	3d quarter (July, Aug., Sept.)	4th quarter (Oct., Nov., Dec.)
At least but less than—				
80.0-82.0	4.45	4.05	4.45	4.85
83.8-85.8	4.65	4.25	4.65	5.05
87.6-89.6	4.85	4.45	4.85	5.25
91.4-93.4	5.05	4.65	5.05	5.45
95.2-97.2	5.25	4.85	5.25	5.65
99.0-101.0	5.45	5.05	5.45	5.85
102.8-104.8	5.65	5.25	5.65	6.05
106.6-108.6	5.85	5.45	5.85	6.25
110.4-112.4	6.05	5.65	6.05	6.45
114.2-116.2	6.25	5.85	6.25	6.65
118.0-120.0	6.45	6.05	6.45	6.85

1 If the formula index is more than 120.0 or less than 80.0 this table shall be extended at the same rate as the increase or decrease in the preceding bracket.

(3) If the annual level of the price for any calendar quarter (the price indicated for the first and third quarters for the bracket in which the formula index computed pursuant to subparagraph (1) falls) is greater than \$2.60 over the simple average of prices of selected Midwestern condensaries as reported by the Department of Agriculture for the 12-month period ending with the second month preceding the quarter for milk of 3.5 percent butterfat, the Class I price for such quarter shall be adjusted downward (in multiples of 20 cents) to a price so adjusted which will be within such \$2.60 variance;

(4) For each month of any calendar quarter the Class I price shall be 20 cents more per hundredweight than the price prescribed in subparagraph (2) of this paragraph, adjusted pursuant to subparagraph (3) of this paragraph, if receipts of milk from producers at pro-

ducer milk plants fully regulated as a result of their sales in the marketing area other than in the State of New Jersey during the 12-month period ending with the second preceding month are less than 129 percent of total Class I disposition by such plants in the same period (excluding any duplication because of disposition between plants), and shall be an additional 20 cents more if the percentage of such receipts to such disposition is less than 126: *Provided*, That the price adjustment pursuant to this subparagraph shall not exceed an amount which will result in a Class I price equal to the Class I price for the same quarter of the preceding year plus 80 cents; and

(5) For each month of any calendar quarter the Class I price shall be 20 cents less per hundredweight than the price prescribed in subparagraph (2) of this paragraph, adjusted pursuant to subparagraph (3) of this paragraph, if receipts of milk from producers at producer milk plants fully regulated as a result of their sales in the marketing area other than in the State of New Jersey during the 12-month period ending with the second preceding month are more than 139 percent of total Class I disposition by such plants in the same period (excluding any duplication because of disposition between plants), and shall be an additional 20 cents less if the percentage of such receipts to such disposition is more than 142: *Provided*, That the price adjustment pursuant to this subparagraph shall not exceed an amount which will result in a Class I price equal to the Class I price for the same quarter of the preceding year less 80 cents.

(b) *Class II milk.* The price per hundredweight of Class II milk shall be determined for each month as follows:

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the Department of Agriculture for the month, by subtracting for each one-tenth of one percent of average butterfat content above 3.5 percent, or adding for each one-tenth of one percent of average butterfat content below 3.5 percent an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the Department of Agriculture; and

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	Amount (cents)	Month:	Amount (cents)
Jan	+16	July	+16
Feb	+15	Aug	+23
Mar	+08	Sept	+19
Apr	+04	Oct	+19
May	+01	Nov	+19
June	+02	Dec	+19

§ 1004.51 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for

the month calculated pursuant to § 1004.50 shall be increased or decreased, respectively, for each one-tenth of one percent variation in butterfat content by the appropriate rate, rounded in each case to the nearest one-tenth cent determined as follows:

(a) *Class I milk.* Divide by 35 an amount calculated as follows: Add all market quotations (using the midpoint of any weekly range as one quotation) of prices per 40-quart can of fresh sweet cream of bottling quality of 40 percent butterfat content, not including prices for cream carrying special municipal approvals, reported at Philadelphia for each week ending within the month by the Department of Agriculture, divide by the number of quotations, subtract \$2.00, divide by 9.7143: *Provided*, That such butterfat differential shall not be less than that provided pursuant to paragraph (b) of this section;

(b) *Class II milk.* Multiply by 0.120 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the Department of Agriculture for Grade A (92-score) butter in the New York City market.

§ 1004.52 Location differentials to handlers.

(a) Subject to the conditions of paragraph (b) of this section and the proviso of § 1004.13(b), for that milk received from producers at a producer milk plant located 45 miles or more from the nearest of the City Halls in Philadelphia, Pennsylvania; Trenton or Atlantic City, New Jersey; by shortest highway distance as determined by the market administrator, and classified as Class I or Class II milk, respectively, Class I and Class II prices shall be reduced at the rate set forth in the following schedule according to the location of the producer milk plant where such milk was received from producers;

(1) Class I milk.

Distance of plant from nearest City Hall:	Rate per hundredweight (cents)
45 miles-----	23.0
Each additional 10 miles or fraction thereof an additional-----	1.5

(2) Class II milk.

Distance of plant from nearest City Hall:	Rate per hundredweight (cents)
45 to 70 miles-----	5.0
Each additional 70 miles or fraction thereof an additional-----	1.0

(b) In the case of producer milk plants operated by the same handler as part of a system, the amount of Class I and Class II milk to which the adjustments set forth in paragraph (a) of this section shall apply shall be determined as follows:

(1) Increase the Class I utilization at the producer milk plant(s) specified in § 1004.8(a), operated by such handler and at which no location adjustment applies, by 5 percent or by an amount which is not in excess of the Class II utilization at such plant(s), whichever is less, and deduct the amount of any such increase

from the Class II utilization at such plant(s);

(2) Add to the adjusted Class I and Class II utilization computed pursuant to subparagraph (1) of this paragraph the Class I and Class II utilization, respectively at other producer milk plants in the system;

(3) Assign the Class I utilization computed pursuant to subparagraph (2) of this paragraph first to receipts of producer milk at producer milk plants operated by such handler and at which no location adjustments apply and any remaining Class I utilization shall be assigned to receipts of producer milk at the remaining plant(s) in the system to the extent that milk is moved from such plant(s) in the form of fluid milk products, in sequence, beginning with the plant at which the lowest location adjustment rate applies; and

(4) Receipts from producers which are not assigned to Class I utilization pursuant to subparagraph (3) of this paragraph shall be assigned to Class II milk.

§ 1004.53 Equivalent prices or indexes.

If for any reason a price or index specified by this part for use in computing class prices or other purposes is not reported or published in the manner described in this part, the market administrator shall use a price or index determined by the Secretary to be equivalent or comparable with the factor which is specified.

APPLICATION OF PROVISIONS

§ 1004.60 Producer-handler.

Sections 1004.40 through 1004.47, 1004.50 through 1004.53, 1004.70 and 1004.71, and 1004.80 through 1004.84 shall not apply to a producer-handler.

§ 1004.61 Plants subject to other Federal orders.

(a) Any plant qualified to be both a producer milk plant pursuant to § 1004.8 (a) and a regulated plant under the provisions of any other Federal order shall be fully subject to the provisions of this order during any month in which it disposes of in this marketing area on routes and to other producer milk plants a greater volume of its Class I milk (as defined in this part) than the volume of Class I milk (as defined in such other Federal milk order) disposed of as route disposition in such other marketing area and to regulated plants under the other Federal milk order, unless, notwithstanding that it would be regulated under this part it is nevertheless regulated under such other order.

(b) Any plant qualified to be both a producer milk plant pursuant to § 1004.8 (b) and a regulated plant under the provisions of any other Federal order shall be fully subject to the provisions of this order during any month in which it disposes of a greater volume of its Class I milk (as defined in this part) to producer milk plants under this order than the volume of Class I milk (as defined in such other Federal order) disposed of to plants at which milk is priced and pooled under such other order unless it would be a regulated plant by virtue of route distribution under such other order or, notwithstanding that it would be regu-

lated under this part, it is nevertheless regulated under such other order.

(c) Any producer milk plant qualified pursuant to § 1004.8 which is a fully regulated plant under another Federal order shall not be subject to the provisions of § 1004.50 through 1004.53, 1004.70 through 1004.71, and 1004.80 through 1004.84 except as such provisions apply to payments to a cooperative association in its capacity as the operator of any plant which is a producer milk plant under this part and an unregulated plant under the other Federal order: *Provided*, That for purposes of determining the status under this part of such plant's otherwise unregulated supply sources, the assignment under such other order of (1) producer receipts, (2) receipts from other regulated plants, and (3) other source receipts on which any compensatory payment was applicable shall be recognized by equivalent assignment under this order prior to the application of § 1004.47 with respect to other receipts at 1004.47 with respect to other receipts at such plant.

(d) In the case of the New York-New Jersey order, equivalent assignment under this part shall be as follows:

New York-New Jersey Order:	Delaware Valley Order (Class)
Class I-A or I-B-----	I
Class II-----	II
Class III-----	II
Skim milk subject to the fluid skim differential-----	I

DETERMINATION OF UNIFORM PRICES

§ 1004.70 Net obligation of handlers.

The net obligation of each handler for producer milk received at his producer milk plant(s) or for any systemic operation, if designated pursuant to § 1004.8(b), each month shall be the sum of money computed by the market administrator as follows:

(a) Multiply the total hundredweight of such milk in each class by the applicable class price;

(b) Add together the resulting amount;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1004.47 (b) (11) and (c) by the applicable class price;

(d) Add or subtract as the case may be the amount necessary to correct errors discovered by the market administrator in the verification of such handler's receipts and utilization of milk for the previous month(s); and

(e) Add the amount computed by multiplying the difference between the Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 1004.47(b) (8) and the corresponding step of (c), whichever is less.

§ 1004.71 Computation of uniform prices for handlers.

The market administrator shall compute each month a uniform price for each handler for producer milk received at his producer milk plant(s) or for any

systemic operation, if designated pursuant to § 1004.8(b), as follows:

(a) Add to the amount computed pursuant to § 1004.70 the total of the location differential deductions applicable pursuant to § 1004.82;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential to producers computed pursuant to § 1004.81 and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price for such handler for the preceding month; and

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 3.5 butterfat content, f.o.b. market.

PAYMENTS

§ 1004.80 Payments to producers.

Each handler shall make payment to each producer for milk received from such producer as follows: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if requested in writing by the cooperative association, pay such association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this section:

(a) On or before the last day of each month each handler shall make payment for milk received during the first 15 days of such month at not less than such handler's estimate of his uniform price per hundredweight but in no event less than the price per hundredweight for Class II milk for the preceding month;

(b) On or before the 20th day after each month each handler shall make payment for milk received during such month at not less than the uniform price per hundredweight computed for such handler pursuant to § 1004.71, subject to the butterfat differential computed pursuant to § 1004.81, the location differential computed pursuant to § 1004.82 less proper deductions authorized in writing by such producers and less payment made pursuant to paragraph (a) of this section; and

(c) On or before the 20th day of each month each handler shall pay a cooperative association which is a handler, with respect to milk, skim milk and cream received by him from a producer milk plant operated by such cooperative association not less than an amount computed by multiplying the minimum prices in each class subject to butterfat differential computed pursuant to § 1004.51 and the location differential of the buying handler computed pursuant to § 1004.52 by the hundredweight of such milk in each class.

§ 1004.81 Butterfat differential to producers.

The applicable uniform prices to be paid each producer pursuant to § 1004.80 shall be increased or decreased, for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, by the butterfat value computed pursuant to § 1004.51(a) and rounded to the nearest full cent.

§ 1004.82 Location differential to producers.

In making payments to producers pursuant to § 1004.80, the applicable uniform prices to be paid for producer milk received at a producer milk plant located at least 45 miles from the nearest of the City Halls in Philadelphia, Pennsylvania; Atlantic City or Trenton, New Jersey, by shortest highway distance as determined by the market administrator, shall be reduced 23 cents plus one and one-half cent for each additional 10 miles distance or fraction thereof, which such plant is located from the nearest of the City Halls in Philadelphia, Pennsylvania; Atlantic City or Trenton, New Jersey.

§ 1004.83 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, accounts, or verification of weights and butterfat tests of milk or milk products disclosed errors resulting in money due a producer or the market administrator, from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 1004.84 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 20th day after the end of the month for such month 2 cents per hundredweight, or such amount not exceeding 2 cents per hundredweight as the Secretary may prescribe, with respect to all receipts of producer milk including such handler's own production.

§ 1004.85 Termination of obligations.

The provisions of the 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 received the 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 month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 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; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 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

§ 1004.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1004.91.

§ 1004.91 Suspension or termination.

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

§ 1004.92 Continuing obligations.

If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which re-

quires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1004.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1004.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1004.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on September 30, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 63-10506; Filed, Oct. 2, 1963; 8:48 a.m.]

[7 CFR Parts 1097, 1102, 1108]

[Docket Nos. AO-219-A12, AO-237-A8, AO-243-A10]

MILK IN MEMPHIS, TENN., FORT SMITH, ARK., AND CENTRAL ARKANSAS MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the

tentative marketing agreements and orders regulating the handling of milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, not later than the seventh 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 amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Memphis, Tennessee, on May 21 and 22, 1963, and June 26 through June 28, 1963, and at Fort Smith, Arkansas, on May 24, 1963, pursuant to notice thereof which was issued May 1, 1963 (28 F.R. 4512) and a supplemental notice which was issued May 13, 1963 (28 F.R. 4956).

The material issues on the record of the hearing relate to:

- A. Issues relating to Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas orders:
 1. Class I prices.
 2. Class II prices.
 3. Dates for filing reports and announcing class prices.
 4. Classification of milk used for live-stock feed or dumped.
 5. Base and excess price plans.
- B. Issue relating to the Fort Smith, Arkansas, order:
 6. Fort Smith marketing area.
- C. Issues relating to the Central Arkansas order:
 7. Central Arkansas marketing area.
 8. Advance payment to cooperative associations.
- D. Issues relating to the Memphis, Tennessee, order:
 9. Market administrator reports to cooperative associations.
 10. Type of pool.
- E. Issues relating to the Memphis, Tennessee, and Central Arkansas orders:
 11. Location differentials.
 12. Class II butterfat differentials.
 13. Classification of milk used in specified products.
 14. Shrinkage allowances.
 15. Allocation of other order Class I milk.

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. *Class I prices.* The seasonal Class I price differentials in the Memphis and Central Arkansas orders should be changed to \$1.50 during the months of March through July and \$1.91 in the other seven months. The Class I prices in the Memphis, Fort Smith and Central Arkansas orders should be adjusted by a supply-demand adjustor based upon the relationship of the producer milk receipts of all handlers regulated under such orders to their Class I sales.

Cooperative associations representing producers supplying these markets stated more emphasis on price needs to be placed on the short supply months than

the orders presently provide. The present Class I differentials in the Memphis and Central Arkansas orders are \$1.60 in each of the months of March through July and \$1.84 in all other months. The annual average of these Class I differentials is \$1.74. The proposed differentials would not change the annual average but would provide greater pricing seasonality. This will result in little change in the total value of the Class I milk of producers supplying these markets throughout a year. The Class I differentials in the Fort Smith order are \$1.45, April through June, and \$1.85 in the other months. These differentials are generally comparable to the seasonal differentials recommended herein for Central Arkansas and are about the same as those provided by the Oklahoma Metropolitan order. Handlers in Fort Smith compete with Oklahoma Metropolitan handlers for fluid sales and for a supply of milk.

The Memphis and Central Arkansas markets have had excess production during the summer months and cooperatives have had to import milk to meet the Class I demands of the markets during the fall and winter months. The proposed Class I differentials will encourage more even production throughout the year. The higher differentials in the fall months will also bring the Class I price in those months more in line with the cost of imported milk. The nearby Federal order markets where additional milk might be obtained have seasonal differentials which are about 40 cents higher in the fall and winter months of short supply than in the spring months.

This decision provides for a single supply-demand adjustor for the Memphis, Fort Smith and Central Arkansas orders. Handlers regulated under these orders compete for a supply of milk in Arkansas. Practically all of the Fort Smith and Central Arkansas markets milk supply is obtained from producers located in Arkansas. The Memphis market is partially supplied by producers located in 45 Arkansas counties. The Central Arkansas Milk Producers Association supplies handlers located in all three markets and it is common practice for some member producers to have their milk shipped to more than one of the three markets during a month. At times the milk of some producers is shipped to all three markets during the same month.

Handlers regulated by these three orders compete not only for a supply of milk but also for fluid milk sales. Memphis handlers have fluid milk sales in 31 Arkansas counties. Eleven of these counties are in the Central Arkansas marketing area. Fort Smith and Central Arkansas handlers have overlapping route sales.

There have been several recent shifts of sales and supplies among Memphis and Central Arkansas handlers. A handler who has plants regulated under both orders recently commenced supplying his distribution point in Forrest City, Arkansas, from his Memphis order plant. Prior to this date this distribution point was supplied from his Central Arkansas

regulated plant. Effective September 1962 the Central Arkansas Milk Producers Association began supplying a Memphis order handler with all his fluid needs. Starting in January 1963 this cooperative began supplying another distributor in the Memphis market with part of his fluid milk needs. These shifts in supply and sales increase the percent of producer milk being utilized for Class I purposes in one market while decreasing such percentage in the other market. By combining the receipts from producers and disposition of fluid milk by handlers in the three markets such shifts will not affect the total supply-sales ratio.

Since handlers regulated under the three orders compete for a supply of milk and for fluid sales, a misalignment of prices among these orders could result in uneconomic movements of milk. Therefore, the supply-demand adjutor herein proposed is identical for the three orders. A proposal was made to omit the supply-demand adjutor provisions from the Fort Smith order on the basis that supply-demand adjustments could result in a Class I price misaligned with the Class I price handlers located in Tulsa and regulated under the Oklahoma Metropolitan order are required to pay. Since the Oklahoma Metropolitan order contains a supply-demand adjutor, there would be no fixed relationship between the Fort Smith and Oklahoma Metropolitan prices even if the adjutor was not used in Fort Smith. Hence, the proposed supply-demand adjutor should apply to the Fort Smith market as well as the Memphis and Central Arkansas markets with which it is so closely related.

Under the requirements of the Agricultural Marketing Agreement Act, authorizing Federal milk orders, prices established by milk marketing orders must reflect supply and demand conditions in the respective market for which an order is issued. As these supply and demand conditions change from time to time, the changes must be reflected appropriately in order prices. Changes in the relationship of receipts of producer milk by regulated handlers and Class I disposition by such handlers are a measurable reflection of changes in market supply-demand conditions.

In 1962 the ratio of producer receipts to gross Class I sales in the Memphis market averaged 107 percent, in the Fort Smith market averaged 113 percent and in the Central Arkansas market averaged 112 percent. During this same period, the monthly average receipts from producers by regulated handlers in these markets were: Memphis, 22.4 million pounds; Fort Smith, 4.2 million pounds; and Central Arkansas, 16.0 million pounds.

The supply-demand adjutor recommended herein contains a utilization range which averages 110-116 percent a year. The recommended adjutor provides for monthly utilization ratios to be obtained by dividing the pounds of producer milk received by the milk plants fully regulated under the three orders for the second and third preceding months by the net pounds of Class I sales

by such plants for the same months. The utilization ratios so computed averaged 111 percent for the 1961 pricing year; 110 percent for 1962; and 102 percent for the first six months of 1963.

Representatives of producers testified in favor of a supply-demand adjutor with monthly utilization ranges, based on the three market totals, which averaged 111.7-117.5 annually. They maintained a reserve of this magnitude is needed to provide an adequate supply of milk for handlers' Class I sales.

Handlers opposed supply-demand adjutors for the three orders but proposed that if the orders were to have a supply-demand adjutor, the midpoint of the utilization range be centered around the 1961 or 1962 utilization percentages of the three market totals with a 10 point range.

Handlers testified that producer milk received at regulated plants was not truly reflective of the supply situation in the three markets because producer cooperatives have been shipping milk from their members' farms directly to manufacturing plants and to other markets without accounting for such milk as producer milk as defined in the orders.

The Mid-South Milk Producers Association, the principal cooperative in the Memphis market, entered exhibits which showed the quantity and disposition of the milk of its members which did not enter into the Memphis market statistics. In 1962 an average of 823,000 pounds of milk per month which was handled by the cooperative was not included as producer milk under the Memphis order. This was equivalent to three percent of the total producer milk in the Memphis market during this period. In the first four months of 1963 the cooperative did not report as producer milk nearly four million pounds of milk of its members. However, some of this milk was not acceptable for fluid use and some of the four million pounds did not enter into the market statistics because of the failure of a supply plant to qualify as a fluid milk plant during one month. Hence, the 1963 supply-sales ratios are not representative of the usual market conditions.

The Central Arkansas Milk Producers Association, the principal cooperative in the Fort Smith and Central Arkansas markets, presented figures which showed the pounds of milk of their members which was associated with the Memphis, Fort Smith and Central Arkansas markets but which was not reported as producer milk. In 1962 this averaged approximately 1.2 million pounds per month, equivalent to 5.5 percent of the combined producer milk receipts in the Fort Smith and Central Arkansas orders during such year. The total pounds of off-the-market milk handled by this cooperative in the first three months of 1963 was less than 200,000 pounds.

Handler representatives asserted that any supply-demand adjutor for the three markets should include all off-the-market milk of cooperative members who had been producers at any time as defined in these orders. The cooperatives whose members' milk is shipped to Memphis, Fort Smith and Central Arkansas

order handlers also regularly supply handlers regulated under other orders and unregulated plants. Hence, "off-the-market" sales are not necessarily primarily associated with these three regulated markets. Also, milk which is not accepted by handlers because of their special quality requirements can hardly be construed as available for sale in these markets. Handlers under the three orders obtain practically their entire supply of milk from cooperatives, ordering the milk as needed without regard for the available supply.

The pounds of milk which was marketed outside these three order programs by the two principal cooperatives but which might be identified as a reserve supply for these markets was reported by the cooperatives at the hearing for the period January 1962 through March 1963. When this milk was added to the producer receipts and Class I sales of handlers regulated under the three orders the ratios of receipts to sales in the pricing months July, August and September were increased substantially. The supply-demand ratio for these months reflected the seasonal peak of production relative to sales during the preceding March through June. When the reported market supply was relatively short, however, there was little difference in the ratios which included the "off-the-market" sales. The ratios based on reported producer milk and those including outside sales not reported for the period are shown below.

Pricing period, year and month	Reported ratios of producer milk receipts to Class I sales	Ratios of pro- ducer receipts to Class I sales in- cluding "off- market-milk"
	Percent	Percent
1962		
April.....	107	109
May.....	107	108
June.....	110	114
July.....	113	124
August.....	111	125
September.....	115	121
October.....	114	117
November.....	111	113
December.....	109	109
1963		
January.....	105	105
February.....	104	105
March.....	103	105
April.....	101	103
May.....	98	100

It is obvious that in certain months the markets have available more milk than handlers are willing to take. The total producer milk in these markets as reported by regulated handlers is determined largely by the quantity of milk the handlers in such markets accept in their plants.

It has been the practice of the cooperatives to ship excess milk directly from farms to manufacturing plants instead of through a fluid milk plant in order to reduce transportation costs. By not reporting such milk as diverted milk under the order, the cooperatives also save, as handlers of such milk, an administrative assessment of four cents per hundredweight. Even during the months of short production cooperatives have some off-the-market milk. Due to weekly variations in the demand for fluid milk products, the cooperatives have had

excess milk in the early part of a week and then have had to import milk in the latter part of the week in order to supply handlers' requirements. Representatives of the principal cooperatives in the three markets testified they intended to continue marketing excess milk as they have but that such off-the-market milk would always be available to handlers should they request it and that only such milk as is accepted by handlers should be taken into account in establishing norms for the supply-demand adjusters. Handlers testified that the cooperatives have never refused to supply them with milk when it was available.

The utilization percentages recommended herein are based on actual receipts of producer milk and reported Class I sales. These receipts and sales are identifiable with these three markets and are measures which can be determined accurately. The inclusion of certain off-market sales would require that the norms selected be established at a somewhat higher level of supply in order to retain the same price level. Since the reported producer milk and Class I sales appear to be reflecting the changes in the relative supply of milk in these markets to their Class I sales, the figures used to calculate the supply-demand adjuster should be these reported and verifiable receipts and sales.

The rate of adjustment for variations from the standard utilization ratios herein proposed would be nominal when such variations first appear, but would be increased progressively as a variation of like direction and amount persisted through two or three consecutive two-month periods. Such a provision will avoid substantial price increases or decreases based on nonrecurring deviations from the established norms. Substantial price adjustment will, however, occur when undersupply or oversupply representing significant deviations from the established norms persist for a period of time.

This type of adjustment is accomplished by providing that for each percentage unit of deviation from the standard range the price shall be adjusted by one cent, plus one cent for each such percentage unit for which there was a deviation of like extent and character in the first two-month period next preceding, plus one additional cent for each such percentage point for which there was a deviation of like extent and character in each of the first and second two-month periods next preceding. The accumulated adjustments would not exceed the 3-cent rate based on one two-month period which was proposed by cooperatives. However, the accumulation of three one-cent adjustments will delay adjustments when the market condition departs from normal until the departure is firmly established. The proposed adjuster would also bring the adjustment back to zero promptly, whenever the ratio again falls within the normal range.

The proposed supply-demand adjuster would have made little or no adjustment to the Class I price during 1961 and 1962. Using the combined data for the three markets, the utilization ranges

which would have been used to establish 1961 prices averaged 111 percent and averaged 110 percent for 1962 prices. Little milk was imported in 1961 and in 1962, prior to September. It appears, therefore, that the total available receipts were adequate during that period.

Although the proposed adjuster would have had practically no effect on 1961 and 1962 prices, it would have averaged plus 12 cents for the first six months of 1963. The adjuster in the Memphis order, which also was used in determining the Central Arkansas Class I price during part of this period averaged plus $\frac{1}{2}$ cent in 1961, plus $2\frac{1}{2}$ cents in 1962 and plus $18\frac{1}{2}$ cents during the first half of 1963.

Producer receipts in the three markets as a percentage of Class I sales in the period which would have been used under the proposed adjuster to determine January-June 1963 prices dropped below 100 percent during one month and averaged only 102 percent. In the Memphis market alone, however, in the same period producer receipts as a percentage of Class I sales dropped below 100 percent three times and averaged only 99 percent. Thus the adjuster based on the Memphis receipts and sales reflected a more severe shortage of supply relative to sales than that which existed in the three market areas.

The supply-demand adjuster proposed by the cooperative associations was based on the ratio of producer receipts to utilization, using the three market totals, for the second and third preceding months and provided for an adjustment of three cents for each unit of deviation from a table of standard utilization percentages with adjustments limited to six cents a month. The utilization range proposed by the cooperatives would have resulted in an increase in the Class I price in all but one of the months of 1962, ranging from three to nine cents with an average increase for the year of 4.5 cents. In view of the supply-demand conditions during the year, this additional price increase does not appear warranted.

The proposed six-cent limitation on monthly adjustments is not adopted. Should a substantial price adjustment occur during the short production months, price adjustments can be perpetuated into the flush production months due to the six-cent adjustment limitation. The supply-demand adjuster herein proposed will better provide for prompt price increases under unfavorable production conditions while providing for prompt price decreases when the market becomes adequately supplied.

The handlers' proposal to adopt a supply-demand adjuster with a ten-point range centered around the 1961 or 1962 ratios would result, essentially, in an adjuster which would seldom make any price adjustments. The proposal is denied.

The proposal to base the supply-demand adjuster on a 12-month base period is denied. This proposal was made as an alternative should a supply-demand adjuster as herein proposed not be adopted.

Under this proposal one would obtain the total producer receipts and Class I

sales of the Memphis, Fort Smith and Central Arkansas order handlers for the 12-month period of August through July and from these figures compute the ratio of producer receipts to Class I sales. This ratio would then be added or subtracted from a fixed ratio. The fixed ratio, or norm, would be predetermined on the basis of the volume of reserve milk required to adequately meet the Class I demands of the markets on a year round basis. To obtain the adjustment, each point of difference between the 12-month ratio and the established norm would be multiplied by two cents. This figure would then be multiplied by twelve to give the total adjustments to be made for a year. Under the proposal, adjustments would not be made during the four flush months of production so the total adjustment figure for the year would be divided by eight. The resulting figure would then be the monthly Class I adjustment for the eight months of August through March.

The proposed norm for this supply-demand adjuster was 120 percent. The ratios of the combined three market statistics in 1961 was 111 percent and in 1962 was 110 percent. A norm of 120 and the 1962 utilization ratio of 110 would have resulted in a 30-cent increase per month to the Class I price in the three markets for an eight-month period. Such an increase in price would have resulted in a serious misalignment of prices with surrounding markets. Furthermore, proponents of this proposal stated it was not their intent to obtain an increase in the Class I price through a supply-demand adjuster. Also, this proposal should be denied because the proposed base period minimizes the effect of market changes in current months. Current month-to-month changes in receipts and utilization are subdued in a 12-month average to one-twelfth of the change in the latest month. Further, a fixed base period as August through July would determine the supply-demand adjustments for the following August through March. Thus the supply-demand adjustments in the first three months of 1964 would be based on supply-demand conditions existing in the three markets during the last five months of 1962 and the first seven months of 1963. Experience indicates that substantial changes in market supply and sales have occurred over such a time period.

The proposal to include Class I sales in the marketing areas made by handlers other than those regulated under the Memphis, Fort Smith and Central Arkansas orders is denied. Such sales are made by handlers who obtain their milk supply from sources other than the farmers who regularly supply these markets.

2. *Class II prices.* The Memphis, Fort Smith and Central Arkansas orders should be amended to provide that the price for Class II milk shall be the basic formula price which is the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the United

States Department of Agriculture, adjusted to a 3.5 percent butterfat test.

The present Class II price under the Memphis order is determined from the average of basic prices reported to have been paid at five local manufacturing plants plus 30 cents for the months of September-November and plus 20 cents for all other months. The present Fort Smith Class II price is computed by using the average of basic prices reported to have been paid at two local manufacturing plants. The Central Arkansas Class II price is the average price paid for manufacturing grade milk in the United States.

For the 12-month period May 1962 through April 1963 the average monthly Class II price for milk of 3.5 percent butterfat content in Memphis was \$2.93, in Fort Smith was \$2.70 and in Central Arkansas was \$3.00. The Minnesota-Wisconsin series for 3.5 percent milk during this period averaged \$3.067.

Distributing plants regulated under these orders normally arrange for a supply of milk which includes some reserve over their actual volume of Class I sales. When this reserve is not used for Class I purposes it is used in manufactured dairy products and, accordingly, is classified as Class II. The price for this reserve milk should be established at a level at which such milk can be disposed of for manufacturing use.

Regulated plants use reserve milk regularly each month in Class II products such as cottage cheese and ice cream. Producer milk in excess of that used by regulated plants is moved to manufacturing plants. In order to obtain a supply of quality milk, manufacturing plants in the area pay premiums over their basic price. It is a common practice for such plants to pay dairy farmers a 15-cent premium if they have a cooler and an additional 25-cent premium if they have barns with concrete floors. Producers supplying handlers regulated by these orders qualify for such premiums and producer milk moved to manufacturing plants has been sold at prices higher than the order prices.

Cooperative associations market nearly all of the milk which is in excess of that needed by Memphis handlers. The principal cooperative supplying the Memphis market sold almost fourteen million pounds of milk to manufacturing plants during the 16-month period of January 1962 through April 1963. The manufacturing plants were located mainly in Tennessee and Mississippi. The cooperative's witness reported that on all milk sold to manufacturing plants (from January 1962 through March 1963) the cooperative received a weighted average price of \$3.11 per hundredweight of milk (adjusted to 3.5 percent butterfat content).

The Central Arkansas Milk Producers Association markets practically all of the milk supply not needed by handlers regulated under the Fort Smith and Central Arkansas orders. This cooperative has various outlets available, mainly in Arkansas, for such excess milk. Most manufacturing outlets in Arkansas are paying quality premiums of 40 cents over their reported basic price. Includ-

ing the 40 cent premium, the average prices paid by two Arkansas manufacturing plants during the year 1962, averaged \$3.17 per hundredweight for milk testing 3.5 percent butterfat. As of February 18, 1963, the Central Arkansas Milk Producers Association had arrangements with three manufacturing outlets where they receive 12 cents above the Central Arkansas order Class II price.

The Central Arkansas Milk Producers Association proposed that the monthly Class II price in Fort Smith and Central Arkansas be the Minnesota-Wisconsin price and for the months of September through February such price plus 25 cents. The Mid-South Producers Association proposed that the Memphis monthly Class II price be the Minnesota-Wisconsin series and for the months of September through February such price plus 10 cents.

Proponents clearly established that the value of producer milk classified as Class II is greater than the basic prices announced by local dairy manufacturing plants or the average price for milk used in manufacturing dairy products in the United States. Inasmuch as cooperative associations are willing to market milk in excess of handlers' needs at the proposed higher Class II prices, it is concluded that the Class II price in the three markets should be the Minnesota-Wisconsin series for manufacturing grade milk. This will lessen the disparity between the actual prices paid locally for premium quality milk used in manufacturing and the Class II order prices.

The Class II prices in these orders should not be increased in certain months above the average prices paid by Minnesota and Wisconsin plants. Although the prices which the Arkansas cooperative obtained for milk sold to manufacturing plants has been somewhat higher than the prices in the Minnesota-Wisconsin series, the prices received by the Memphis cooperative were close to that series on an annual average basis. It is important that the Class II prices in each of these markets be established at the same level. Hence, the average price for manufacturing milk in Minnesota and Wisconsin should be used with no premiums in all months for the three markets.

3. *Dates for filing reports and announcing class prices.* Cooperative associations representing most of the producers on the Memphis, Central Arkansas and Fort Smith markets proposed that the three orders be amended by changing the dates on which handlers are required to file reports of receipts and utilization to earlier dates in the month. Handlers opposed any change which would require reports to be filed on an earlier date. Since no necessity for earlier reporting dates was presented, no change in such filing dates should be made.

The Memphis and Central Arkansas orders should be amended by changing the date on which the market administrator is required to announce the minimum class prices and butterfat differentials from the 6th to the 5th day of the month.

The Class I prices for all three orders are computed from the Minnesota-Wisconsin basic formula price. It is recommended in this decision that the Class II prices for all three orders be computed from the same basic formula price. The average price for manufacturing grade milk at plants in Minnesota and Wisconsin and the Chicago butter price are both available by the fifth day of each month. Hence, all data necessary to compute the minimum class prices and butterfat differentials will be available by the fifth day of each month and should be announced on that date.

4. *Classification of milk used for livestock feed or dumped.* The Central Arkansas order should be amended to provide for Class II classification of both the butterfat and skim milk in fluid milk products disposed of and used for livestock feed. The proposals to amend the Memphis, Tennessee, and Fort Smith, Arkansas, orders to provide for Class II classification of only the skim milk disposed of and used for livestock feed are denied.

The Memphis and Central Arkansas orders should be amended to provide for the Class II classification of skim milk and butterfat in fluid milk products which are dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping.

The Memphis and Fort Smith orders presently provide for Class II classification of skim milk and butterfat disposed of for livestock feed while the Central Arkansas order provides for Class II classification of only the skim milk disposed of for livestock feed.

Cooperative associations representing producers supplying these markets proposed that the three orders be amended to provide for Class II classification of skim milk disposed of and used for livestock feed subject to inspection, at his discretion, by the market administrator. The cooperative associations further proposed that each handler, with respect to skim milk disposed of and used for livestock feed, be required to report to the market administrator such information at such time as the market administrator may require. The primary purpose for these proposals was to assure conformity among the orders and to clarify the authority of the market administrator.

Handlers regulated under the Memphis and Central Arkansas orders objected to the proposals and requested the Class II classification of both the butterfat and skim milk in fluid milk products disposed of as livestock feed.

Handlers under both orders testified that there were certain amounts of fluid milk products that could not be disposed of in Class I uses, principally returns from routes that have become unsalable as fluid products for human consumption. Other products which occasionally become unsalable for various reasons are vats of buttermilk, chocolate milk and cottage cheese. The unsalable butterfat and the skim milk is either disposed of for livestock feed at small returns to handlers or dumped with no financial return to handlers.

In any case, where a handler disposes of milk as livestock feed it may be presumed he is unable to find any other economic use for the product or its constituents. Ordinarily the disposal of butterfat for livestock feed would not occur in any case where salvage of the butterfat is reasonably possible. Accordingly, the Class II classification should apply to butterfat in the same manner as it applies to skim milk in fluid milk products disposed of and used for livestock feed.

Handlers regulated under the Memphis and Central Arkansas orders proposed that skim milk and butterfat contained in products dumped after prior notification to and opportunity for verification by the market administrator be classified as Class II.

Handlers testified that while some handlers have been able to find outlets as livestock feed for unsalable products, others have not. By providing Class II classification with respect to the skim milk and butterfat in products dumped, the handler who is not able to locate an outlet for unsalable products will be on an equitable basis with the handler who has a livestock feed outlet.

Allowing Class II classification for both the butterfat and skim milk in dumped products will accommodate the disposition of route returns and other items from which the recovery of butterfat and skim milk is not possible or practicable.

The market administrator can require such records at such times as are necessary and can prescribe such methods of accounting which he deems necessary to verify the claimed use of skim milk and butterfat for livestock feed and in dumped products. The market administrator should be notified prior to any dumping and be afforded the opportunity to verify such dumping if he should deem it necessary. To provide otherwise would make it possible for a handler to claim unlimited dumping of products. In the case of products disposed of for livestock feed, physical inspection and adequate records are needed to assure that such disposition was made.

5. Base and excess price plans. A base and excess plan of distributing returns for milk among producers should be incorporated into the Memphis, Tennessee, order. The base plan in the Memphis market and the base plans in the Fort Smith and Central Arkansas markets should be coordinated as to base-forming and base-paying rules and the transfer of bases between markets.

The cooperative association representing the majority of the producers on the Memphis market proposed that a base and excess plan be used in paying producers. The cooperative association representing most of the producers on the Central Arkansas and Fort Smith markets and several producers on the Memphis market supported the proposal.

There is a substantial movement of milk from producers on the nearby Central Arkansas and Fort Smith markets to the Memphis market. The Central Arkansas and Fort Smith orders presently provide for base and excess plans of distributing returns for milk among producers. The proponent of a

base plan for Memphis requested a base-excess plan that would conform to modified base-excess plans for the Central Arkansas and Fort Smith orders.

The base-forming period under the Memphis order should be the months of September (or the effective date of this proposed amendment) through December in 1963 and during the months of September through January thereafter. The months of September through December are the base-forming months under the nearby Central Arkansas and Fort Smith orders. In view of the overlapping of the Memphis milkshed with the Central Arkansas and Fort Smith milksheds, it is appropriate that the base-forming periods be the same. After this year, the base-forming period should be the months of September through January in all three markets to encourage increased production in January.

Proponents asked that the base-excess plans provide for the calculation of a producer's daily base on the aggregate deliveries by such producer to handlers regulated under any of the three orders and that such producer's daily base should be recognized during the base and excess payment period with respect to that producer's deliveries to handlers under all of the three orders.

Due to the shifting of producer milk between handlers regulated under the three orders, the daily base for each producer should be determined by the market administrator by dividing the total pounds of milk received from such producer during the base-forming period by handlers fully regulated under the terms of the respective orders regulating the handling of milk in the Memphis, Central Arkansas and Fort Smith marketing areas, by the total number of days in the base-forming period beginning with the first day on which milk is received from such producer by a handler regulated under any one of the aforesaid orders, but not less than the number of days in the base-forming period minus 30. Such daily average base for each producer should be prorated for use during each of the base payment months according to his total deliveries to handlers regulated respectively under the Central Arkansas, Fort Smith and Memphis orders.

If a plant first became a fluid milk plant during or after the preceding base-forming period, provision should be made for assigning bases to the dairy farmers regularly supplying such plant. This would be effectuated by according such dairy farmers the same treatment as other producers in establishing bases. Bases would be computed from deliveries to the plant in the base-forming period for dairy farmers who became producers by virtue of the plant to which they delivered milk in the base-forming period having subsequently qualified as a fluid milk plant.

For deliveries during each month of February through July 1964, and March through July thereafter, separate uniform prices for "base milk" and "excess milk" would be computed. The months of February through July are the base payment months in the Central Arkansas

and Fort Smith orders. In 1965 and thereafter, the base payment period should be limited to March through July under all three orders to encourage more production in February.

Each producer's base milk would be the quantity of such producer's milk received by a handler fully regulated under the respective order which is not in excess of the producer's pro rata base applicable to such handler's plant. His total base for the three markets would be determined by multiplying such producer's daily base by the number of days in the base-payment month. This base would be prorated to receipts from such producer at each plant fully regulated under the Memphis, Fort Smith or Central Arkansas order in the proportion of receipts during the month at each plant to the total receipts from such producer at all plants fully regulated by any of the three orders.

The proposed base-excess payment plan for Memphis is patterned after that used in Fort Smith and Central Arkansas. It provides that Class II disposition in the handler's plant would first be assigned to excess milk and the remaining use value would be assigned to base milk. If the handler's Class I utilization should be more more than the base milk received from producers in any month, such additional Class I milk would be allocated to excess milk and the excess blend price would be increased accordingly.

On or before January 25, 1964, and on or before February 25 of each year thereafter, the market administrator should notify each producer of the base established by such producer. This will provide adequate time for the market administrator to complete the extensive work of computing and announcing bases and will correspond with the announcement dates in the Central Arkansas order.

Proponents requested that the base rules provide for the transfer of established bases between the three orders. The base rules herein recommended are patterned after the base rules in the Central Arkansas order and will coordinate the base and excess plans in the Memphis, Central Arkansas and Fort Smith orders.

A producer may maintain his base when he moves to another farm. Provision should be made that he may transfer his entire base to any other person. The producer making such transfer should notify the market administrator on forms approved by the market administrator and signed by the baseholder or his heirs and by the person to whom such base is to be transferred, on or before the end of the month in which such transfer is to be effective. If a base is held jointly, the entire base could be transferred only if the application is signed by all joint holders or their heirs and by the person to whom such base is to be transferred. Such base transfer rules should be applicable to base transfers between the Memphis, Central Arkansas and Fort Smith orders.

6. Fort Smith marketing area. The proposal to add the Arkansas counties of Sebastian, Scott, Logan, Johnson and

Franklin to the Fort Smith, Arkansas, marketing area is denied.

The present Fort Smith marketing area includes the territory within the corporate limits of Fort Smith, Arkansas, Van Buren, Arkansas, and within the boundaries of the Camp Chaffee military reservation. Fort Smith is located in Sebastian County, Van Buren in Crawford County and Camp Chaffee is located primarily in Sebastian County. Two handlers, both located in Fort Smith, are fully regulated under the provisions of the Fort Smith order by virtue of fluid milk sales in the marketing area.

The proposal to enlarge the marketing area was made by the Central Arkansas Milk Producers Association. This cooperative, which supplies the two handlers regulated under the Fort Smith order, did not offer any testimony as to the prices being paid producers by three unregulated handlers located in the counties proposed to be added to the marketing area. Also, the cooperative failed to show any loss of sales in the proposed area by handlers purchasing milk from the cooperative.

The expansion of the marketing area as proposed would result in three additional handlers becoming regulated under the order. Two of these handlers are located in Logan County and the other handler is located in Johnson County. These handlers have from 90 to 100 percent of their fluid milk sales in the proposed addition to the marketing area. One of these handlers receives Grade A milk from five dairy farms, including his own. This handler distributes milk in Sebastian, Scott, Logan and Johnson Counties. Another handler purchases milk from eight Grade A producers and distributes milk in Franklin, Logan and Johnson Counties. The third handler, located in Johnson County, purchases milk from 13 Grade A producers and distributes milk in two of the five counties proposed to be added to the marketing area. The three unregulated handlers and some of the dairy farmers supplying these handlers opposed the expansion of the marketing area.

Although the prices paid by the two unregulated handlers who testified at the hearing indicate that they are paying somewhat less for milk than would be required under the classified prices of the Fort Smith order, there was no indication that regulated handlers had suffered loss of sales due to any competitive price advantage on the part of these unregulated handlers. No regulated handler appeared to support any addition to the marketing area or to present evidence that he was at a disadvantage in meeting competition from the three unregulated handlers. One unregulated handler stated he has no store sales because stores can purchase their milk from regulated handlers at a price lower than he is willing to meet.

Handlers regulated by the Fort Smith order make approximately 70 percent of the total fluid milk sales in the proposed five-county area. The three unregulated handlers have approximately 11 percent of the fluid sales in the proposed area. Although regulated handlers have the majority of the sales in these counties they have no apparent competitive dis-

advantage in the counties and, accordingly, these counties should not be included in the marketing area.

7. Central Arkansas marketing area. The Central Arkansas marketing area should be expanded to include the Arkansas counties of Craighead and Poinsett.

The addition of Craighead and Poinsett Counties to the marketing area will regulate a handler located in Paragould, Arkansas. The Paragould handler became regulated under the Memphis order by virtue of having fluid milk sales in excess of 1,000 pounds per day in the Memphis marketing area. In May 1963, approximately 3.4 percent of his total fluid milk sales were in the Memphis marketing area. The Memphis order which operates on the basis of an individual-handler pool requires that any plant from which 1,000 pounds of Class I milk per day, or 5 percent of the Class I milk at the plant during the month, is disposed of on routes in the marketing area shall be regulated as to minimum prices paid producers. The Central Arkansas order requires that 10 percent of a plant's receipts from producers and other pool plants be disposed of on routes in the marketing area as a basis for full regulation.

The Paragould handler has approximately 5 percent of his fluid milk sales in the present Arkansas marketing area, 6 percent of his fluid milk sales in Poinsett County and 11 percent of such sales in Craighead County. Since the handler uses about 90 percent of his receipts in fluid sales, 20 percent of his total receipts are disposed of on routes in the present and proposed marketing area.

This handler stated he preferred to be regulated under the Central Arkansas order. Handlers under the Memphis and Central Arkansas orders, and producers supplying the Memphis market were not opposed to the change in regulation provided that such handler received the same location differential under the Central Arkansas order as he currently does under the Memphis order. Such provision is proposed in this decision.

The Paragould handler with a slight withdrawal of fluid milk sales in the Memphis marketing area could obtain an unregulated status. This handler should be continually regulated as he competes extensively with handlers in both the Memphis and Central Arkansas markets for Class I sales and in procurement of supplies. The proposed expansion of the marketing area will insure continued regulated status for this handler under the Central Arkansas order.

The Paragould handler presently has more fluid milk sales in the Central Arkansas marketing area than he does in the Memphis marketing area. He purchases the majority of his milk from Arkansas producers through the Central Arkansas Milk Producers Association. This handler has from 46 to 62 percent (according to different estimates) of the Class I sales in Craighead County and from 43 to 47 percent of the milk sales in Poinsett County. The remaining portion of the sales in these two counties are made by Memphis and Central Arkansas order handlers, except for a small

amount of sales in Poinsett County by a St. Louis order handler.

The proposed counties are contiguous with the present marketing area and are an integral part of the sales area of Central Arkansas order regulated handlers. The health regulations applicable to milk sold for fluid consumption are identical throughout such area so that milk can and does move freely within the area.

The Central Arkansas Milk Producers Association proposed the extension of the marketing area to include also the Arkansas counties of Greene, Independence, Jackson, Lawrence and Mississippi.

Independence, Jackson, and Lawrence Counties should not be added to the marketing area because the addition of these counties would bring a handler located in Batesville, Arkansas, under regulation. This handler makes approximately 60 percent of his fluid milk sales in these three counties and 40 percent of his sales in other counties north of Batesville. The Batesville handler is purchasing his milk from the Central Arkansas Milk Producers Association on a classified basis at prices in line with minimum order prices he would be required to pay if regulated under the Central Arkansas order. A representative for the cooperative testified that this was an equitable price and that regulated handlers were not losing Class I sales in the proposed counties. The Batesville handler opposed regulation. There was no need shown for regulating this handler and, therefore, these three counties should not be added to the marketing area.

Greene and Mississippi Counties should not be added to the marketing area. Central Arkansas handlers have approximately two percent of the fluid milk sales in Greene County and not more than seven percent of such sales in Mississippi County. Excluding the sales of the Paragould handler, Memphis handlers have approximately 13 percent of the sales in Greene County and not more than 41 percent of such sales in Mississippi County. These counties are so insignificantly associated with the sales territory of present Central Arkansas handlers that it does not justify their being added to the marketing area. Further, an unregulated handler in Cape Girardeau, Missouri, is currently supplying a military base located in Mississippi County. Should this county be added to the marketing area this handler could become regulated. The record shows no need for regulating this handler under the Central Arkansas order.

8. Advance payment to cooperative associations. The Central Arkansas order should be amended to provide specifically for advance payments by handlers to cooperative associations on bulk tank milk for which the cooperative association acts as the handler.

The order presently provides for advance and final payments by a handler to a cooperative association which the market administrator determines is authorized by its members to collect payments for their milk and which has so requested any handler in writing, and for final payments by a handler to a

cooperative association with respect to receipts of bulk tank milk for which the cooperative association is the handler. The cooperative association representing most of the producers on the market proposed that the order be amended to specifically require a handler to make the advance payment to the cooperative association on bulk tank milk for which the cooperative acts as the handler. There was no opposition to the proposal. The advance payment should be due the second day before payments are due individual producers.

9. *Market administrator reports to cooperative associations.* The Memphis, Tennessee, order should be amended to provide that the market administrator report to each cooperative association, which so requests, the percentage of milk delivered by such association or its members which was used in each class by each handler receiving such milk.

The cooperative association representing the majority of the producers on the market proposed that on or before the 11th day after the end of each month, the market administrator report to each cooperative association which so requests, with respect to milk delivered by such association or by its members to each handler during the month: (1) The percentage of such receipts classified in each class; and (2) the percentage relationship of such receipts to the total pounds of Class I milk available to assign to such receipts exclusive of the Class I milk disposed of by such handler to the fluid milk plants of other handlers and to nonfluid milk plants.

Under the present provisions of the Memphis order, bulk tank milk for which the cooperative association is the handler and which is delivered directly to fluid milk plants of other handlers is prorated with receipts at the fluid milk plant from producers and from other cooperative associations which are handlers for bulk tank milk. Such a cooperative association reports to the market administrator only the receipts from producers and the total pounds of skim milk and butterfat delivered to each fluid milk plant. From the handlers' reports of receipts and utilization and from other reports prescribed by the order and by the market administrator, the market administrator calculates the net obligation of each handler for milk received from producers and notifies each handler of such obligation on or before the 11th day of each month. The notification includes, along with other information, the amount and value of milk in each class.

By requiring the market administrator to report at the same time to the cooperative association the percentage of milk delivered by such association or its members which was classified in each class by each handler receiving such milk, the association will be informed immediately of the proportions of its members' milk used in each class by each handler, and can plan its marketing program according to the relative use of producer milk in Class I at each plant.

The relationship of receipts of producer milk from cooperative associations at each handler's plant to the total pounds

of Class I milk available to assign such receipts, exclusive of the Class I milk disposed of by such handler to the fluid milk plants of other handlers and to nonfluid milk plants, involves the disclosure of information with respect to milk other than producer milk in the handler's plant. Therefore, the market administrator should not be required to report this information to cooperative associations.

10. *Type of pool.* The proposal to change the pooling arrangement of the Memphis, Tennessee, order from an individual-handler pool to a marketwide pool was abandoned at the hearing by its proponents. Since no evidence was presented at the hearing regarding the need for a marketwide pool, the order should not be amended in this aspect on the basis of this record.

11. *Location differentials.* The basing points for location price adjustments in the Central Arkansas order should be Arkadelphia, Arkansas; Little Rock, Arkansas; or Memphis, Tennessee, whichever is nearest. No changes should be made in the location price differentials in the Memphis order.

The present basing points for location differentials in Central Arkansas are Little Rock and Benton. Arkadelphia is located 48 miles south of Benton. Recently a plant at Arkadelphia, which was fully regulated under this order was purchased by a partially regulated handler in Camden, Arkansas. The plant in Arkadelphia is being closed and the sales from that plant will be served by the Camden plant. Since the sales from the Arkadelphia plant were made almost entirely in the marketing area, it is anticipated that the handler in Camden will become a fully regulated handler under the order. Camden is 103 miles south of Benton and under the present provisions of the order would receive a minus 16.5 cents location adjustment. Camden is located 55 miles south of Arkadelphia, and would receive no location adjustment with Arkadelphia as a basing point for location adjustments.

A location adjustment should not be applicable to a plant at Camden. The operator of this plant is presently purchasing milk from the Central Arkansas Milk Producers Association at the same price as Central Arkansas order handlers are paying for milk delivered to plants in Little Rock. Producers supplying the plant have the alternative of obtaining this price if they ship milk to Little Rock plants.

The proposal to provide for a plus location adjustment for Central Arkansas pool plants located 60 miles south of the nearest basing point is denied. Generally, as one moves south, supply-demand conditions for milk require progressively higher prices for milk corresponding to the increased cost of transporting milk from areas of alternative milk supplies. However, the record does not establish the need for this provision since there presently are no pool plants located south of the proposed basing points to which a plus location adjustment would apply. Furthermore, the proposed adoption of a basing point at Arkadelphia to maintain the Little Rock price level at Camden 155 miles south

of Little Rock indicates that the proposed pattern of plus adjustments may not fit actual conditions.

Memphis, Tennessee, should be included as a basing point for location differentials in Central Arkansas. The handler located in Paragould, Arkansas, as a regulated handler under the Memphis order, receives a 13.5-cent location differential. The expansion of the Central Arkansas marketing area as proposed in this decision will regulate the Paragould handler under the Central Arkansas order. Under present provisions, the Paragould handler, as a regulated handler under Central Arkansas, would receive a location adjustment on Class I milk of 22.5 cents and producers supplying this handler would receive the Central Arkansas order blend price minus 22.5 cents.

Producer milk should be priced in relation to its location value. Since the value of producer milk varies with the proximity of a producer to a market, milk prices are usually higher at delivery points in the major consumption centers. If there is more than one major consumption area in which a producer can market his milk, the location value of his milk is affected by his nearness to each of these consumption centers. With the value of producer milk established in relation to the major consumption centers, all producer milk received by handlers in a given area has an alternative value based on the highest net price paid f.o.b. such centers less the cost of hauling milk to the respective market. Since the Central Arkansas and Memphis Class I prices are identical, the higher alternative net price for producers at Paragould is the Class I price less the cost of transportation to Memphis.

The record is replete with evidence concerning the overlapping of production and sales areas of Memphis and Central Arkansas handlers. By including Memphis as a basing point for location adjustments, the location price adjustment will be the same for a handler and for producers who deliver milk to him irrespective of whether he is regulated under the Central Arkansas or the Memphis order. Thus, inclusion of Memphis as a basing point for location differentials in the Central Arkansas order will reflect the higher alternative value of producer milk for the competing markets of Memphis and Central Arkansas.

Pool plants located in Greene County, Arkansas, should not receive a 34-cent location adjustment. The handler in Paragould proposed that plants regulated under the Memphis and Central Arkansas orders and located in Greene County receive a 34-cent location adjustment. Paragould is located about 90 miles north of Memphis and 150 miles northeast of Little Rock. As previously stated the best alternative market for producer milk being supplied this handler is the Memphis price minus 13.5 cents. It is not necessary to price such milk at the Memphis price minus 34 cents since producers can obtain the Memphis price by hauling their milk the additional 90 miles at an approximate cost of 13½ cents per hundredweight.

12. *Class II butterfat differentials.* The Class II price in the Memphis and Central Arkansas orders for milk containing more or less than 3.5 percent butterfat should be increased or decreased, respectively, for each one-tenth percent butterfat at a rate determined by multiplying the Chicago butter price by .115.

The present Memphis Class II butterfat differential is obtained by multiplying the Chicago butter price by .110 during April through June and by .115 for all other months. The Central Arkansas order Class II butterfat differential is obtained by multiplying the Chicago butter price by .110 during April through July and by .115 for all other months. During the 12-month period May 1962 through April 1963, the butterfat differential was 6.7 cents during the months the .115 factor was applicable and 6.4 cents during the months the .110 factor was applicable.

The two principal cooperative associations in the three markets proposed the .115 factor for all months. The Fort Smith order uses such a factor, thus this proposal would make the butterfat differentials uniform in the three orders. These cooperative associations handle the Class II milk handlers do not want to accept.

The testimony with respect to the Class II prices and that concerning butterfat differentials shows that the cooperative associations are able to market their milk at the proposed Class II prices adjusted by the proposed butterfat differentials when handlers will not accept milk in excess of their fluid sales. Since a market is available for excess milk including butterfat at the proposed prices the differentials should be revised as proposed.

Handlers proposed that the butterfat differentials in the Central Arkansas and Memphis orders be reduced to .110 times the Chicago butter price. There was some testimony that handlers occasionally receive less than 67 cents per pound of excess fat disposed of to manufacturing plants. They offered no evidence, however, to show that they could purchase butterfat for use in ice cream or other Class II products for less than 67 cents per pound.

13. *Classification of milk used in specified products.* The classification of certain uses of milk under the Memphis and Central Arkansas orders should be revised. The Memphis order should be amended to provide that fluid milk products fortified by the addition of nonfat milk solids be classified as Class I in an amount equal only to the weight of an equivalent volume of an unfortified product of the same nature and butterfat content. The skim milk equivalent of the added solids in excess of such weight should be classified as Class II.

Fortified fluid milk products generally result from the addition of concentrated nonfat milk solids to fluid milk or skim milk to yield a finished product of higher nonfat milk solids content than that of an equivalent amount of unfortified milk. Reconstituted products, on the other hand, involve a process wherein concentrated milk solids are blended with water to yield a weight of product ap-

proximately equal to the weight of milk from which the concentrated milk product was first made by the removal of water.

Nonfat dry milk and condensed milk can be derived from sources other than producer milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim equivalent pricing in this circumstance is economically sound and is necessary to maintain orderly marketing.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. The incentive for handlers to use solids to fortify fluid milk products, primarily derived from producer milk, is in being able to readily meet the specific demand of consumers and thereby to maintain or increase Class I sales.

It is practical and administratively necessary to maintain the skim milk equivalent method of accounting for total receipts and disposition. Therefore, the difference between the volume classified in Class I and the total skim milk equivalent of nonfat milk solids in the product should be assigned to Class II.

The Central Arkansas order should be amended to provide Class II classification for cream frozen and stored and for skim milk and butterfat disposed of in bulk to commercial food manufacturing establishments which do not dispose of fluid milk products.

The Class II classification for these products was requested so that the Central Arkansas order would conform in this respect to the Memphis, Tennessee, order. There was no opposition to this proposal. The proponent of this proposal had no knowledge of any transactions of this nature currently being practiced. However, any milk used by commercial food manufacturing establishments which do not dispose of fluid milk products would not displace producer milk from Class I uses. Frozen cream which is stored is designed primarily for use in Class II products.

There is an extensive overlap of supply and sales by handlers regulated by the Central Arkansas and Memphis orders. In order that Central Arkansas handlers may use these outlets for surplus milk as Memphis handlers are permitted, skim milk and butterfat in such a transaction should be classified as Class II.

The Memphis order should be amended to provide for Class I classification of eggnog which is labelled Grade A. The proposal to amend the Central Arkansas order to provide for Class I classification of eggnog is denied. Cooperative associations representing producers supplying the Memphis and Central Arkansas markets proposed that the two orders be amended to provide for Class I classification of eggnog and/or boiled custard. The proponents of the proposals claimed that eggnog displaces sales of a consider-

able volume of Class I milk, particularly during holiday seasons, and that other Federal orders in the immediate vicinity provide for Class I classification of eggnog. Handlers regulated under both orders objected to the proposals, indicating that they would be placed at a competitive disadvantage in the marketing of eggnog if the product were classified as Class I.

Class I milk includes products which are required to be made from Grade "A" milk produced in accordance with the requirements of health authorities having jurisdiction in the marketing area. Eggnog sold in the respective marketing areas is not required to be made from Grade "A" milk and is not permitted to be labelled Grade A in the State of Arkansas. Some regulated handlers use Grade "A" producer milk in the production of eggnog since they are not allowed to have ungraded products in the Grade A portions of their plants. However, this product is sold in competition with eggnog produced by unregulated handlers using non-Grade "A" milk.

Since eggnog is not required to be made from Grade "A" milk and due to competition in the marketing of eggnog from plants where eggnog is made from non-Grade A milk, eggnog should not be classified as Class I under the Central Arkansas order and should not be Class I under the Memphis order unless the product is labelled as Grade A. Eggnog labelled Grade A is required to be made from Grade A milk and thus should be classified as Class I.

The Memphis and Central Arkansas orders should be amended to provide for Class II classification of sour cream mixtures to which cheese or any food substance other than a milk product has been added except when such products are labelled Grade A.

Handlers regulated under both orders proposed that the skim milk and butterfat contained in sour cream mixtures to which cheese or another food substance had been added be classified as Class II. Memphis handlers originally proposed a 15 percent butterfat limitation on the finished product to be classified as Class II but did not support this limitation since some Memphis handlers' finished products have less than 15 percent butterfat content while other Memphis handlers' finished products have more than 15 percent butterfat content. As an alternate proposal, Memphis handlers asked for Class II classification of cultured sour cream mixtures to which cheese or another food substance other than a milk product has been added and which contain butterfat equal to not more than 15 percent of the finished product, and cultured sour cream mixtures to which cheese or another food substance other than a fluid milk product has been added which are not labelled Grade A.

A cooperative association with producers on the Memphis market opposed the proposal, stating that Memphis handlers use Grade A milk in the production of sour cream mixtures and that some of the mixtures were sold under a Grade A label.

Handlers regulated under the Memphis and Central Arkansas orders market

"dip specialty" products which are cultured sour cream mixtures to which cheese and non-dairy food ingredients have been added. Some of the containers have reference to Grade A while others do not. These dip specialty products are sold in competition with similar products which are not labelled Grade A.

Since Class I milk should include products which are required to be made from Grade A milk, sour cream mixtures which are labelled Grade A should remain in Class I. Sour cream mixtures sold in the marketing area as Grade A products must be made from Grade A milk. However, if they are not labelled as Grade A they may be made from non-Grade A milk. Since such dip specialty products may be, and are, sold in the marketing areas as non-Grade A products, they should not be included in Class I unless labelled Grade A. A 15 percent butterfat content limitation on the finished product is not necessary as a basis for distinguishing these products for the purpose of classification.

14. Shrinkage allowances. The shrinkage provision of the Memphis, Tennessee, order should be revised and clarified to provide that handlers would receive shrinkage allowances on skim milk and butterfat in milk received in bulk from other handlers and from cooperative associations which are handlers for bulk tank milk received directly from producers at fluid milk plants only in the net amount remaining after subtracting milk disposed of as bulk milk to other plants. With this amendment, the Memphis order shrinkage provision will conform with the Central Arkansas shrinkage provision in these aspects. The proposal to amend the Central Arkansas order shrinkage provision to conform with the Memphis order shrinkage provision is denied.

The Memphis order shrinkage provision presently provides for shrinkage allowances of two percent of skim milk and butterfat received directly from producers and disposed of in a form other than bulk tank lots of whole milk, skim milk or cream; one-half of one percent of skim milk and butterfat in milk, except diverted milk, received directly from producers and disposed of as whole milk, skim milk or cream in bulk; and one and one-half percent of skim milk and butterfat received in bulk from fluid milk plants of other handlers and from cooperative associations which are handlers for bulk tank milk received directly from producers at fluid milk plants.

The cooperative association representing the majority of the producers on the Memphis market proposed that the Memphis order be amended to provide that handlers would receive no shrinkage allowance on skim milk and butterfat received in bulk from fluid milk plants of other handlers and from cooperative associations which are handlers for bulk tank milk received directly from producers at fluid milk plants if disposed of as bulk tank lots of whole milk, skim milk or cream.

The cooperative association representing most of the producers on the Central Arkansas market and a substantial number of producers on the Memphis mar-

ket proposed that the Central Arkansas order be amended to provide for a shrinkage provision the same as that provided for under the Memphis order, including the change proposed by the Memphis cooperative association. This proposal would entail the elimination of the option to handlers to receive milk from a cooperative association handler on the basis of farm tank weights determined by farm bulk tank calibrations and the one and one-half or two percent shrinkage allowance, depending on the source, to handlers who ship cream or skim milk in bulk to other plants. This proposal was submitted so that the two orders would have conforming shrinkage provisions. The Memphis cooperative association supported the proposal so that the shrinkage provisions provided in the two orders would be identical since this would promote equity among competing Memphis and Central Arkansas handlers.

Handlers under the Central Arkansas order objected to the elimination of the option to receive milk on the basis of farm tank weights. A handler with plants regulated under both orders objected to the proposed shrinkage allowances of zero or one-half of one percent, depending on the source, of milk disposed of as bulk cream or skim milk to other plants. The handler requested that the present Central Arkansas shrinkage allowances be retained.

This handler, at the Central Arkansas plant, separates milk and uses the skim milk and butterfat for processing various milk products. At times there is a surplus of butterfat and skim milk which must be disposed of to outside sources since the plant has no manufacturing facilities for ice cream or butter. Since there is some loss of fat in the separation process, the plant operation reflects this shrinkage.

The provisions, as herein recommended, revise the division of allowable shrinkage between handlers, depending upon functions performed, and will avoid the duplication of shrinkage on transfers between regulated plants.

The option to handlers in the Central Arkansas order to receive milk from a cooperative association handler on the basis of farm tank weights determined by farm bulk tank calibrations should be retained, and the wording should be clarified to specify that the use of average farm butterfat tests is required under the option.

15. Allocation of other order Class I milk. Handlers regulated under the Memphis and Central Arkansas orders proposed that the orders be amended with respect to the allocation of skim milk and butterfat received at handlers' plants in the form of fluid milk products in consumer packages if such fluid milk products were priced as Class I under another order issued pursuant to the Act.

Evidence with respect to these proposals was received also at a previous hearing. The hearing was held at St. Louis, Missouri, on January 8-11, 1963, and evidence was received with respect to the milk marketing orders for the Memphis, Tennessee, marketing area, and the Central Arkansas marketing

area, as well as for several other areas including Fort Smith, Arkansas. Consideration of the allocation and charges assessed other order packaged Class I milk received at handlers' plants is a matter to be dealt with on the record of the regional hearing held in St. Louis. Therefore, the proposals to provide for the allocation to Class I of skim milk and butterfat received at handlers' plants in the form of fluid milk products in consumer packages if such fluid milk products were priced as Class I pursuant to another order issued pursuant to the Act are denied on the basis of this record.

16. Miscellaneous and conforming changes. The Central Arkansas order presently contains definitions which provide that producer milk delivered directly from the farm to pool plants in tank trucks for the account of a cooperative association as a handler is producer milk received by such cooperative and transferred to pool plants. Since such milk is the producer milk of the cooperative association as a handler, the order should not be amended to provide for the classification and pricing of such milk as producer milk at the pool plants to which transferred.

The Memphis, Tennessee, order presently provides for the Class II classification of aerated and frozen cream by virtue of the "fluid milk product" definition. To conform the provisions of this order, the specific reference to these products as Class II milk under "classes of utilization" should be deleted.

Other conforming changes to the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas orders are necessitated by the recommended new and modified base-excess plans and involve the inclusion or modification of certain reports required of both handlers and the market administrator which are essential to the operation of the base-excess plans.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and

conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders as amended regulating the handling of milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

MEMPHIS, TENNESSEE, ORDER (PART 1097)

1. Section 1097.16 is revised as follows:

§ 1097.16 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, plain or flavored milk drinks, sweet and sour cream (except aerated and frozen cream); and any mixture in fluid form of milk, skim milk and cream except mixes for frozen dairy products. Egg-nog and sour cream mixtures to which cheese or any food substance other than a milk product has been added shall be considered as fluid milk products only if disposed of under a Grade A label.

2. New §§ 1097.17 and 1097.18 are added as follows:

§ 1097.17 Base milk.

"Base milk" means milk received by a handler from a producer during any of the months of February through July 1964 and March through July thereafter, which is not in excess of such producer's base computed pursuant to § 1097.81.

§ 1097.18 Excess milk.

"Excess milk" means milk received by a handler from a producer during any of the months of February through July 1964 and March through July thereafter, which is in excess of the base milk of such producer for such month, and shall include all milk from a producer for whom no base can be computed pursuant to § 1097.81.

3. In § 1097.22, paragraphs (i) and (k) are revised as follows:

§ 1097.22 Duties.

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum price for Class I milk computed pursuant to § 1097.51(a) and the Class I butterfat differential computed pursuant to § 1097.52(a), both for the current month, and the minimum price for Class II milk computed pursuant to § 1097.51(b) and the Class II butterfat differential computed pursuant to § 1097.52(b), both for the previous month; and

(2) On or before the 13th day of each month, the uniform price(s) for each handler computed pursuant to §§ 1097.71 or 1097.72, as applicable, the location differential for each handler computed pursuant to § 1097.93, and the butterfat differential computed pursuant to § 1097.92, all for the preceding month;

(k) On or before the 11th day after the end of each month, report to each cooperative association which so requests, the percentage of milk delivered by such association or by its members which was allocated to each class by each handler receiving such milk.

4. Section 1097.41 is revised as follows:

§ 1097.41 Classes of utilization.

Subject to the conditions set forth in §§ 1097.43 and 1097.44, the classes of utilization shall be as follows:

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

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to paragraph (b) (3), (4) and (7) of this section; and

(ii) Fluid milk products which are fortified with additional milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in ending inventory of fluid milk products;

(3) In fluid milk products disposed of and used for livestock feed or in fluid milk products which are dumped, if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(4) The weight of skim milk in fortified fluid milk products which is not classified as Class I pursuant to subparagraph (a) (1) (ii) of this section;

(5) In actual shrinkage of skim milk and butterfat, respectively, allocated pursuant to § 1097.42(b) (2) but not in excess of:

(i) Two percent of milk received directly from producers except milk diverted pursuant to § 1097.11(b); plus

(ii) One and one-half percent of milk received in bulk tank lots from fluid milk plants of other handlers and from cooperative associations which are handlers pursuant to § 1097.10(c); less

(iii) One and one-half percent of milk disposed of in bulk tank lots to other plants; less

(iv) One and one-half percent of milk disposed of to plants by a cooperative association handler pursuant to § 1097.10(c);

(6) In shrinkage allocated to other source milk pursuant to § 1097.42(b) (1); and

(7) The utilization of which is established as disposed of in bulk to bakeries, candy or soup manufacturers, and other commercial food manufacturing establishments which do not dispose of fluid milk products.

5. In § 1097.42, subparagraph (b) (2) is revised as follows:

§ 1097.42 Shrinkage.

(b) * * *

(2) Fifty times the maximum pounds of skim milk and butterfat pursuant to § 1097.41(b) (5).

6. Section 1097.45 is revised as follows:

§ 1097.45 Computation of the 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 of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler. The skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

7. In § 1097.46, subparagraph (a) (1) is revised as follows:

§ 1097.46 Allocation of skim milk and butterfat classified.

(a) * * *

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk computed pursuant to § 1097.41(b) (5);

8. In § 1097.51, paragraphs (a) and (b) are revised as follows:

§ 1097.51 Class prices.

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus \$1.50 in each of the months of March through July and \$1.91 in all other months plus or minus a supply-demand adjustment computed as follows:

(1) Divide the total pounds of producer milk in the second and third months preceding by the total gross pounds of Class I milk (excluding inter-

handler transfers and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk) in the same months of handlers fully regulated under this part and Parts 1102 (Fort Smith marketing area) and 1108 (Central Arkansas marketing area), of this chapter, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus deviation percentage".

Delivery period for which price applies	Delivery period used in computation	Percentages	
		Minimum	Maximum
January-----	October-November-----	108	114
February-----	November-December-----	107	113
March-----	December-January-----	107	113
April-----	January-February-----	107	113
May-----	February-March-----	106	112
June-----	March-April-----	109	115
July-----	April-May-----	112	118
August-----	May-June-----	112	118
September-----	June-July-----	115	121
October-----	July-August-----	114	120
November-----	August-September-----	111	117
December-----	September-October-----	110	116

(3) For a "minus deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows:

(i) One cent times each such percentage unit of deviation; plus
(ii) One cent times the lesser of:
(a) Each percentage unit of deviation, or

(b) Each percentage unit of deviation of like direction (plus or minus, with any deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent times the least of:

(a) Each percentage unit of deviation;
(b) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(c) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(b) *Class II milk.* The Class II milk price shall be the basic formula price computed pursuant to § 1097.50.

9. In § 1097.52, paragraph (b) is revised as follows:

§ 1097.52 Butterfat differential to handlers.

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

10. Section 1097.60 is revised as follows:

§ 1097.60 Producer-handler.

Sections 1097.40 through 1097.46, 1097.50 through 1097.53, 1097.70 through 1097.72, 1097.80 through 1097.83, and 1097.90 through 1097.97 shall not apply to a producer-handler.

11. In § 1097.71 the introductory text preceding paragraph (a) is revised as follows:

§ 1097.71 Computation of uniform prices for handlers.

For each of the months through January 1964 and for the months August through February thereafter, the market administrator shall compute for each handler a uniform price with respect to his producer milk as follows:

12. A new § 1097.72 is added as follows:

§ 1097.72 Computation of the uniform prices for base and excess milk for handlers.

For each of the months of February through July 1964 and March through July thereafter, the market administrator shall compute for each handler with respect to his producer milk, a uniform price for base milk and for excess milk as follows:

(a) Follow the computations and adjustments provided for in § 1097.71 (a) through (d);

(b) Compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk not in excess of the total quantity of producer milk assigned to Class II milk for such handler by the Class II price; multiply the remaining excess milk by the Class I price and add together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for such handler for all excess milk of 3.5 percent butterfat content;

(d) Subtract, for each handler, the value of such handler's excess milk obtained in paragraph (b) of this section from the value of all milk obtained for such handler pursuant to paragraph (a) of this section; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk received by such handler. The result, less any fraction of a cent per hundredweight, shall be the uniform price for such handler for base milk of 3.5 percent butterfat content subject to adjustments pursuant to § 1097.93.

13. Sections 1097.80, 1097.81, 1097.82 and 1097.83 are added as follows under the heading "Determination of Base".

§ 1097.80 Computation of daily average base for each producer.

The daily average base for each producer shall be determined by the market administrator as follows: Divide the total pounds of milk received from such producer by handlers fully regulated under the terms of the respective orders regulating the handling of milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas (Parts 1097, 1102 and 1108, respectively, of this chapter) during the immediately preceding period starting with the effective date of this order through December 1963 and September through January thereafter, by the total number of days in such period beginning with the first day on which milk is received from such producer by a handler regulated under any one of the aforesaid orders, but not less than the number of days in the period through December 1963 less 30 for such period and 120 thereafter. In the case of producers delivering milk to a plant which first became a fluid milk plant during or after the end of the base-forming period, the daily average base for each producer shall be that which would have been calculated for such producer for the entire base-forming period if the plant had been a fluid milk plant during such period.

§ 1097.81 Determination of monthly base of each producer.

Subject to the rules set forth in § 1097.82, the market administrator shall calculate a monthly base for each producer for each of the months of February through July 1964 and March through July thereafter, as follows:

(a) If milk is received by a handler as producer milk during the month, multiply such producer's daily average base computed pursuant to § 1097.80 by the number of days in such month;

(b) If milk is received as producer milk from the same farm by more than one handler and/or by handlers fully regulated under the terms of the Central Arkansas (Part 1108) or Fort Smith, Arkansas (Part 1102), orders during the month, multiply such producer's daily average base computed pursuant to § 1097.80 by the number of days in such month and multiply the result by the percentages of the total pounds of milk received from such producer by handlers fully regulated under the terms of the three orders specified in § 1097.80 which were received by each handler to determine the amount of base milk received from such producer by each handler.

§ 1097.82 Base rules.

The following rules shall apply in connection with the transfer of daily average bases for each producer computed pursuant to § 1097.80.

(a) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to

whom such base is to be transferred; and

(b) If a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 1097.83 Announcement of established bases.

On or before January 25, 1964, and February 25 of each year thereafter, the market administrator shall notify each producer of the daily average base established by such producer.

14. In § 1097.91 the introductory text of paragraph (b) and all of paragraph (c) is revised as follows:

§ 1097.91 Payments to producers.

(b) On or before the 15th day after the end of each month, the market administrator shall make payment to each producer for milk received from such producer or cooperative association during the month by each handler from whom the appropriate payments have been received pursuant to § 1097.90(b), such payments by the market administrator to be at not less than the uniform price(s) computed pursuant to §§ 1097.71 or 1097.72, as applicable, subject to the following adjustments:

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section the market administrator shall, on or before the second day prior to the date payments are due to individual producers, make payment to a cooperative association which is authorized to collect payment for milk of its members and from which a written request for such payment has been received, and to a cooperative association with respect to milk for which it is a handler pursuant to § 1097.10(c), a total amount equal to, but not less than, the sum of the individual payments otherwise payable to such producers pursuant to this section.

15. Section 1097.93 is revised as follows:

§ 1097.93 Location differentials to producers.

In making payment pursuant to § 1097.91, the applicable uniform prices for all milk received shall be adjusted according to the location of the fluid milk plant where such milk was received at the rate provided pursuant to § 1097.53.

16. Section 1097.94(b) is revised as follows:

§ 1097.94 Statement to producers.

(b) The total pounds of milk received months of February through July 1964 and March through July thereafter, such producer's deliveries of base and excess milk.

FORT SMITH, ARKANSAS (PART 1102)

17. Section 1102.14 is revised as follows:

§ 1102.14 Base milk.

"Base milk" means milk received by a handler from a producer during any of the months of February through July 1964 and March through July thereafter, which is not in excess of such producer's base computed pursuant to § 1102.91.

18. Section 1102.15 is revised as follows:

§ 1102.15 Excess milk.

"Excess milk" means milk received by a handler from a producer during any of the months of February through July 1964 and March through July thereafter, which is in excess of the base milk of such producer for such month, and shall include all milk from a producer for whom no base can be computed pursuant to § 1102.91.

19. Section 1102.22(k) is redesignated as (l) and a new (k) is added as follows:

§ 1102.22 Duties.

(k) Notify each handler in writing on or before the 12th day of each month for each of the preceding months of February through July 1964 and March through July thereafter, the amount of base milk and excess milk received from each producer.

20. Section 1102.30(a) is revised as follows:

§ 1102.30 Reports of receipts and utilization.

(a) The quantities of skim milk and butterfat contained in milk received from producers;

21. Section 1102.31(a) is revised as follows:

§ 1102.31 Reports of payments to producers.

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of February through July 1964 and March through July thereafter, such producer's deliveries of base and excess milk.

22. Section 1102.32 is revised by adding a new paragraph (b) as follows:

§ 1102.32 Other reports.

(b) Each handler, except a producer handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator on or before the 7th day of each month of March through August 1964 and April through August thereafter, for each producer for the preceding month:

(1) His name and address or other appropriate identification;

(2) The total pounds of milk and butterfat received from such producer;

(3) The location at which such milk was received; and

(4) The number of days on which milk was received from each producer.

23. Section 1102.41(b) (2) is revised as follows:

§ 1102.41 Classes of utilization.

(b) * * *

(2) Disposed of and used for livestock feed;

24. Section 1102.51 (a) and (b) are revised as follows:

§ 1102.51 Class prices.

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus \$1.45 in each of the months of April through June and \$1.85 in all other months plus or minus a supply-demand adjustment computed as follows:

(1) Divide the total pounds of producer milk in the second and third months preceding by the total gross pounds of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk) in the same months of handlers fully regulated under this part and Parts 1097 (Memphis, Tennessee, marketing area) and 1108 (Central Arkansas marketing area), of this chapter, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus deviation percentage".

Delivery period for which price applies	Delivery period used in computation	Percentages	
		Minimum	Maximum
January-----	October-November-----	108	114
February-----	November-December-----	107	113
March-----	December-January-----	107	113
April-----	January-February-----	107	113
May-----	February-March-----	106	112
June-----	March-April-----	109	115
July-----	April-May-----	112	118
August-----	May-June-----	112	118
September-----	June-July-----	115	121
October-----	July-August-----	114	120
November-----	August-September-----	111	117
December-----	September-October-----	110	116

(3) For a minus "deviation percentage" the Class I price shall be increased and for a plus "deviation percentage" the Class I price shall be decreased as follows:

(i) One cent times each such percentage unit of deviation; plus

(ii) One cent times the lesser of:

(a) Each percentage unit of deviation, or

(b) Each percentage unit of deviation of like direction (plus or minus, with any deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent times the least of:

(a) Each percentage unit of deviation;

(b) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(c) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(b) *Class II milk.* The Class II milk price shall be the basic formula price computed pursuant to § 1102.50.

25. Section 1102.60 is revised as follows:

§ 1102.60 Producer-handlers.

Sections 1102.40 through 1102.46, 1102.50 through 1102.53, 1102.70 through 1102.72, 1102.80 through 1102.85, and 1102.90 through 1102.93 shall not apply to a producer-handler.

26. In § 1102.71 the introductory text preceding paragraph (a) is revised as follows:

§ 1102.71 Computation of uniform prices for handlers.

For each of the months through January 1964, and August through February thereafter, the market administrator shall compute for each handler a uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

27. In § 1102.72 the introductory text preceding paragraph (a) is revised as follows:

§ 1102.72 Computation of the uniform prices for base and excess milk for each handler.

For each of the months of February through July 1964, and March through July thereafter, the market administrator shall compute for each handler with respect to milk received from producers, a uniform price for base milk and for excess milk, each of 3.5 percent butterfat content, as follows:

28. Section 1102.80(a) is revised as follows:

§ 1102.80 Time and method of payment.

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer ex-

cept as provided in paragraph (c) of this section, at not less than the appropriate uniform price(s) adjusted by the producer butterfat differential for all milk received from such producer during the preceding month less the amount of payment made pursuant to paragraph (b) of this section.

29. Section 1102.90 is revised as follows:

§ 1102.90 Computation of daily average base for each producer.

The daily average base for each producer shall be determined by the market administrator as follows: Divide the total pounds of milk received from such producer by handlers fully regulated under the terms of the respective orders regulating the handling of milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas (Parts 1097, 1102 and 1108, respectively, of this chapter) during the immediately preceding period of September through December 1963, and September through January thereafter, by the total number of days in such period beginning with the first day on which milk is received from such producer by a handler regulated under any one of the aforesaid orders, but not less than 90 for the September-December base-forming period and 120 thereafter. In the case of producers delivering milk to a plant which first became an approved plant during or after the end of the base-forming period, the daily average base for each producer shall be that which would have been calculated for such producer for the entire base-forming period if the plant had been an approved plant during such period.

30. Section 1102.91 is redesignated as § 1102.92 and a new § 1102.91 is added as follows:

§ 1102.91 Determination of monthly base for each producer.

Subject to the rules set forth in § 1102.92, the market administrator shall calculate a monthly base for each producer for each of the months of February through July 1964 and March through July thereafter, as follows:

(a) If milk is received by a handler as producer milk during the month, multiply such producer's daily average base computed pursuant to § 1102.90 by the number of days in such month;

(b) If milk is received as producer milk from the same farm by more than one handler and/or by handlers fully regulated under the terms of the Memphis, Tennessee (Part 1097), or Central Arkansas (Part 1108) orders during the month, multiply such producer's daily average base computed pursuant to § 1102.90 by the number of days in such month and multiply the result by the percentages of the total pounds of milk received from such producer by handlers fully regulated under the terms of the three orders specified in § 1102.90 which were received by each handler to determine the amount of base milk received from such producer by each handler.

31. The redesignated § 1102.92 is revised as follows:

§ 1102.92 Base rules.

The following rules shall apply in connection with the transfer of daily average bases for each producer computed pursuant to § 1102.90:

(a) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the base-holder, or his heirs, and by the person to whom such base is to be transferred;

(b) If a base is held jointly, the entire base shall be transferred only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

32. A new § 1102.93 is added as follows:

§ 1102.93 Announcement of established bases.

On or before January 25, 1964, and February 25 of each year thereafter, the market administrator shall notify each producer of the daily average base established by such producer.

CENTRAL ARKANSAS ORDER (PART 1108)

33. Section 1108.4 is revised as follows:

§ 1108.4 Central Arkansas marketing area.

"Central Arkansas marketing area", called the "marketing area" in this part means all the territory included within the boundaries of the counties of Clark, Conway, Craighead, Cross, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lee, Lonoke, Monroe, Phillips, Poinsett, Pope, Prairie, Pulaski, Saline, St. Francis, White, and Woodruff, all in the State of Arkansas.

34. Section 1108.16 is revised as follows:

§ 1108.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream, or any mixture in fluid form of milk, skim milk and cream except frozen cream, aerated cream, ice cream mix, eggnog and sterilized products in hermetically sealed containers. Sour cream mixtures to which cheese or any food substance other than a milk product has been added shall be considered as a fluid milk product only if disposed of under a Grade A label.

35. Section 1108.18 is revised as follows:

§ 1108.18 Base milk.

"Base milk" means milk received by handlers from a producer during any of the months of February through July 1964 and March through July thereafter, which is not in excess of such producer's base computed pursuant to § 1108.91.

36. Section 1108.19 is revised as follows:

§ 1108.19 Excess milk.

"Excess milk" means milk received by handlers from a producer during any of the months of February through July

1964 and March through July thereafter, which is in excess of the base milk of such producer for such month, and shall include all milk from a producer for whom no base can be computed pursuant to § 1108.91.

37. Section 1108.27(k) (1) is revised as follows:

§ 1108.27 Duties.

(k) * * *

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price and the Class II butterfat differential, both for the preceding month; and

38. Section 1108.31(b) (1) and (b) (2) (ii) are revised as follows:

§ 1108.31 Other reports.

(b) * * *

(1) On or before the 7th day of each month of March through August 1964 and April through August thereafter, for each producer for the preceding month: (i) His name and address or other appropriate identification; (ii) the total pounds of milk and butterfat received from such producer; (iii) the location at which such milk was received; and (iv) the number of days on which milk was received from such producer.

(2) * * *

(ii) The total pounds of milk received from such producer, including, for the months of February through July 1964 and March through July thereafter, the pounds of base milk;

39. Section 1108.41 is revised as follows:

§ 1108.41 Classes of utilization.

Subject to the conditions set forth in §§ 1108.42 through 1108.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to paragraph (b) (3), (4) and (7) of this section; and

(ii) Fluid milk products which are fortified with additional milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) In fluid milk products disposed of and used for livestock feed or in fluid milk products which are dumped, if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(4) The weight of skim milk in fortified fluid milk products which is not classified as Class I pursuant to paragraph (a) (1) (ii) of this section;

(5) In shrinkage of skim milk and butterfat, respectively, allocated pursuant to § 1108.42(b) (1) but not in excess of:

(i) Two percent of milk received at a pool plant directly from producers except milk diverted pursuant to § 1108.6; plus

(ii) Two percent of milk received from a cooperative association handler pursuant to § 1108.12(c), if the handler operating the pool plant files with the market administrator in writing, prior to the first day of the month, notice that he is purchasing such milk for the month on the basis of average farm tests and farm weights determined by farm bulk tank calibrations; plus

(iii) One and one-half percent of milk received in bulk from pool plants of other handlers or received from cooperative associations pursuant to § 1108.12(c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph; less

(iv) One and one-half percent of milk disposed of in bulk to other plants; and less

(v) One and one-half percent of milk disposed of to plants by a cooperative association handler pursuant to § 1108.12(c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph;

(6) In shrinkage allocated to other source milk pursuant to § 1108.42(b) (2); and

(7) The utilization of which is established as disposed of in bulk to bakeries, candy or soup manufacturers, and other commercial food manufacturing establishments which do not dispose of fluid milk products.

40. Section 1108.51 (a) and (b) are revised as follows:

§ 1108.51 Class prices.

* * *

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus \$1.50 in each of the months of March through July and \$1.91 in all other months plus or minus a supply-demand adjustment computed as follows:

(1) Divide the total pounds of producer milk in the second and third months preceding by the total gross pounds of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk) in the same months of handlers fully regulated under this part and Parts 1097 (Memphis, Tennessee, marketing area) and 1102 (Fort Smith, Arkansas, marketing area), of this chapter, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum

standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus deviation percentage".

Delivery period for which price applies	Delivery period used in computation	Percentages	
		Minimum	Maximum
January.....	October-November.....	108	114
February.....	November-December.....	107	113
March.....	December-January.....	107	113
April.....	January-February.....	107	113
May.....	February-March.....	106	112
June.....	March-April.....	109	115
July.....	April-May.....	112	118
August.....	May-June.....	112	118
September.....	June-July.....	115	121
October.....	July-August.....	114	120
November.....	August-September.....	111	117
December.....	September-October.....	110	116

(3) For a "minus deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows:

(i) One cent times each such percentage unit of deviation; plus

(ii) One cent times the lesser of:

(a) Each percentage unit of deviation, or

(b) Each percentage unit of deviation of like direction (plus or minus, with any deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent times the least of:

(a) Each percentage unit of deviation;

(b) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(c) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1108.50.

41. Section 1108.52(b) is revised as follows:

§ 1108.52 Butterfat differential to handlers.

* * *

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

42. Section 1108.53 is revised as follows:

§ 1108.53 Location differentials to handlers.

For that milk which is received from producers at a pool plant located 60 miles or more from the Courthouse at Arkadelphia, Arkansas; the City Hall at Memphis, Tennessee; or the State

Capital at Little Rock, Arkansas; whichever is nearest by shortest highway distance, as determined by the market administrator, and which is transferred to another pool plant in the form of fluid milk products and assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 1108.51(a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant is from the respective building designated above: *Provided*, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculation prescribed in § 1108.46(a) (1) through (4) and the comparable steps in paragraph (b) thereof for such plant, such assignment to the transferring plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

43. In § 1108.71 the introductory text preceding paragraph (a) is revised as follows:

§ 1108.71 Computation of the uniform price.

For each of the months through January 1964 and August through February thereafter, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. market, as follows:

* * * * *

44. In § 1108.72 the introductory text preceding paragraph (a) is revised as follows:

§ 1108.72 Computation of uniform prices for base milk and excess milk.

For each of the months of February through July 1964 and March through July thereafter, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f.o.b. market, as follows:

* * * * *

45. Section 1108.74 is revised as follows:

§ 1108.74 Location differential to producers.

The applicable uniform prices to be paid for all producer milk received at a pool plant located 60 miles or more from the Courthouse at Arkadelphia, Arkansas; the City Hall at Memphis, Tennessee; or the State Capital at Little Rock, Arkansas, whichever is nearest by shortest highway distance, as determined by the market administrator, shall be reduced according to the distance of the plant from the respective building designated above at the rate of 1.5 cents for each 10 miles or residual fraction thereof.

46. Section 1108.75(b) is revised as follows:

§ 1108.75 Notification of handlers.

* * * * *

(b) For the months of February through July 1964 and March through July thereafter, the amount and value of his base and excess milk, respectively, and the amount of base milk and excess milk received from each producer;

* * * * *

47. Section 1108.80(c) (2) (ii) and (d) are revised as follows:

§ 1108.80 Time and method of payment for producer milk.

* * * * *

(c) * * *
(2) * * *

(ii) For the months of February through July 1964 and March through July thereafter, the pounds of base milk received;

* * * * *

(d) To a cooperative association with respect to receipts of milk for which such cooperative association is the handler pursuant to § 1108.12(c):

(1) On or before the 2d day prior to the last day of the delivery period, an amount equal to the rate specified in paragraph (a) (1) of this section times the volume received during the first 15 days of the delivery period; and

(2) On or before the 13th day after the end of each delivery period, an amount equal to not less than the value of such milk at applicable class price(s) less payment made pursuant to paragraph (d) (1) of this section.

48. Section 1108.90 is revised as follows:

§ 1108.90 Computation of daily average base for each producer.

The daily average base for each producer shall be determined by the market administrator as follows: Divide the total pounds of milk received from such producer by handlers fully regulated under the terms of the respective orders regulating the handling of milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas (Parts 1097, 1102 and 1108, respectively, of this chapter) during the immediately preceding period of September through December 1963, and September through January thereafter, by the total number of days in such period beginning with the first day on which milk is received from such producer by a handler regulated under any one of the aforesaid orders, but not less than 90 for the September-December base-forming period and 120 thereafter. In the case of producers delivering milk to a plant which first became a pool plant during or after the end of the base-forming period, the daily average base for each producer shall be that which would have been calculated for such producer for the entire base-forming period if the plant had been a pool plant during such period.

49. Section 1108.91 is redesignated as § 1108.92 and a new § 1108.91 is added as follows:

§ 1108.91 Determination of monthly base of each producer.

Subject to the rules set forth in § 1108.92, the market administrator shall calculate a monthly base for each producer for each of the months of February through July 1964 and March through July thereafter, as follows:

(a) If milk is received by handlers as producer milk during the month, multiply such producer's daily average base computed pursuant to § 1108.90 by the number of days in such month;

(b) If milk is received as producer milk from the same farm by handlers regulated under this part and by handlers fully regulated under the terms of the Memphis, Tennessee (Part 1097) or Fort Smith, Arkansas (Part 1102) orders during the month, multiply such producer's daily average base computed pursuant to § 1108.90 by the number of days in such month and multiply the result by the percentages of the total pounds of milk received from such producer by handlers fully regulated under the terms of the three orders specified in § 1108.90 which were received by each handler to determine the amount of base milk received from such producer by each handler.

50. Section 1108.92 is redesignated as § 1108.93 and the redesignated § 1108.92 is revised as follows:

§ 1108.92 Base rules.

The following rules shall apply in connection with the transfer of daily average bases for each producer computed pursuant to § 1108.90:

(a) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred;

(b) If a base is held jointly, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

51. Section 1108.92 is redesignated as § 1108.93 and is revised as follows:

§ 1108.93 Announcement of established bases.

On or before January 25, 1964, and February 25 of each year thereafter, the market administrator shall notify each producer of the daily average base established by such producer.

Signed at Washington, D.C., on September 30, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 63-10505; Filed, Oct. 2, 1963; 8:48 a.m.]

[7 CFR Part 1193]

[Docket No. AO 345 RO 1]

RYEGRASS SEED

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with 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 the recommended decision with respect to a proposed marketing agreement and a proposed marketing order regulating the handling of ryegrass seed. Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington 25, D.C., not later than the close of business on the 30th day after publication of the recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A hearing on the aforementioned proposed marketing agreement and proposed order was held at several locations and on the days enumerated below, pursuant to notice thereof which was published in the FEDERAL REGISTER of June 8, 1962 (27 F.R. 5432); the notice reopening the hearing published in the FEDERAL REGISTER of November 10, 1962 (27 F.R. 11022); the notice reconvening the hearing published in the FEDERAL REGISTER of January 19, 1963 (28 F.R. 525). The public hearing was held in Albany, Ore., June 26-27; in Houston, Tex., November 30 through December 1, 1962; and in New Orleans, La., February 5, 1963.

Material issues. The material issues presented on the record of the hearing are as follows: (1) Existence of Federal jurisdiction, (2) the desirability of and economic justification for entering into a marketing agreement and the issuing of an order regulating the handling of ryegrass seed, (3) determination of the production or marketing area to be affected by the marketing agreement and order, and (4) the specific terms and provisions that would be contained in a proposed marketing agreement and order.

Findings and conclusions. Findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) Ryegrass, annual and perennial, is an important grass used for pasture, cover crop and turf—about 50 percent of which is sold for lawn and turf uses. The record of the hearing shows that according to the 1959 Census, 95 percent of the ryegrass seed marketed in the United States is produced in Oregon, the principal area of production being in the Willamette Valley, Oregon. Ryegrass seed grown in Oregon is usually har-

vested in July and August and is marketed throughout the United States.

There has been a highly seasonal demand for ryegrass seed during the years 1947 through 1959. On the average, nearly 63 percent of the annual ryegrass seed moves from the first handler into marketing channels during the months of July, August, and September. Nearly 59 percent of perennial ryegrass seed moves into the channels of trade during the months of June, July, August, and September. Annual ryegrass seed is usually shipped to the Southeastern States to be planted in the months of September and October. Nearly 80 percent of the ryegrass seed marketed in the Northern States is received by dealers from August through January. Perennial ryegrass seed is used extensively on the Pacific Coast in mixed pasture seed and is seeded as a cover crop in the northeastern part of the United States. In the northeastern States it is usually mixed with other lawn and turf seeds. In the southeast and southwest States it is often sowed without mixing in lawns and other turf uses.

A national market is thus established for annual and perennial ryegrass seed through the interaction of buyers and sellers of seed. Communication between buyers and sellers at shipping points and distribution points throughout the United States are modern and rapid so that shipping point markets reflect distribution point spot market prices. These prices also reflect current supplies and future production. Annual ryegrass seed is in competition with other grass seed and small grain seed for cover crops. Perennial ryegrass seed competes with annual ryegrass seed, fine-leaved fescue seeds, and Kentucky bluegrass seeds. Thus, competition from other grass seeds can effectively limit the prices at which large quantities of annual and perennial ryegrass seed can be sold. Wholesale shippers buy from growers on the basis of firm or expected orders from wholesale distributors and retailers in consuming areas. The market demands of consumers in Southeastern States for annual ryegrass seed have an effect on prices and supplies available to consumers in other States.

On the basis of these findings of fact, it is concluded that the handling of Oregon-produced ryegrass seed is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

(2) In addition, it does not appear that the parity limitations of the Agricultural Marketing Agreement Act of 1937, as amended, would bar a regulatory program for ryegrass seed. The declared policy and objective of the Act is to establish and maintain such orderly marketing conditions on commodities as will provide parity prices to farmers with due regard to the interests of the consumer. On the question of parity, the record indicates that insofar as Oregon growers are concerned the season average price received by growers for annual ryegrass seed decreased from \$9.00 in 1951-52 to \$3.70 per hundredweight in 1960-61. The season average price received by farmers for perennial ryegrass

seed decreased from \$13.60 in 1951-52 to \$6.40 in 1960-61.

The Mid-September parity price of annual ryegrass seed has steadily declined from 9.05 cents per pound in the 1951-52 marketing year (July-June) to 7.90 cents per pound in 1960-61. The percent the season average price is of the Mid-September price declined from 99.4 percent in 1951-52 and 104.3 percent in 1953-54 to 46.8 percent in 1960-61.

The Mid-September parity price of perennial ryegrass seed has steadily declined from 15.40 cents per pound in 1951-52 to 11.80 cents per pound in 1960-61. The percent the season average price is of the Mid-September price declined from 88.3 percent in 1951-52 to 54.2 percent in 1960-61.

Annual ryegrass seed production in Oregon ranged between 66 million pounds in 1951 to 136 million pounds in 1959, dropping to 107 million pounds in 1960. One hundred thousand acres of annual ryegrass seed were harvested in 1951. One hundred fifteen thousand acres were harvested in 1960 while 124,000 acres were harvested during 1955 and 1959.

Average yields per harvested acre of annual ryegrass seed in Oregon ranged from 660 pounds in 1951 to 1,100 pounds in 1959. The production costs per acre for annual ryegrass seed in Linn County, Oregon, in 1956 totalled \$60.20. At a price of 5 cents per pound of annual ryegrass in 1956, it was necessary to have a yield of 1,204 pounds per acre to break even. Carryover of annual ryegrass seed was 14 million pounds on June 30, 1952, 9 million pounds in 1954, 57 million pounds in 1960, and 45 million pounds on June 30, 1961. During this period total utilization or demand increased from 65 million pounds in 1951-52 to 119 million pounds in 1960-61.

Perennial ryegrass seed production in Oregon increased from 8 million pounds in 1951 to 45 million pounds in 1959 and decreased to 43 million pounds in 1960. In 1951, 15,000 acres of perennial ryegrass seed were harvested and in 1960, 48,000 acres of perennial ryegrass seed were harvested. The average yield per harvested acre was 530 pounds in 1951, 1,050 pounds in 1956, and 896 pounds in 1960. The production costs per acre for perennial ryegrass seed in Linn County, Oregon, in 1956 totalled \$73.50. At a price of 7 cents, it was necessary to have a yield of 1,050 pounds per acre to break even. Costs of production have increased substantially since 1956. Carryover was 3 million pounds in June 1952, 16 million pounds in 1958, and 11 million pounds on June 30, 1961.

Statistics on annual ryegrass seed and perennial ryegrass seed were combined in 1961 and 1962. Season average prices received by Oregon growers for all ryegrass seed were \$5.20 per hundred pounds in 1961 and \$4.60 in 1962.

All ryegrass seed production in Oregon reached 136 million pounds in 1961 and 180 million pounds in 1962, harvested from 142,000 and 157,000 acres, respectively. Yields per acre have increased substantially during the last decade primarily due to the application of fertilizer and improvement of other cultural practices, but not sufficiently to recover cost

of production based on 1956 figures and prevailing market prices. Acreage yields rose from the 1951-60 average of 877 pounds per acre to 960 in 1961 and 1,150 per acre in 1962.

The carryover of all ryegrass seed increased from the 1951-60 average of 32 million to 56 million pounds in 1961 and 51 million pounds in 1962.

Demand for the seed has not kept pace with production. The increase in carryover during the last decade has caused a substantial deterioration in prices received by farmers for ryegrass seed. Evidence presented at the hearing indicated that an average 10-million-pound shift in carryover of annual ryegrass seed resulted in opposite movement of price by 84 cents per hundredweight. A similar shift in production caused an expected change in the opposite direction of 27 cents per hundredweight.

Witnesses at the hearing testified that production adjustments under a voluntary program had had some success in Oregon in previous years. Due to the lack of compliance by some growers, however, this program became ineffective.

These facts are strongly indicative of a need to eliminate some of the basic causes of disorderly marketing with respect to ryegrass seed. It appears that the industry would be benefited and returns to growers in a regulated area would be improved by a regulatory program providing for restrictions on the volume of ryegrass seed marketed.

(3) Although the above findings and conclusions with respect to the conditions existing in the ryegrass industry as they relate to Oregon-produced ryegrass, indicate that on the basis of jurisdiction and need the handling of ryegrass seed, under appropriate circumstances, is potentially subject to regulation under the Act. However, on the basis of the evidence adduced at the hearing with respect to the issue relating to the area to be affected by the proposal, it is hereby found and concluded that a marketing agreement and an order should not be entered into or issued at this time on the basis of the proposed regulation of ryegrass seed considered at the aforementioned hearing for the following reasons:

Under section 8c(11) of the Agricultural Marketing Agreement Act of 1937, as amended, marketing agreements and orders must be limited in their application to the smallest practicable area consistent with carrying out the declared policy of the Act. A finding to that effect is made a condition precedent to the issuance of an order. The proponents, the Oregon Ryegrass Growers Association, who submitted, and requested the hearing on, the proposed marketing agreement and order have consistently urged and supported an area covering the continental United States, and in so doing have indicated that any smaller area, including an area limited to the State of Oregon, would not be practicable. As previously mentioned, there is evidence in the record which indicates that 95 percent of the total commercial production of ryegrass seed marketed in the United States is produced in the State of Oregon, and there is not reliable and substantial evidence in the record with respect to the

extent of the past, present, and potential production of ryegrass seed and the number of producers outside of the State of Oregon. Taken as a whole, the state of the record on this basic issue leaves no alternative but to conclude that there is not sufficient evidence to provide a sound basis on which to make the required findings or a proper determination of the marketing or production area to be affected.

As respects the issue relating to the specific terms and provisions of the proposed regulatory program, only a brief discussion appears necessary. Considering the proponent's position discussed above with respect to the area to be affected, it is clear that such terms and provisions were formulated on the basis of and with a view to their application to an area covering the continental United States. Accordingly, a discussion of the issue of using such terms and provisions as applied to a national program would serve no useful purpose in view of the findings and conclusions that there is not sufficient evidence to support a finding that a marketing or production area to be affected be national in scope.

The testimony by proponents in support of such terms and provisions emphasized the need and practicality for authority to regulate according to such terms and provisions under a marketing agreement and order national in scope. Little or no consideration was given to other terms and provisions that might be made applicable to a smaller area, nor is there sufficient evidence to indicate the extent that the terms and provisions set forth in the notice could be applied to any such smaller area and which would serve as a basis for finding that such terms and provisions could be made applicable to a regional production or marketing area.

Rulings on briefs of interested parties. At the conclusion of the hearing, the presiding officer fixed March 7, 1963, as the latest date on which briefs from interested parties with respect to the testimony presented in evidence at the hearing and the findings and conclusions to be drawn therefrom must be filed with the Hearing Clerk of the Department.

Briefs were filed within the allotted time by Charles S. Kizer, president and John G. Swatzka, secretary, Oregon Ryegrass Growers Association, C. H. DeVaney, president, Texas Farm Bureau; Edwin Hawes III, Wharton, Texas; and Tom Harpool, president, Texas Certified Seed Producers, Inc.

Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions herein set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the facts and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

CHARLES S. MURPHY,
Acting Secretary.

SEPTEMBER 27, 1963.

[F.R. Doc. 63-10490; Filed, Oct. 2, 1963; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 131]

CROW RESERVATION

Proposed Leasing and Permitting

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the revised statutes, sections 161 (5 U.S.C. 22), and 463 and 465 (25 U.S.C. 2 and 9), and pursuant to other authorizing Acts, it is proposed to amend § 131.15, Title 25 of the Code of Federal Regulations, concerning the leasing of the trust lands of those Crow Indians classified as competent under the Act of June 4, 1920 (41 Stat. 751), as amended, who may lease their trust lands without the approval of the Secretary of the Interior pursuant to the Act of May 26, 1926 (44 Stat. 658), as amended by the Act of March 15, 1948 (62 Stat. 80), to read as set forth below.

The purposes of the revision are (1) to more clearly define the responsibilities of Crow Indians who avail themselves of the privilege of leasing their trust lands without Departmental approval under the cited statutes, (2) to define the role of the Secretary of the Interior as the officer of the Federal Government charged with the responsibility for the proper discharge of the obligations of the United States with respect to the trust lands of such Indians, and (3) to state the Department's interpretation of the cited statutes.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Section 131.15 is amended to read as follows:

§ 131.15 Crow Reservation.

(a) Notwithstanding the regulations in other sections of this Part 131, Crow Indians classified as competent under the Act of June 4, 1920 (41 Stat. 751), as amended, may lease their trust lands and the trust lands of their minor children for farming or grazing purposes without the approval of the Secretary pursuant to the Act of May 26, 1926 (44 Stat. 658), as amended by the Act of March 15, 1948 (62 Stat. 80). However, at their election Crow Indians classified as competent may authorize the Secretary to lease, or assist in the leasing of such lands. When this prerogative is exercised, the general regulations contained in this Part 131 shall be applicable.

(b) The Act of May 26, 1926 (44 Stat. 658), as amended by the Act of March 15, 1948 (62 Stat. 80), provides that no lease for farming or grazing purposes shall be made for a period longer than five years, except irrigable lands under the Big Horn Canal, which may be leased for periods of 10 years. No such lease

shall provide the lessee a preference right to future leases.

(c) All leases entered into by Crow Indians classified as competent, under the above-cited special statutes, must be recorded at the Crow Agency. Such recording shall constitute notice to all persons. Under these special statutes, Crow Indians classified as competent are not entirely free to lease their property. The five-year (ten-year in the case of lands under the Big Horn Canal) limitation is intended to afford a protection to the Indians. The essence of this protection is the right to deal with the property free, clear, and unencumbered at intervals at least as frequent as those provided by law. If lessees are able to obtain new leases long before the termination of existing leases, they are in a position to set their own terms. In these circumstances lessees could perpetuate their leaseholds and the protection of the statutory limitations as to terms would be destroyed. Therefore, in implementation of the foregoing interpretation, any lease which, on its face, is in violation of statutory limitations or requirements, and any lease executed more than 12 months prior to the commencement of the term thereof or which purports to cancel an existing lease with the same lessee as of a future date and take effect upon such cancellation will not be recorded. Under a Crow tribal program, approved by the Department of the Interior, competent Crow Indians may, under certain circumstances, enter into agreements which require that, for a specified term, their leases be approved. Information concerning whether a competent Crow Indian has executed such an instrument is available at the office of the Superintendent of the Crow Agency, Bureau of Indian Affairs, Crow Agency, Montana. Any lease entered into with a competent Crow Indian during the time such an instrument is in effect will be returned without recordation.

(d) Where any of the following conditions exist, leases will be recorded but the lessee and lessor will be notified of the condition: (1) The lease has not been executed by all owners of the land described in the lease, (2) there is, of record, a lease on the land for all or a part of the same term, or (3) there are other deficiencies such as, but not limited to, erroneous land descriptions, and alterations which are not clearly endorsed by the lessor.

(e) Except as provided herein, Crow Indians classified as competent who lease lands under the Act of May 26, 1926 (44 Stat. 658), as amended, shall have the full responsibility for obtaining compliance with the terms of any lease so made. In fulfilling the Secretary's legal responsibility to protect and conserve trust and restricted Indian lands, leases executed by Crow Indians under the special statutes cited herein shall contain stipulations requiring sound land utilization plans and conservation practices.

(f) Leases made by competent Crow Indians shall be subject to the right to issue permits and leases to prospect for, develop, and mine oil, gas, and other minerals, and to grant rights of way and easements, in accordance with applicable law and regulations. In the issuance or granting of such permits, leases, rights of way or easements due consideration will be given to the interests of lessees and to the adjustment of any damages to such interests. In the event of a dispute as to the amount of such damage, the matter will be referred to the Secretary whose determination will be final as to the amount of said damage.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

SEPTEMBER 27, 1963.

[F.R. Doc. 63-10474; Filed, Oct. 2, 1963;
8:46 a.m.]

National Park Service

[36 CFR Part 7]

BLUE RIDGE PARKWAY, VIRGINIA AND NORTH CAROLINA

Camping and Horseback Riding

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Southeast Region Order No. 3 (21 F.R. 1493), as amended, it is proposed to amend § 7.34 of Title 36, Code of Federal Regulations, as is set forth below. The purpose of this amendment is to establish hours camps may be left unattended and to control horseback riding on trails.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Blue Ridge Parkway, P.O. Box 1710, Roanoke, Virginia, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

New paragraphs (i) and (j) are added to § 7.34 to read as follows:

§ 7.34 Blue Ridge Parkway.

(i) Camping: Campers shall not leave their camps unattended for more than 24 hours without special permission of the Superintendent, obtained in advance, and camps must be occupied 24 hours prior to the request to leave them unattended. In the absence of such permission camping equipment left unattended in any public camping area for more than 24 hours is subject to removal by order of the Superintendent, the expense of such removal and storage to be paid by the person leaving such equipment.

(j) Horseback riding is prohibited on the Appalachian Trail, and on all other trails except where otherwise indicated

by appropriate signs posted by the Superintendent.

SAM P. WEEMS,
Superintendent,
Blue Ridge Parkway.

[F.R. Doc. 63-10477; Filed, Oct. 2, 1963;
8:46 a.m.]

Office of the Secretary

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 3)]

OIL IMPORTS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by Proclamation 3279, as amended (24 F.R. 1781, 3527, 10133; 25 F.R. 13945; 26 F.R. 507, 811; 27 F.R. 11985; 28 F.R. 4077, 5931 and E.O. 11051, 27 F.R. 9683), it is proposed to add a new section 6 to Oil Import Regulation 1 (Revision 3) as amended (27 F.R. 12442; 28 F.R. 2677, 4953 and 6353) and to amend as indicated below sections 5, 7, 8, 11, 12, 21 and 22 of that regulation.

The proposed amendments to sections 5 and 7 would require persons to file an application for allocation of imports of crude oil, unfinished oils, residual fuel oil, and other finished products in each allocation period. There would no longer be any continuing applications for allocations of imports of finished products other than residual fuel oil to be used as fuel or for imports of residual fuel oil in Districts II-IV. However, persons would no longer be required to file separate applications for licenses. Under the proposed amendments one form would serve both purposes. The proposed amendments would therefore eliminate one step in the administrative process.

A new section 6 is proposed providing for the maintenance of records and the inspection of records and facilities. This amendment is designed to provide the Oil Import Administration with a means of verifying the various certifications which are made to it and of assuring compliance with the regulations.

The proposed amendment to section 8 would specifically require that all requests for entry without licenses of small quantities be in writing.

Allocations of imports of unfinished oil are restricted to 10 percent of the permissible imports of crude oil. However, section 11 (relating to District V) provides that if the total quantity of unfinished oils applied for is less than 10 percent of the permissible imports of crude oil the Administrator may allocate the remaining balance among persons requesting an increase. In past allocation periods it has been the practice of most eligible persons to apply for an allocation of imports of unfinished oil equal to 10 percent of their crude oil allocation. Consequently, there have been no occasions where there has been any significant quantity of unfinished oils available for redistribution. Accordingly, the proposed amendment to section 11 would delete the provisions authorizing the Administrator to redistribute any quantities

of imports of unfinished oils which have not been applied for.

The proposed amendment to section 12 is designed to facilitate the movement of residual fuel oil to be used as fuel without the loss of terminal inputs.

The proposed amendment to section 21 is designed to permit the Oil Import Appeals Board to grant relief without delay in cases of exceptional hardship occasioned by catastrophic events causing total loss of refining capacity or deep-water terminal facilities.

The proposed amendment to the term "refinery capacity" in section 22 is designed to indicate more clearly that the term refers to a plant the primary function of which is to manufacture finished petroleum products from crude oil.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Administrator, Oil Import Administration, Washington, D.C., 20240, on or before October 18, 1963.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 1, 1963.

1. Section 5 of Oil Import Regulation 1 (Revision 3) (27 F.R. 12443) to be amended to read as follows:

Sec. 5. Applications for allocations and licenses.

An application for allocations of imports of crude oil, unfinished oils, or finished products and for a license or licenses must be filed with the Administrator, in such form as he may prescribe, not later than 60 calendar days prior to the beginning of the allocation period for which the allocation is required. However, if the 60th day is a Saturday, Sunday, or holiday, the application may be filed on the next succeeding business day. However, no application for an allocation of imports of finished products need be filed for the allocation period January 1, 1964 through June 30, 1964. Allocation periods are provided for in section 3 of this regulation.

2. A new section 6 to be added to Oil Import Regulation 1 (Revision 3) (27 F.R. 12443) to read as follows:

Sec. 6. Records and inspection.

All persons receiving allocations pursuant to these regulations shall maintain complete records of imports, refinery inputs, and terminal inputs, all of which relate to eligibility for and the computation of allocations. These records shall be maintained on a current basis so that they will be available for inspection by a representative of the Oil Import Administration. All records required to be maintained pursuant to this section shall be retained for a period of three (3) years. In connection with the performance of the Oil Import Administration's responsibility for assuring full compliance with these regulations, the person shall permit the Government's representative to enter upon his office, property, plants and facilities to examine such

records and to inspect as necessary the refinery and terminal and all operations being performed within the facilities which include, but are not necessarily limited to refining, receiving, shipping, testing and storage. If requested by the Oil Import Administration representatives, the person shall be required to assign an employee to accompany the Government representatives in all inspections, record evaluations, and verification operations. The Government's representative shall not be required to sign any releases prior to entering upon a person's property or installation.

3. Section 7 of Oil Import Regulation 1 (Revision 3) (27 F.R. 12443) to be amended to read as follows:

Sec. 7. Licenses.

(a) When an allocation has been made to a person under this regulation, the Administrator shall issue a license or licenses based on the allocation, specifying the amount of crude oil and unfinished oils or finished products which may be imported, the period of time such license shall be in effect, and the districts (District I, Districts I-IV, Districts II-IV, District V, or Puerto Rico) into which the importation may be made. The Administrator may amend such licenses.

(b) No license issued pursuant to this section may be sold, assigned, or otherwise transferred.

4. Section 8 of Oil Import Regulation 1 (Revision 3) (27 F.R. 12444) to be amended to read as follows:

Sec. 8. Small quantities.

(a) Collectors of Customs are authorized to permit without a license baggage entries, and entries for consumption of small quantities of crude oil, unfinished oils, or finished products which are certified as samples for testing or analysis and which do not exceed 110 gallons per entry.

(b) Persons desiring to import small quantities not covered by paragraph (a) of this section shall file with the Administrator a written request for an authorization for entry without a license for each shipment describing the oil and quantity to be imported and listing the port of entry.

5. Paragraph (d) of section 11 of Oil Import Regulation 1 (Revision 3) as amended (28 F.R. 6354) to be amended to read as follows:

Sec. 11. Allocations of crude oil and unfinished oils—District V.

(d) (1) No allocation made pursuant to this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 10 percent of the allocation. Each barrel of unfinished oil imported shall be deemed to be the equivalent of one barrel of crude oil and will be so charged against the person's license by the respective Collectors of Customs.

(2) The permissible percentage of imports of unfinished oils and the equivalence of unfinished oils to crude oil may be changed during the allocation period,

if necessary to prevent impairing accomplishment of the purposes of the program. Such a change will be made only after notice of proposed rule making and will not become effective until the 30th calendar day following publication in the FEDERAL REGISTER of the amendment making such change.

6. Subparagraph (4) of paragraph (c) of section 12 of Oil Import Regulation 1 (Revision 3) as amended (28 F.R. 2678) to be amended to read as follows:

Sec. 12. Allocations of residual fuel oil to be used as fuel in District I.

* * * *

(c) (4) An eligible applicant who has under his management and operational control a deep-water terminal in District I may also count as a terminal input residual fuel oil to be used as fuel which the applicant (i) owned and (ii) delivered to a deep-water terminal in District I under the management and operational control of a person who is not in the business of selling residual fuel oil to be used as fuel provided that such delivery constituted the first delivery of that oil to a deep-water terminal in District I.

7. Paragraph (c) of section 21 of Oil Import Regulation 1 (Revision 3) (27 F.R. 12446) to be amended to read as follows:

Sec. 21. Appeals.

(c) (1) Except as provided in subparagraph (2) of this paragraph, the modification or grant of an allocation by the Appeals Board shall become effective in the allocation period, as provided in section 3 of this regulation, which succeeds the allocation period during which the Board's decision is made and no decision of the Appeals Board shall become effective unless it is made and the Administrator is notified more than thirty calendar days before the beginning of an allocation period.

(2) An allocation granted pursuant to clause (2) or (3) of paragraph (b) of this section to a person who has become ineligible because of total loss of refinery capacity or deep-water terminal facilities may be made effective within the allocation period during which the Appeals Board's decision is made.

8. Paragraph (1) of section 22 of Oil Import Regulations 1 (Revision 3) (27 F.R. 12447) to be amended to read as follows:

Sec. 22. Definitions.

(1) Refinery capacity means a plant which (1) consists of stills, refining units and equipment for separating or converting hydrocarbons, and storage tanks, pipelines and pumps; (2) processes crude oil or further processes unfinished oils through the stills or units; and (3) manufactures two or more separate and distinct finished products for a total yield equal to not less than 30 percent of total "refinery inputs".

[F.R. Doc. 63-10589; Filed, Oct. 2, 1963; 11:40 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-89]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Redwood Falls, Minn., transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Redwood Falls VOR 061° and 241° True radials, extending from 20 miles northeast to 9 miles southwest of the VOR.

In accordance with a request received from aviation interests in the State of Minnesota, the FAA has developed a public-use instrument approach procedure for use at the Redwood Falls, Minn., Municipal Airport. However, before this procedure can be used, the designation and reconfiguration of controlled airspace in the Redwood Falls terminal area is necessary to provide protection for aircraft executing the approach procedure developed.

In consideration of the foregoing and to implement the provisions of CAR Amendments 60-21/60-29 in the Redwood Falls terminal area, the Federal Aviation Agency has under consideration the designation of a control zone and the alteration of the existing transition area at Redwood Falls. The proposed control zone would be designated to comprise that airspace within a 3-mile radius of Redwood Falls Municipal Airport (latitude 44°32'45" N., longitude 95°04'50" W.) and within 2 miles each side of the Redwood Falls VOR 023° True radial, extending from the 3-mile radius zone to the VOR. The altered Redwood Falls transition area would be designated to comprise that airspace extending upward from 700 feet above the surface within a 4-mile radius of Redwood Falls Municipal Airport (latitude 44°32'45" N., longitude 95°04'50" W.); and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the Redwood Falls VOR 023° and 203° True radials, extending from 4 miles north to 12 miles south of the VOR.

The Redwood Falls control zone extension has been proposed with a length slightly in excess of that required by criteria to simplify the charting of controlled airspace in the Redwood Falls terminal area.

The designation of a control zone at Redwood Falls would provide protection for aircraft executing the instrument approach and departure procedures which have been developed for use at Redwood Falls Municipal Airport. Communications and weather reporting service are currently available within the proposed control zone by the FAA's Redwood Falls Flight Service Station. The proposed alteration of the Redwood Falls transition area would reconfigure and reduce the lateral extent of the exist-

ing transition area to provide protection for aircraft executing the newly developed Redwood Falls VOR instrument holding and approach procedures.

The floors of the airways which traverse the proposed reconfigured transition area would automatically assume a floor coincident with the floor proposed for the transition area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance or present landing minimums be adversely affected. Specific details of the changes in procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. 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 Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. 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 A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 26, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10457; Filed, Oct. 2, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-30]

CONTROL ZONE AND TRANSITION AREA

Proposed Revocation and Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering

amendments to Part 71 [New] of the Federal Aviation Regulations the substance of which is stated below.

The following controlled airspace is presently designated in the Delta, Utah, terminal area:

1. The Delta control zone is designated within a 5-mile radius of Delta Municipal Airport.

2. The Delta transition area is designated as that airspace extending upward from 1,200 feet above the surface within 10 miles southeast and 7 miles northwest of the Delta VOR 203° and 023° True radials, extending from 9 miles northeast to 20 miles southwest of the VOR, excluding that airspace within Federal airways.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Delta area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. Revoke the Delta control zone.

2. Alter the Delta transition area by redesignating it to comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of Delta Municipal Airport (latitude 39°23'00" N., longitude 112°30'35" W.), and within 2 miles each side of the Delta VOR 001° and 196° True radials, extending from the 5-mile radius area to 6 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface within 11 miles east and 8 miles west of the Delta VOR 016° and 196° True radials, extending from 10 miles north to 20 miles south of the VOR. The floors of the airways that traverse the transition area would automatically coincide with the floor of the transition area.

At present, both an ADF and a VOR instrument approach procedure are prescribed for Delta Municipal Airport. The FAA plans to retain the VOR procedure and cancel the ADF procedure. Agency records indicate that only one instrument approach was made at Delta during calendar year 1962. Retention of the VOR procedure is proposed because the Delta Municipal Airport is listed as an alternate for five scheduled carriers.

The proposed transition area would provide protection for aircraft executing prescribed instrument holding procedures at the Delta VOR, and for aircraft executing instrument approach and departure procedures at the Delta Municipal Airport.

The Air Traffic Control Communications and Weather Reporting Service available at Delta meet FAA standards for the establishment of a control zone. However, in view of the infrequent use of instrument approach procedures at Delta, the Agency proposes to revoke the existing control zone and limit the amount of controlled airspace at Delta to that contained in the transition area proposed above.

Certain revisions to the VOR instrument procedure would accompany the actions proposed herein. Specific details of these changes may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, West-

ern Region, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif., 90009.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. 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 Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. 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 A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 26, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10458; Filed, Oct. 2, 1963; 8:45 a.m.]

[14 CFR Parts 71 [New], 73 [New]]

[Airspace Docket No. 63-SW-61]

RESTRICTED AREA/MILITARY CLIMB CORRIDOR, CONTROLLED AIRSPACE AND FEDERAL AIRWAYS

Proposed Designation and Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations, the substance of which is stated below.

The Air Force has requested designation of a restricted area/military climb corridor at Albuquerque (Kirtland AFB), N. Mex., for use by the newest century series air defense aircraft while departing from the airbase on active air defense missions. This would provide segregation between the air defense aircraft and other users of the airspace during the initial phase of the mission which is accomplished at high speed and high rate of climb. The restricted area would extend from two to twenty-five nautical miles southwest of Kirtland AFB, with a ceiling of 23,000 feet MSL and the floor

gradually increasing from 7,000 feet MSL to 20,000 feet MSL. It would be two miles wide at point of beginning and expand uniformly to a width of six miles at its outer extremity.

The proposed restricted area/military climb corridor is consistent with criteria developed jointly by the FAA and Air Force except that the minimum altitude floor is 7,000 feet MSL in lieu of the surface as recommended in the criteria. This deviation is to permit free transit in the local area by VFR aircraft, and has been agreed to by the Air Force.

If action is taken to designate this area, it would be described as follows:

R-5111 Albuquerque, N. Mex. (Kirtland AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on a line beginning at latitude 35°02'30" N., longitude 106°39'30" W., and extending via the true bearing of 245° to a point twenty-three nautical miles southwest, having a width of two nautical miles at the beginning and expanding uniformly to a width of six nautical miles at the outer extremity.

Designated altitudes. 7,000 feet MSL to 23,000 feet MSL from point of beginning to two nautical miles southwest. 8,000 feet MSL to 23,000 feet MSL from two nautical miles to four nautical miles southwest of point of beginning. 10,000 feet MSL to 23,000 feet MSL from four nautical miles to six nautical miles southwest of point of beginning. 12,000 feet MSL to 23,000 feet MSL from six nautical miles to eight nautical miles southwest of point of beginning. 14,000 feet MSL to 23,000 feet MSL from eight nautical miles to 13 nautical miles southwest of point of beginning. 17,000 feet MSL to 23,000 feet MSL from 13 nautical miles to 18 nautical miles southwest of point of beginning. 20,000 feet MSL to 23,000 feet MSL from 18 nautical miles to 23 nautical miles southwest of point of beginning.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Albuquerque Approach Control.

Using agency. Commander, Kirtland AFB, N. Mex.

The restricted area would coincide with a portion of the Albuquerque, N. Mex., control zone (§ 71.171), the Albuquerque, N. Mex., transition area (§ 71.181), low altitude airways V-12, V-12S, V-19, V-19W, V-60, V-60S, V-68, V-68N, V-68S, V-187, V-190, V-190N, (§ 71.123), and with intermediate altitude airways V-1624, V-1532, V-1550 and V-1543 (§ 71.143). Accordingly, it is proposed to amend their description so as to require approval from appropriate authority prior to operation within those portions which coincide with the restricted area/military climb corridor. The controlling agency would authorize other air traffic to transit the area when not in use for air defense purposes.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. 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 Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. 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 A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 27, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10459; Filed, Oct. 2, 1963; 8:45 a.m.]

[14 CFR Parts 71 [New], 73 [New]]

[Airspace Docket No. 63-SW-62]

RESTRICTED AREA/MILITARY CLIMB CORRIDOR AND CONTROLLED AIRSPACE

Proposed Designation and Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 73 and 71 of the Federal Aviation Regulations, the substance of which is stated below.

The Air Force has requested designation of a restricted area/military climb corridor at the Naval Air Station, Alvin Callender Field, New Orleans, Louisiana, for use by the newest century series air defense aircraft while departing from the airbase on active air defense missions. This would provide segregation between the air defense aircraft and other users of the airspace during the initial phase of the mission which is accomplished at high speed and high rate of climb. The restricted area would extend from two to thirty-two nautical miles southwest of Callender Field with the floor gradually increasing from 2,000 feet MSL to 20,000 feet MSL, and the ceiling from 14,000 feet MSL to 23,000 feet MSL.

Since the climb corridor would be aligned more than 15° from the runway centerline, it is proposed that it be two nautical miles wide at point of beginning and expand uniformly to a width of six nautical miles at its outer extremity.

The proposed restricted area/military climb corridor is consistent with criteria developed jointly by the FAA and Air Force except that the minimum altitude floor is 2,000 feet MSL in lieu of the surface as recommended in the criteria. This deviation is to permit free transit in the local area by VFR aircraft, and has been agreed to by the Air Force.

If action is taken to designate this area, it would be described as follows:

R-3805 New Orleans, La. (Alvin Callender Field) Restricted Area/Military Climb Corridor.

Boundaries. The area centered on a line beginning at latitude 29°48'00" N., longitude 90°04'00" W. (two nautical miles southwest of the end of the runway), and extending via the true bearing of 201° to a point 30 nautical miles southwest, having a width of two nautical miles at the beginning and expanding uniformly to a width of six nautical miles at the outer extremity.

Designated altitudes. 2,000 feet MSL to 14,000 feet MSL from the point of beginning to one nautical mile southwest. 2,000 feet MSL to 17,000 feet MSL from one nautical mile to two nautical miles southwest of the point of beginning. 2,000 feet MSL to 19,000 feet MSL from two nautical miles to three nautical miles southwest of the point of beginning. 2,000 feet MSL to 21,000 feet MSL from three nautical miles to four nautical miles southwest of the point of beginning. 2,000 feet MSL to 23,000 feet MSL from four nautical miles to five nautical miles southwest of the point of beginning. 4,000 feet MSL to 23,000 feet MSL from five nautical miles to eight nautical miles southwest of the point of beginning. 7,000 feet MSL to 23,000 feet MSL from eight nautical miles to 13 nautical miles southwest of the point of beginning. 12,000 feet MSL to 23,000 feet MSL from 13 nautical miles to 18 nautical miles southwest of the point of beginning. 15,000 feet MSL to 23,000 feet MSL from 18 nautical miles to 25 nautical miles southwest of the point of beginning. 20,000 feet MSL to 23,000 feet MSL from 25 nautical miles to 30 nautical miles southwest of the point of beginning.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, New Orleans Approach Control.

Using agency. Commander, Alvin Callender NAS.

The restricted area would coincide with a portion of the proposed New Orleans, La., transition area (§ 71.181) and the proposed NAS New Orleans, La., Alvin Callender Field control zone (§ 71.171) (28 F.R. 8215, August 9, 1963). Therefore, if this area is designated as proposed, action would also have to be taken to amend their descriptions so as to require approval from appropriate authority prior to operation within those portions which coincide with the restricted area/military climb corridor. The controlling agency would authorize other air traffic to transit the area when not in use for air defense purposes.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. 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 Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. 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.

ance 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 A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 27, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10460; Filed, Oct. 2, 1963; 8:45 a.m.]

[14 CFR Parts 71 [New], 73 [New]]

[Airspace Docket No. 63-SW-63]

RESTRICTED AREA/MILITARY CLIMB CORRIDOR AND CONTROLLED AIRSPACE AND FEDERAL AIRWAYS

Proposed Designation and Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 73 and 71 of the Federal Aviation Regulations, the substance of which is stated below.

The Air Force has requested designation of a restricted area/military climb corridor at San Antonio (Kelly AFB), Texas, for use by the newest century series air defense aircraft while departing from the airbase on active air defense missions. This would provide segregation between the air defense aircraft and other users of the airspace during the initial phase of the mission which is accomplished at high speed and high rate of climb. The restricted area would extend from two to thirty-two nautical miles southeast of Kelly AFB, with the floor gradually increasing from 3,000 feet MSL to 20,000 feet MSL, and the ceiling from 19,000 feet MSL to 23,000 feet MSL.

Since the climb corridor would be aligned more than 15° from the runway centerline, it is proposed that it be two nautical miles wide at point of beginning and expand uniformly to a width of six nautical miles at its outer extremity.

The proposed restricted area/military climb corridor is consistent with criteria developed jointly by the FAA and Air Force except that the minimum altitude floor is 3,000 feet MSL in lieu of the surface as recommended in the criteria. This deviation is to permit free transit in the local area by VFR aircraft, and has been agreed to by the Air Force.

If action is taken to designate this area, it would be described as follows:

R-6311 San Antonio, Texas (Kelly AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on a line beginning at latitude 29°20'15" N., longitude 98°33'50" W., and extending via the true bearing of 164° to a point 30 nautical miles southeast, having a width of two nautical miles at the beginning and expanding

uniformly to a width of six nautical miles at the outer extremity.

Designated altitudes. 3,000 feet MSL to 19,000 feet MSL from point of beginning to one nautical mile southeast. 3,000 feet MSL to 23,000 feet MSL from one nautical mile to six nautical miles southeast of point of beginning. 5,000 feet MSL to 23,000 feet MSL from six nautical miles to 11 nautical miles southeast of point of beginning. 10,000 feet MSL to 23,000 feet MSL from 11 nautical miles to 15 nautical miles southeast to point of beginning. 14,000 feet MSL to 23,000 feet MSL from 15 nautical miles to 20 nautical miles southeast of point of beginning. 17,000 feet MSL to 23,000 feet MSL from 20 nautical miles to 25 nautical miles southeast of point of beginning. 20,000 feet MSL to 23,000 feet MSL from 25 nautical miles to 30 nautical miles southeast of point of beginning.

Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, San Antonio Approach Control.
Using agency. Commander, Kelly AFB, Texas.

The restricted area would coincide with a portion of the San Antonio (Kelly AFB) control zone (§ 71.171), the San Antonio, Texas, control area extension (§ 71.165), low altitude airways V-17 and V-163W (§ 71.123) and with intermediate airways V-1537 and V-1643 (§ 71.143). Therefore, if this area is designated as proposed, action would also have to be taken to amend their description so as to require approval from appropriate authority prior to operation within those portions which coincide with the restricted area/military climb corridor. The controlling agency would authorize other air traffic to transit the area when not in use for air defense purposes.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101. 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 Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. 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 A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on September 27, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10461; Filed, Oct. 2, 1963;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 123, 206, 301]

[Docket No. 34315¹]

COMMODITY STATISTICS REPORTING; EXTENT AND DISCLOSURE

Notice of Proposed Rule Making

SEPTEMBER 13, 1963.

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, that the Commission proposes to consider amendments in 49 CFR Parts 123, 206, and 301, with respect to commodity statistics reporting requirements of railroads, water carriers, electric railways and motor carriers as set out below:

1.(a) The amendment of 49 CFR Part 206, so as to withdraw for all or part of the individual motor carrier reports of commodity statistics which are or may be filed under the terms thereof, the requirement in 49 CFR 206.7 that carrier reports shall not be open to public inspection, or

(b) The amendment of 49 CFR Parts 123 and 301 to impose rules withholding all or part of commodity statistics reports of railroads, electric railways and water carriers from public inspection.

2. (a) The amendment of 49 CFR Part 123 to provide that Class I railroads shall file annual but not quarterly reports of commodity statistics; or

(b) The amendment of 49 CFR Parts 123, 206, and 301, to require that Class II railroads, electric railways, motor carriers, and water carriers shall file quarterly reports of commodity statistics.

3. The amendment of 49 CFR Parts 123, 206, or 301 to require quarterly reports of commodity statistics:

¹This proceeding also embraces Ex Parte No. 205, Motor Carrier Freight Commodity Statistics, reopened.

(a) On the basis of a lesser number of commodity codes, than adopted as the basis for reporting to the Commission in No. 34206, or

(b) On the basis of the commodity codes required in No. 34206, but for tons, carloads, truckloads, and gross revenues, related to originated or terminated traffic, in lieu of originated, received, terminated and delivered traffic presently required; or,

(c) A combination of (a) and (b).

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12, sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304, and sec. 304, 54 Stat. 933; 49 U.S.C. 904. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20, sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320, and sec. 313, 54 Stat. 944, as amended; 49 U.S.C. 913)

The Commission, on September 13, 1963 in No. 34206, Commodity Statistics for Reporting Purposes, adopted as a basis for the reporting of commodity statistics, the "Commodity Classification for Transportation Statistics", issued by the Bureau of the Budget, supplemented by certain additional codes. The change brings identity of codes to the Commission and other governmental reporting of transportation statistics, and with a code being used within the transportation industry. As a means of continuing reporting on a basis similar to that presently in effect, the Commission adopted selected 3, 4 and 5-digit commodity codes to be reported, beginning with January 1, 1964.

Questions of disclosure of reports of individual carriers and of equality of reporting, raised in connection with No. 34206 were not determined in that proceeding. The problems of equality and disclosure also have been raised by petition of the Association of American Railroads for reopening of Ex Parte No. 205, Motor Carrier Freight Commodity Statistics, requiring that commodity statistics reports of individual motor carriers be withheld from public inspection. The possible changes in rules proposed herein are intended to cover these questions of disclosure and equality.

It appears that, in view of the time which has passed since the 1957 action withholding motor-carrier reports from public inspection, reason exists for a comprehensive investigation of equality

of reporting requirements and of disclosure of reports. The extent of reporting and of disclosure are to be reconsidered in the light of (1) the needs of the Commission and of other governmental agencies and parties, for commodity statistics; (2) the reporting burden on the different modes and on individual carriers; and (3) characteristics of traffic, such as the number of different commodities handled, number of shippers and locations served, seasonal fluctuations, volume of traffic, and interchange practices.

Any interested person desiring to file representations in regard to the proposed changes shall advise the Secretary of the Commission, on or before November 1, 1963, of their intent to file representations. Thereafter, the Commission will compile and serve on all parties of interest in the proceeding, a notice listing the names and addresses of all those persons who have filed, as specified above, notice of their intent to file representations.

Representations. An original signed copy and 15 additional copies of statements of fact, opinions or argument shall be filed with the Secretary of the Interstate Commerce Commission, Washington 25, D.C., on or before December 2, 1963.

Any written statements so filed shall be verified, and shall conform to the specifications in § 1.15 of the Commission's general rules of practice.

Copies. Any interested person desiring to receive a copy of a representation shall notify the party filing it on or before November 15, 1963.

A copy of this notice shall be served upon or mailed to each railroad, electric railway, water carrier, maritime carrier, and motor carrier, subject to the commodity statistics reporting requirements of 49 CFR Part 123, 206, or 301, as the case might be, and notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the FEDERAL REGISTER.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-10488; Filed, Oct. 2, 1963;
8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 56010]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN KOREA

Restrictions on Entry

SEPTEMBER 27, 1963.

There is published below a letter of September 17, 1963, from the Chairman, President's Cabinet Textile Advisory Committee, which directs that effective as soon as possible and through December 31, 1963, the corrected levels of restraint therein specified be imposed on the entry for consumption or withdrawal from warehouse for consumption in the United States (including the Commonwealth of Puerto Rico) of cotton textiles and cotton textile products in Categories 9, 26, 45, and 54, produced or manufactured in Korea. These restraint levels became effective September 18, 1963.

A list of the items in Categories 9, 26, 45, and 54 is also published below.

Cotton textiles and cotton textile products in Categories 9, 26, 45, and 54, produced or manufactured in Korea and exported to the United States from Korea before January 1, 1963, are not subject to these limitations.

Collectors of customs and appraisers of merchandise have been notified of the procedures to be followed in carrying out this directive and have been instructed to bring such procedures to the attention of all brokers, importers, and others concerned.

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

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY
COMMITTEE

Washington 25, D.C.,
September 17, 1963.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: The United States Government on January 1, 1963, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, requested the Government of Korea to restrain the export of cotton textiles and cotton textile products in Categories 9, 26, 45 and 54 to the United States during the twelve-month period beginning January 1, 1963. The Long Term Arrangement is an agreement contemplated by Section 204 of the Agricultural Act of 1956, as amended.

Under the terms of the Long Term Arrangement, including Article 6 relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective as soon as possible and for the period extending through December 31, 1963, entry into the United States for

consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 26, 45 and 54, produced or manufactured in Korea, in excess of the corrected levels of restraint provided:

Categories	12-month levels of restraint	Corrected levels of restraint
9-----	1,740,000 square yards.	917,783 square yards.
26-----	10,000,000 square yards.	2,812,922 square yards.
45-----	20,000 dozen-----	2,000 dozen.
54-----	25,000 dozen-----	10,536 dozen.

The corrected levels of restraint reflect entries made during the period January 1, 1963, through September 9, 1963. Corrections have not been made to reflect entries, if any, made after September 9, 1963.

In carrying out this directive, you shall allow entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 26, 45 and 54, produced or manufactured in Korea, when such goods have been exported to the United States from Korea prior to January 1, 1963, regardless of whether the restraint level has been filled, and such goods exported to the United States from Korea prior to January 1, 1963, are not to be counted against the restraint level even if not filled at the time of entry.

A detailed description of Categories 9, 26, 45 and 54 in terms of T.S.U.S.A. numbers has previously been furnished to you.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Korea and with respect to imports of cotton textiles and cotton textile products from Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. You are requested to publish this letter in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman,
President's Cabinet Textile
Advisory Committee.

[F.R. Doc. 63-10497; Filed, Oct. 2, 1963;
8:47 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1963 Rev., Supp. No. 8]

GENERAL INSURANCE CORP.

Surety Company Acceptable on Federal Bonds

OCTOBER 1, 1963.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6-13, as an acceptable surety on Federal bonds.

An underwriting limitation of \$100,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1964. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

STATE IN WHICH INCORPORATED, NAME OF COMPANY AND LOCATION OF PRINCIPAL EXECUTIVE OFFICE

Texas; General Insurance Corporation; Fort Worth, Texas.

[SEAL] GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 63-10498; Filed, Oct. 2, 1963;
8:47 a.m.]

[Dept. Circ. 570, 1963 Rev., Supp. No. 7]

HOUSTON FIRE AND CASUALTY INSURANCE CO.

Surety Company Acceptable on Federal Bonds

OCTOBER 1, 1963.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6-13, as an acceptable surety on Federal bonds.

An underwriting limitation of \$100,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1964. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

STATE IN WHICH INCORPORATED, NAME OF COMPANY AND LOCATION OF PRINCIPAL EXECUTIVE OFFICE

Texas; Houston Fire and Casualty Insurance Company; Fort Worth, Texas.

[SEAL] GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 63-10499; Filed, Oct. 2, 1963;
8:47 a.m.]

[Dept. Circ. 570, 1963 Rev. Supp. No. 9]

TRI-STATE INSURANCE CO.

Surety Company Acceptable on Federal Bonds

OCTOBER 1, 1963.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of

Congress approved July 30, 1947, 6 U.S.C. 6-13.

An underwriting limitation of \$191,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1964. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

STATE IN WHICH INCORPORATED, NAME OF COMPANY AND LOCATION OF PRINCIPAL EXECUTIVE OFFICE

Oklahoma; Tri-State Insurance Company; Tulsa, Oklahoma.

[SEAL] GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 63-10500; Filed, Oct. 2, 1963; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Idaho 014642]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 26, 1963.

The Department of Agriculture has filed an application, Serial Number Idaho 014642 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and the general mining laws.

The applicant desires the land for an administrative site for the proposed Stanley Ranger Station.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in

the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

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

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

STANLEY ADMINISTRATIVE SITE

T. 10 N., R. 13 E.,
Sec. 22: Lots 2, 3, 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described aggregates 167.29 acres.

MICHAEL T. SOLAN,
Manager.

[F.R. Doc. 63-10491; Filed, Oct. 2, 1963; 8:47 a.m.]

[Oregon 013665]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

SEPTEMBER 25, 1963.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Oregon 013665, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to valid existing rights.

The applicant desires the land for protection and preservation of recreation areas and administrative sites located in the Mt. Hood National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oregon, 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

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

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

The lands involved in the application are:

OREGON—WILLAMETTE MERIDIAN

MOUNT HOOD NATIONAL FOREST

Eagle Creek Campground

T. 2 N., R. 7 E.,
Sec. 22, tract 37, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 23, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
Total—167.16 acres.

Punch Bowl Campground

T. 2 N., R. 7 E.,
Sec. 25, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
Total—10 acres.

Columbia Gorge Ranger Station
Administrative Site

T. 2 N., R. 8 E.,
Sec. 5, lot 3, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 6, lot 1.
Total—99.49 acres.

Rainy Lake Campground

T. 2 N., R. 8 E.,
Sec. 25, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ lot 7,
SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ lot 8.
Total—9.14 acres.

Mount Defiance Administrative Site

T. 2 N., R. 9 E.,
Sec. 20, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—10 acres.

Larch Mountain Campground

T. 1 N., R. 6 E.,
Sec. 29, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32, N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$.
Total—125 acres.

Camp A Administrative Site

T. 1 N., R. 6 E.,
Sec. 32, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 33, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
Total—20 acres.

4-Mile Campground

T. 1 N., R. 7 E.,
Sec. 1, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.
Total—10 acres.

Mud Lake Administrative Site

T. 1 N., R. 8 E.,
Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Total—10 acres.

Wahtum Lake Campground

T. 1 N., R. 8 E.,
Sec. 10, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
Total—80 acres.

Scout Lake Campground

T. 1 N., R. 8 E.,
Sec. 14, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
Total—15 acres.

7-Mile Campground

T. 1 N., R. 8 E.,
Sec. 17, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 18, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
Total—10 acres.

Indian Springs Campground

T. 1 N., R. 8 E.,
Sec. 21, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—10 acres.

Indian Mountain Administrative Site

T. 1 N., R. 8 E.,
Sec. 28, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—10 acres.

Bald Butte Administrative Site

T. 1 N., R. 10 E.,
Sec. 26, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
Total—10 acres.

Lost Lake Campground

T. 1 S., R. 8 E.,
Sec. 9, Lots 1, 2, 3, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, Lots 1, 2, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 15, Lots 1, 2, 3, 4, 5.
Total—373.06 acres.

Lost Lake Butte Administrative Site

T. 1 S., R. 8 E.,
Sec. 11, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
Total—10 acres.

Ladd Creek Campground

T. 1 S., R. 8 E.,
Sec. 24, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—10 acres.

Hiyo Administrative Site

T. 1 S., R. 8 E.,
Sec. 34, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
Total—10 acres.

Lava Bed Campground

T. 1 S., R. 9 E.,
Sec. 23, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
Total—60 acres.

Mill Creek Administrative Site

T. 1 S., R. 10 E.,
Sec. 27, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
Total—10 acres.

Knebal Springs Forest Camp

T. 1 S., R. 11 E.,
Sec. 31, SW $\frac{1}{4}$ Lot 4.
Total—8.67 acres.

Clear Creek Campground

T. 2 S., R. 7 E.,
Sec. 34, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—10 acres.

Fred McNeil Campground

T. 2 S., R. 8 E.,
Sec. 19, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.
Total—40 acres.

Cast Creek Campground

T. 2 S., R. 8 E.,
Sec. 19, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.
Total—20 acres.

Ramona Falls Campground

T. 2 S., R. 8 E.,
Sec. 24, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
Total—10 acres.

Cloud Cap Campground

T. 2 S., R. 9 E.,
Sec. 10, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 15, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.
Total—35 acres.

Tilly Jane Campground

T. 2 S., R. 9 E.,
Sec. 15, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.
Total—30 acres.

Silcox Hut Campground

T. 2 S., R. 9 E.,
Sec. 31, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 3 S., R. 9 E.,
Sec. 6, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Lot 1.
Total—10.19 acres.

Brooks Meadow Administrative Site

T. 2 S., R. 10 E.,
Sec. 2—NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
Total—10 acres.

Polallie Campground

T. 2 S., R. 10 E.,
Sec. 5, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
Total—30 acres.

Bottle Prairie Forest Camp

T. 2 S., R. 10 E.,
Sec. 13, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
Total—10 acres.

Sherwood Campground

T. 2 S., R. 10 E.,
Sec. 17, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
Total—40 acres.

Five Mile Administrative Site

T. 2 S., R. 11 E.,
Sec. 7, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
Total—10 acres.

8-Mile Crossing Forest Camp

T. 2 S., R. 11 E.,
Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
Total—10 acres.

Lower Crossing Forest Camp

T. 2 S., R. 11 E.,
Sec. 8, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.
Total—10 acres.

Pebble Ford Forest Camp

T. 2 S., R. 11 E.,
Sec. 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
Total—10 acres.

Douglas Campground

T. 3 S., R. 6 E.,
Sec. 15, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
Total—10 acres.

Coffman Campground

T. 3 S., R. 6 E.,
Sec. 25, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
Total—10 acres.

Oregon Trail and Still Creek Campground

T. 3 S., R. 7 E.,
Sec. 2, W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 3, E $\frac{1}{2}$ Lot 10, Lot 16;
Sec. 11, Lots 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ Lot 7,
Lot 8, W $\frac{1}{2}$ Lot 9, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Total—349.63 acres.

Zigzag R. S. Administrative Site

T. 3 S., R. 7 E.,
Sec. 3, N $\frac{1}{2}$ Lot 8.
Total—21.63 acres.

Zigzag River Campground

T. 3 S., R. 7 E.,
Sec. 3, W $\frac{1}{2}$ Lot 10, Lot 11.
Total—31.15 acres.

Tollgate Campground

T. 3 S., R. 7 E.,
Sec. 11, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Lot 9; W $\frac{1}{2}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Lot 10;
Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
Total—51.57 acres.

Cool Creek and Mile Bridge Campground

T. 3 S., R. 7 E.,
Sec. 13, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Lot 4, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 5;
Sec. 14, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$ Lot 1, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—530.27 acres.

South Fork Campground

T. 3 S., R. 7 E.,
Sec. 34, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—20 acres.

Big Horn Campground

T. 3 S., R. 7 E.,
Sec. 34, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
Total—10 acres.

Rolling Rifle Campground

T. 3 S., R. 7 E.,
Sec. 35, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 4 S., R. 7 E.,
Sec. 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Lot 3.
Total—10.11 acres.

Devil's Meadow Campground

T. 3 S., R. 8 E.,
Sec. 4, W $\frac{1}{2}$ Lot 3.
Total—25.57 acres.

Twin Bridges Campground

T. 3 S., R. 8 E.,
Sec. 15, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—30 acres.

Mile Bridge Campground

T. 3 S., R. 8 E.,
Sec. 17, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Lot 3.
Total—282.02 acres.

Camp Creek Campground

T. 3 S., R. 8 E.,
Sec. 17, S $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, S $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ Lot 4;
Sec. 19, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ Lot 1;
Sec. 20, N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$.
Total—205.65 acres.

Mirror Lake Campground

T. 3 S., R. 8 E.,
Sec. 23, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—10 acres.

Ski Bowl Campground

T. 3 S., R. 8 E.,
Sec. 23, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Total—10 acres.

Devil's Peak Administrative Site

T. 3 S., R. 8 E.,
Sec. 31, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Lot 3, E $\frac{1}{2}$ NE $\frac{1}{4}$ Lot 5, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Total—15.40 acres.

Nenitch Campground

T. 3 S., R. 8 $\frac{1}{2}$ E.,
Sec. 13, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
Total—10 acres.

Summit Ski Terminal Campground

T. 3 S., R. 8 $\frac{1}{2}$ E.,
Sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—10 acres.

Summit Ranger Station Administrative Site

T. 3 S., R. 8 $\frac{1}{2}$ E.,
Sec. 24, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—30 acres.

Still Creek Campground

T. 3 S., R. 8 $\frac{1}{2}$ E.,
Sec. 24, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Total—30 acres.

Snowbunny Lodge Campground

T. 3 S., R. 8 1/2 E.,
Sec. 25, SW 1/4 NE 1/4 NE 1/4 NE 1/4, SE 1/4 NW 1/4
NE 1/4 NE 1/4, NE 1/4 SW 1/4 NE 1/4 NE 1/4, NW 1/4
SE 1/4 NE 1/4 NE 1/4.
Total—10 acres.

Trillium Lake Campground

T. 3 S., R. 8 1/2 E.,
Sec. 36, NW 1/4 SW 1/4 NE 1/4, N 1/2 SW 1/4 SW 1/4
NE 1/4.
Total—15 acres.

Lone Fir Administrative Site

T. 3 S., R. 9 E.,
Sec. 6, W 1/2 SW 1/4 Lot 1, E 1/2 SE 1/4 Lot 2.
Total—10.38 acres.

Timberline Lodge Campground

T. 3 S., R. 9 E.,
Sec. 6, SE 1/4 SE 1/4;
Sec. 7, N 1/2 NE 1/4 NE 1/4.
Total—60 acres.

Phlox Point Campground

T. 3 S., R. 9 E.,
Sec. 7, NW 1/4 SW 1/4 NE 1/4.
Total—10 acres.

Hood River Meadow Campground

T. 3 S., R. 9 E.,
Sec. 11, E 1/2 SW 1/4 SE 1/4 NW 1/4, W 1/2 SE 1/4 SE 1/4
NW 1/4.
Total—10 acres.

Barlow Guard Station Administrative Site

T. 3 S., R. 9 E.,
Sec. 38, S 1/2 NW 1/4 NE 1/4 NW 1/4, N 1/2 SW 1/4 NE 1/4
NW 1/4.
Total—10 acres.

Robinhood Campground

T. 3 S., R. 10 E.,
Sec. 5, N 1/2 SW 1/4 NE 1/4.
Total—20 acres.

Badger Lake Forest Camp

T. 3 S., R. 10 E.,
Sec. 16, NW 1/4 Lot 2.
Total—10.16 acres.

Bonney Butte Administrative Site

T. 3 S., R. 10 E.,
Sec. 31, NW 1/4 NE 1/4 SE 1/4.
Total—10 acres.

Bonney Meadows Forest Camp

T. 3 S., R. 10 E.,
Sec. 32, NW 1/4 NW 1/4 SW 1/4.
Total—10 acres.

Flag Point Administrative Site

T. 3 S., R. 11 E.,
Sec. 7, NE 1/4 SW 1/4 SE 1/4.
Total—10 acres.

Little Badger Forest Camp

T. 3 S., R. 12 E.,
Sec. 30, SW 1/4 SW 1/4 NE 1/4.
Total—10 acres.

North Fork Crossing Campground

T. 4 S., R. 5 E.,
Sec. 23, NE 1/4 SE 1/4.
Total—10 acres.

Lazy Bend Campground

T. 4 S., R. 5 E.,
Sec. 28, SW 1/4 NW 1/4 SW 1/4, E 1/2 NW 1/4 SW 1/4
SW 1/4.
Total—15 acres.

Memaloose Scaling Station Administrative Site

T. 4 S., R. 5 E.,
Sec. 29, E 1/2 SW 1/4 NW 1/4 NE 1/4, SW 1/4 SE 1/4
NW 1/4 NE 1/4, W 1/2 NE 1/4 SW 1/4 NE 1/4, NW 1/4
SE 1/4 SW 1/4 NE 1/4.
Total—15 acres.

Big Eddy Campground

T. 4 S., R. 5 E.,
Sec. 35, SW 1/4 SW 1/4 NW 1/4.
Total—10 acres.

Squaw Mountain Administrative Site

T. 4 S., R. 6 E.,
Sec. 11, S 1/2 SE 1/4 Lot 13;
Sec. 14, N 1/2 NE 1/4 Lot 4.
Total—13.81 acres.

Twin Springs Campground

T. 4 S., R. 6 E.,
Sec. 13, W 1/2 NW 1/4 NE 1/4 NE 1/4, E 1/2 NE 1/4 NW 1/4
NE 1/4.
Total—10 acres.

Lookout Springs Campground

T. 4 S., R. 6 E.,
Sec. 22, SW 1/4 SW 1/4 NW 1/4 NW 1/4, N 1/2 NW 1/4
SW 1/4 NW 1/4.
Total—7.50 acres.

Lookout Springs Administrative Site

T. 4 S., R. 6 E.,
Sec. 22, SE 1/4 SW 1/4 NW 1/4 NW 1/4.
Total—2.50 acres.

Indian Ridge Administrative Site

T. 4 S., R. 6 E.,
Sec. 35, SE 1/4 NE 1/4 SE 1/4 NE 1/4, NE 1/4 SE 1/4
SE 1/4 NE 1/4;
Sec. 36, SW 1/4 NW 1/4 SW 1/4 NW 1/4, NW 1/4 SW 1/4
SW 1/4 NW 1/4.
Total—10 acres.

Salmon Butte Administrative Site

T. 4 S., R. 7 E.,
Sec. 15, NE 1/4 SW 1/4 NE 1/4.
Total—10 acres.

Hambone Springs Campground

T. 4 S., R. 7 E.,
Sec. 26, SW 1/4 NE 1/4 NW 1/4 NE 1/4, SE 1/4 NW 1/4
NW 1/4 NE 1/4, NE 1/4 SW 1/4 NW 1/4 NE 1/4, NW 1/4
SE 1/4 NW 1/4 NE 1/4.
Total—10 acres.

Fir Tree Campground

T. 4 S., R. 8 E.,
Sec. 2, S 1/2 NE 1/4 SE 1/4 SE 1/4.
Total—5 acres.

Wolf Camp Administrative Site

T. 4 S., R. 8 E.,
Sec. 10, S 1/2 SW 1/4 SW 1/4 NE 1/4, N 1/2 NW 1/4 NW 1/4
SE 1/4.
Total—10 acres.

Linney Creek Forest Camp

T. 4 S., R. 8 E.,
Sec. 20, S 1/2 NW 1/4 NE 1/4, N 1/2 SW 1/4 NE 1/4.
Total—40 acres.

Frying Pan Lake Forest Camp

T. 4 S., R. 8 E.,
Sec. 35, NW 1/4 NW 1/4 NE 1/4.
Total—10 acres.

Barlow Creek Forest Camp

T. 4 S., R. 9 E.,
Sec. 11, W 1/2 NE 1/4 NE 1/4 SE 1/4, E 1/2 NW 1/4 NE 1/4
SE 1/4, NE 1/4 SW 1/4 NE 1/4 SE 1/4, NW 1/4 SE 1/4
NE 1/4 SE 1/4.
Total—15 acres.

Barlow Crossing Forest Camp

T. 4 S., R. 9 E.,
Sec. 13, SE 1/4 SW 1/4 SE 1/4.
Total—10 acres.

Frog Lake Forest Camp

T. 4 S., R. 9 E.,
Sec. 17, S 1/2 S 1/2 SW 1/4 NE 1/4, SE 1/4 SE 1/4 SE 1/4
NW 1/4, E 1/2 E 1/2 NE 1/4 SW 1/4, E 1/2 NE 1/4 SE 1/4
SW 1/4, NE 1/4 SE 1/4 SE 1/4 SW 1/4, N 1/2 NW 1/4
SE 1/4, SW 1/4 NW 1/4 SE 1/4, NW 1/4 SE 1/4 NW 1/4
SE 1/4, NW 1/4 SW 1/4 SE 1/4, N 1/2 SW 1/4 SW 1/4
SE 1/4.
Total—77.50 acres.

Clear Lake Forest Camp

T. 4 S., R. 9 E.,
Sec. 32, W 1/2 W 1/2 SW 1/4 NE 1/4, E 1/2 SE 1/4 NW 1/4,
E 1/2 NW 1/4 SE 1/4 NW 1/4.
Total—35 acres.

Grasshopper Administrative Site

T. 4 S., R. 10 E.,
Sec. 3, NE 1/4 SE 1/4 NW 1/4.
Total—10 acres.

Post Point Administrative Site

T. 4 S., R. 10 E.,
Sec. 25, SW 1/4 NW 1/4 NW 1/4.
Total—10 acres.

White River Station Forest Camp

T. 4 S., R. 10 E.,
Sec. 30, NE 1/4, Lot 1.
Total—9.93 acres.

Forest Creek Forest Camp

T. 4 S., R. 10 E.,
Sec. 34, NW 1/4 SE 1/4 NE 1/4.
Total—10 acres.

Reservoir Forest Camp

T. 4 S., R. 11 E.,
Sec. 14, SE 1/4 SW 1/4 SE 1/4.
Total—10 acres.

Rock Creek Administrative Site

T. 4 S., R. 11 E.,
Sec. 14, NE 1/4 NE 1/4 SE 1/4.
Total—10 acres.

Fish Creek Campground

T. 5 S., R. 5 E.,
Sec. 2, S 1/2 NE 1/4 SE 1/4 SE 1/4, SE 1/4 SE 1/4 SE 1/4.
Total—15 acres.

Armstrong Campground

T. 5 S., R. 5 E.,
Sec. 2, S 1/2 SE 1/4 NE 1/4 SE 1/4, N 1/2 NE 1/4 SE 1/4
SE 1/4.
Total—10 acres.

Carter Bridge Campground

T. 5 S., R. 5 E.,
Sec. 2, NE 1/4 SW 1/4 NE 1/4.
Total—10 acres.

South Fork Mountain Administrative Site

T. 5 S., R. 5 E.,
Sec. 31, E 1/2 NW 1/4 NW 1/4 SE 1/4.
Total—5 acres.

Roaring River Campground

T. 5 S., R. 6 E.,
Sec. 6, S 1/2 SW 1/4 SE 1/4 SE 1/4, SE 1/4 SE 1/4 SW 1/4
SE 1/4;
Sec. 7, N 1/2 NW 1/4 NE 1/4 NE 1/4.
Total—12.50 acres.

Sun Strip Campground

T. 5 S., R. 6 E.,
Sec. 8, W 1/2 NW 1/4 NE 1/4 SW 1/4, E 1/2 NE 1/4 NW 1/4
SW 1/4.
Total—10 acres.

Oak Grove Administrative Site

T. 5 S., R. 6 E.,
Sec. 36, S 1/2 NE 1/4 SW 1/4, SE 1/4 NW 1/4 SW 1/4,
NE 1/4 SW 1/4 SW 1/4, N 1/2 SE 1/4 SW 1/4, S 1/2 N 1/2
SE 1/4, N 1/2 S 1/2 SE 1/4.
T. 5 S., R. 7 E.,
Sec. 31, S 1/2 Lots 3, N 1/2 Lot 4.
Total—175.13 acres.

High Rock Administrative Site

T. 5 S., R. 7 E.,
Sec. 1, S 1/2 NW 1/4 SE 1/4 SE 1/4, SW 1/4 SE 1/4 SE 1/4.
Total—15 acres.

High Rock Campground

T. 5 S., R. 7 E.,
Sec. 12, SW 1/4 NE 1/4 NW 1/4 NE 1/4, SE 1/4 NW 1/4
NW 1/4 NE 1/4, NE 1/4 SW 1/4 NW 1/4 NE 1/4, NW 1/4
SE 1/4 NW 1/4 NE 1/4.
Total—10 acres.

Hideaway Lake Campground

T. 5 S., R. 7 E.,
Sec. 20, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 21, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—20 acres.

Oak Fork Campground

T. 5 S., R. 8 E.,
Sec. 24, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 25, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.
Total—35 acres.

Little Crater Forest Camp

T. 5 S., R. 8 $\frac{1}{2}$ E.,
Sec. 11, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
Total—12.50 acres.

Clackamas Lake Administrative Site

T. 5 S., R. 8 $\frac{1}{2}$ E.,
Sec. 25, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 26, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$.
Total—85 acres.

Clear Lake Administrative Site

T. 5 S., R. 9 E.,
Sec. 6, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 7, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—10 acres.

Bear Paw Forest Camp

T. 5 S., R. 10 E.,
Sec. 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
Total—15 acres.

Clear Creek Forest Camp

T. 5 S., R. 10 E.,
Sec. 8, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
Total—10 acres.

Keep's Mill Forest Camp

T. 5 S., R. 10 E.,
Sec. 11, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—10 acres.

Bear Springs Administrative Site

T. 5 S., R. 10 E.,
Sec. 22, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 27, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.
Total—110 acres.

Boundary Scale Station Administrative Site

T. 5 S., R. 11 E.,
Sec. 30, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
Total—12.50 acres.

Rainbow Campground

T. 6 S., R. 6 E.,
Sec. 2, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
Total—40 acres.

Ripplebrook Administrative Site

T. 6 S., R. 6 E.,
Sec. 2, S $\frac{1}{2}$ Lots 3 and 4, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 3, SE $\frac{1}{4}$ Lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.
Total—98.35 acres.

Fish Creek Mountain Administrative Site

T. 6 S., R. 6 E.,
Sec. 6, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Lot 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Lot 3, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—13.40 acres.

Riverside Campground

T. 6 S., R. 6 E.,
Sec. 15, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
Total—30 acres.

Two Rivers Campground

T. 6 S., R. 6 E.,
Sec. 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
Total—20 acres.

Shellrock Campground

T. 6 S., R. 7 E.,
Sec. 2, E $\frac{1}{2}$ Lot 3.
Total—13.41 acres.

Oak Grove Butte Administrative Site

T. 6 S., R. 7 E.,
Sec. 17, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—20 acres.

Summit Lake Campground

T. 6 S., R. 8 E.,
Sec. 23, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
Total—22.50 acres.

Thunder Mountain Administrative Site

T. 7 S., R. 5 E.,
Sec. 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—10 acres.

Pegleg Falls Campground

T. 7 S., R. 5 E.,
Sec. 14, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Total—20 acres.

Nohorn Campground

T. 7 S., R. 5 E.,
Sec. 14, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 23, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—30 acres.

Fan Creek Campground

T. 7 S., R. 6 E.,
Sec. 3, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ lot 3, W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.
Total—40.14 acres.

Pink Creek Campground

T. 7 S., R. 6 E.,
Sec. 9, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—30 acres.

Mt. Lowe Administrative Site

T. 7 S., R. 7 E.,
Sec. 17, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Total—10 acres.

Bull of the Woods Administrative Site

T. 8 S., R. 6 E.,
Sec. 17, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—10 acres.

Hawk Mountain Administrative Site

T. 8 S., R. 7 E.,
Sec. 27, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—15 acres.

Sisi Administrative Site

T. 8 S., R. 8 E.,
Sec. 9, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—15 acres.

Olallie Meadows Campground

T. 8 S., R. 8 E.,
Sec. 24, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 25, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.
Total—60 acres.

Fish Lake Campground

T. 8 S., R. 8 E.,
Sec. 34, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
Total—20 acres.

Olallie Lake Guard Station Administrative Site and Forest Camp

T. 9 S., R. 8 E.,
Sec. 11, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 12, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 13, N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
Total—172.50 acres.

Horseshoe Lake Campground

T. 9 S., R. 8 E.,
Sec. 23, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 24, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—10 acres.

Breitenbush Lake Campground

T. 9 S., R. 8 E.,
Sec. 25, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
Total—30 acres.

The total combined area is 4,950.42 acres.

STANLEY D. LESTER,
Land Office Manager.

[F.R. Doc. 63-10475; Filed, Oct. 2, 1963; 8:46 a.m.]

Office of the Secretary

LEWIS W. LENGNICK

Appointment and Statement of Financial Interests

SEPTEMBER 26, 1963.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Lewis W. Lengnick.

Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position: Area Director, Defense Electric Power Area 18.

The name of the appointee's private employer or employers: The Hawaiian Electric Company, Limited, P.O. Box 2750, Honolulu 3, Hawaii.

The statement of "financial interests" for the above appointee is enclosed.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 19, 1963, as Director, DEPA Area 18, Assistant Secretary for Water and Power, Defense Electric Power Administration, an officer or director:

The Hawaiian Electric Company, Ltd.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Boeing.
Commonwealth Oil Refinery.
Far West Finance.
Hawaiian Electric Co.
Eli Lilly.
Republic Aviation.
Union Oil.
American Photocopy.
General Dynamics.
Honolulu Construction & Draying.
Lewers & Cooke, Ltd.
Long's Drugs.
Standard Oil of New Jersey.

(3) Names of any partnerships in which I am associated, or had been associated within 6 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

Dated: August 19, 1963.

LEWIS W. LENGNICK.

[F.R. Doc. 63-10478; Filed, Oct. 2, 1963; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARCANE

Fair Prices in Puerto Rico, Fair Wages and Prices in Virgin Islands, and Designation of Presiding Officers; Notice of Hearing

Pursuant to the authority contained in subsections (c) (1) and (2) of section 301 of the Sugar Act of 1948, as amended, (61 Stat. 929; 7 U.S.C. 1131) as amended by Public Law 87-535 approved July 13, 1962, and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At Santurce, Puerto Rico, in the Conference Room of the Agricultural Stabilization and Conservation Service Office, Segarra Building, on October 17, 1963, at 9:30 a.m.

At Chistiansted, St. Croix, Virgin Islands, in the District Court Room, Government House, on October 22, 1963, at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c)(1) of the said Act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1964 on farms with respect to which applications for payment under the said Act are made, and (2) pursuant to the provisions of section 301(c)(2) of said

Act, fair and reasonable prices for the 1963-64 crop of Puerto Rican sugarcane and the 1964 crop of Virgin Islands sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said Act.

To obtain the best possible information, the Department requests that all interested parties appear at the hearings to express their views and to present appropriate data with respect to the subject matter involved.

While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matter regarding fair prices for sugarcane in Puerto Rico: Definition of admissible deductions for selling and delivery expenses for molasses with particular reference to "wharfage" and "storage".

The hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Daniel E. McGarry, Ward S. Stevenson, and Carlos G. Troche are hereby designated as presiding officers to conduct jointly or severally the foregoing hearings.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

SEPTEMBER 30, 1963.

[F.R. Doc. 63-10507; Filed, Oct. 2, 1963; 8:48 a.m.]

Office of the Secretary

TEXAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Refugio County, Texas, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, co-operative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 30th day of September 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-10510; Filed, Oct. 2, 1963; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary OFFICE OF EDUCATION

Statement of Organization and Delegation of Authority

Part 6 of the Statement of Organization and Delegation of Authority of the Department of Health, Education, and Welfare (22 F.R. 1045) is hereby amended to read as follows:

PART 6—OFFICE OF EDUCATION

SECTION 6.10 *Organization.* The Office of Education, under the supervision and direction of the Commissioner of Education, shall consist of:

Office of the Commissioner:
Office of Program and Legislative Planning,
Office of Administration,
Office of Information,
Office of Field Services.
Bureau of Educational Research and Development:
Division of Educational Statistics,
Division of Educational Research,
Division of Higher Education,
Division of Elementary and Secondary Education,
Division of Continuing Education and Cultural Affairs.
Bureau of International Education:
Division of International Studies and Services,
Division of Technical Assistance and Exchange Programs.
Bureau of Educational Assistance Programs:
Division of Vocational and Technical Education,
Division of School Assistance in Federally Affected Areas,
Division of State Grants,
Division of College and University Assistance.

SECTION 6.20 *Commissioner of Education.* (a) The Office of Education shall be administered under the supervision and direction of the Commissioner.

(b) The Deputy Commissioner shall perform such duties as the Commissioner may prescribe and shall act as Commissioner during the absence or disability of the Commissioner or in the event of a vacancy in that office.

SEC. 6.30 *Order of succession.* (a) During the absence or disability of the Commissioner and Deputy Commissioner or in the event of simultaneous vacancies in the offices of Commissioner and Deputy Commissioner, the Associate Commissioner who is senior according to the date of his appointment as Associate Commissioner or, in the event of concurrent appointments, the Associate Commissioner who is senior according to the date of his appointment to the Office of Education, shall act as Commissioner.

(b) During the absence or disability of the Commissioner, Deputy Commissioner, and all Associate Commissioners, or in the event of simultaneous vacancies in the offices of Commissioner, Deputy Commissioner, and all Associate Commissioners, the Executive Officer

shall perform all functions and exercise all authority of the Commissioner.

SEC. 6.40 Functions. (a) Except as provided in Part 2 of this Statement, the Commissioner of Education shall exercise the functions vested in the Secretary, the Department of Health, Education, and Welfare, the Commissioner, and the Office of Education by the following:

(1) Act of March 2, 1867, as amended (establishment of Federal agency) (14 Stat. 434, 20 U.S.C. 1 et seq.).

(2) Act of May 28, 1896, as amended (publications and international education studies) (29 Stat. 171, 20 U.S.C. 3).

(3) Morrill Acts, as amended (land-grant colleges) (except the certification of funds) (12 Stat. 503, 26 Stat. 417, 7 U.S.C. 301-329).

(4) Act of December 13, 1928, as amended (inspection of Howard University) (Public Law 634, 70th Cong., 45 Stat. 1021, 20 U.S.C. 123).

(5) Act of February 27, 1929, as amended (membership on Commission on Licensure, D.C.) (Public Law 831, 70th Cong., 45 Stat. 1326, 2 D.C. Code 101).

(6) Vocational Education. Smith-Hughes Act, as amended (Public Law 347, 64th Cong., 39 Stat. 929, 20 U.S.C. 11-15, 16-28). George-Barden Act, as amended, except for the function of the Secretary in section 206(b) thereof relating to the fixing of compensation for advisory committees (Public Law 586, 79th Cong., 60 Stat. 775; 20 U.S.C. 15 a-q, aa-jj, aaa-ggg). Act of August 30, 1950, as amended (Future Farmers of America) (Public Law 740, 81st Cong., 64 Stat. 563, 36 U.S.C. 271 et seq.).

(7) Public Law 874, 81st Cong., as amended (assistance to federally affected areas for operation and maintenance of schools) (64 Stat. 1101, 20 U.S.C. 236 et seq.).

(8) Public Law 815, 81st Cong., as amended (assistance to federally affected areas for construction of schools) (64 Stat. 967, 20 U.S.C. 631 et seq.).

(9) Act of July 26, 1954, as amended (cooperative research) (Public Law 531, 83d Cong., 68 Stat. 533, 20 U.S.C. 331-332).

(10) Library Services Act, as amended (Public Law 597, 84th Cong., 50 Stat. 293, 20 U.S.C. 351-358).

(11) Veterans Readjustment Assistance Act of 1952, as amended (accrediting agencies, and Advisory Committee to Administrator) (Public Law 550, 82d Cong., 66 Stat. 663, 38 U.S.C. 1644, 1653, 1662 et seq.).

(12) Agreement with Housing and Home Finance Agency under Title IV of the Housing Act of 1950, as amended (college housing loans) (Public Law 475, 81st Cong., 64 Stat. 77, 12 U.S.C. 1749a(c)).

(13) Act of July 2, 1942, as amended (student war loans) (Public Law 647, 77th Cong., 56 Stat. 576).

(14) Immigration and Nationality Act, as amended (schools for aliens under student visas) (Public Law 414, 82d Cong., 66 Stat. 168, 8 U.S.C. 1101(a) (15) (F)).

(15) Executive Order 10521 of 1954 (consultation with National Science

Foundation on study of effects on institutions of higher education of Federal contracts and grants for scientific research).

(16) Section 3 of the Act of July 26, 1954, as amended (National Advisory Committee on Education, with respect to the Commissioner's membership on the Committee) (Public Law 532, 83d Cong., 68 Stat. 533, 20 U.S.C. 333-337).

(17) National Defense Education Act of 1958, as amended, including functions under section 1001(d) to study Federal programs in higher education, after initial contact has been made by the Secretary with the heads of Departments and agencies concerned (except for Title IX which applies to the National Science Foundation, and the function of the Secretary in section 761(a) of Title VII relating to the selection and compensation of the New Educational Media Committee and in section 1002(a) of Title X relating to the establishment of advisory committees and the fixing of compensation thereof) (Public Law 85-864, 72 Stat. 1580, 20 U.S.C. 401 et seq.).

(18) Public Law 85-874, as amended, making the Commissioner of Education an ex officio member of the National Cultural Center (72 Stat. 1698).

(19) Public Law 85-875, as amended, requiring Commissioner to encourage, foster and assist in establishment of science clubs for boys and girls (72 Stat. 1700, 20 U.S.C. 2 note).

(20) Public Law 85-905, as amended, to provide captioned films for the deaf, as delegated by the Secretary to the Commissioner (72 Stat. 1742, 42 U.S.C. 2491).

(21) Public Law 85-926, as amended, to encourage expansion of teaching in the education of mentally retarded children through grants to institutions of higher learning and to State educational agencies (72 Stat. 1777, 20 U.S.C. 611 et seq.).

(22) Functions vested in the Secretary by section 16 of the Area Redevelopment Act, as amended, except that the authority to disapprove an application for funds for training under this section is reserved to the Secretary (Public Law 87-27, 75 Stat. 47).

(23) Mutual Educational and Cultural Exchange Act of 1961, as amended (representation on Board of Foreign Scholarships) (Public Law 87-256, 75 Stat. 527).

(24) Public Law 87-276, as amended, Training Teachers of the Deaf, except for the function of the Secretary in section 5 relating to the selection and compensation of the Advisory Committee on the Training of Teachers of the Deaf (75 Stat. 575).

(25) Juvenile Delinquency and Youth Offenses Control Act of 1961, as amended (programs as assigned by the Secretary) (Public Law 87-274, 75 Stat. 572).

(26) Executive Order 11001 of 1962, section 5, and those portions of sections 6, 7, 9, 10, and 12 which pertain to education (preparation of national emergency plans and development of preparedness programs covering education functions and educational institutions).

(27) Authority vested in the Secretary by the Manpower Development and Training Act of 1962, as amended, except

that the responsibility for overall policy direction, including liaison with the Department of Labor and coordination with other departments and agencies; the approval of rules and regulations; the submission of reports to Congress; the approval of agreements under section 231 and of agreements or arrangements with the Department of Labor; and the apportionments and reapportionments under section 301 are reserved to the Secretary (Public Law 87-415, 76 Stat. 23).

(28) Authority vested in the Secretary by Part IV of Title III of the Communications Act of 1934, as amended by Public Law 87-447, as amended (grants for construction of educational television broadcasting facilities) except that authority for establishing policies for administration of the grants program; authority for final approval of project grants; authority for liaison with other Federal departments and agencies on matters involving policy and program coordination; and authority for approval of rules and regulations are reserved to the Secretary (76 Stat. 64).

(29) Functions and authority delegated to the Secretary by Executive Order 11034 of 1962 in connection with the administration of section 102(b) (6) of the Mutual Educational and Cultural Exchange Act of 1961, as amended (promotion of modern foreign language training and area studies) (Public Law 87-256, 75 Stat. 527).

(30) Migration and Refugee Assistance Act of 1962, as amended (Cuban refugee educational assistance programs as assigned by the Commissioner of Welfare) (Public Law 87-510, 76 Stat. 121, 22 U.S.C. 2601).

(b) The Commissioner of Education shall be responsible for carrying out responsibilities assigned by or under agreements made with the State Department in connection with educational programs under the international education exchange programs and the international technical cooperation programs (e.g., the Smith-Mundt Act, as amended, Public Law 402, 80th Cong., 62 Stat. 6, 22 U.S.C. Ch. 18; the Mutual Security Act of 1954, as amended, Public Law 665, 83d Cong., 68 Stat. 832, 22 U.S.C. Ch. 24; the Agricultural Trade Development and Assistance Act of 1954, as amended, Public Law 480, 83d Cong., 68 Stat. 454, 7 U.S.C. 1691; the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87-256, 75 Stat. 527; and the Act for International Development of 1961, as amended, Public Law 87-195, 75 Stat. 424).

SEC. 6.50 Reservation of authority. No State grant-in-aid funds shall be withheld nor shall any State plan or amendment thereto submitted pursuant to any statute administered by the Office of Education be finally disapproved without prior consultation and discussion with the Secretary.

SEC. 6.60 Delegation of authority. Authority contained in section 6.40, except the making of regulations, may, to the extent permitted by law, be delegated or redelegated by the Commissioner of Education to such officials of the Office of Education as he may deem appro-

private. Such delegations or redelegations shall not be promulgated until the expiration of ten workdays after filing in the office of the Administrative Assistant Secretary.

Dated: September 27, 1963.

[SEAL] ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 63-10496; Filed, Oct. 2, 1963;
8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. PRM-20-2, PRM-30-14]

METTLER INSTRUMENT CORP.

Notice of Filing of Petition for Rule Making

Please take notice that Mettler Instrument Corporation, 20 Nassau Street, Princeton, New Jersey has filed with the Commission a petition for rule making to amend Title 10, Code of Federal Regulations, Part 20 "Standards for Protection Against Radiation" and Part 30 "Licensing of Byproduct Material". The proposed amendments would amend Parts 20 and 30 so as to exempt from licensing requirements analytical balances containing a tritiated organic compound as an antistatic device.

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

Dated at Washington, D.C., this 26th day of September 1963.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 63-10455; Filed, Oct. 2, 1963;
8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14784; Order No. E-20050]

SLICK CORP.

Third-Level, Door-to-Door Deferred Freight Rates; Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of September 1963.

By tariffs marked to become effective October 3, 1963, The Slick Corporation (Slick) proposes to cancel its existing system-wide, airport-to-airport, general and specific commodity deferred air freight service tariff, and, in lieu thereof, establish a door-to-door deferred tariff in terms of general commodities only. The proposed tariff will expire, by its own terms, with July 3, 1964. The proposed general commodity rates at the minimum weight of 200 pounds (the only weight break offered) when compared (on an airport-to-airport basis) to the present 100-pound rates, represent an adjustment ranging from a reduction of 40 percent to an increase of 5 percent, with the reductions at long hauls larger than at short hauls. Because of the elimination

of directionality in the proposed rate structure (eastbound rates are presently lower than westbound) and the elimination of all other weight breaks (1,000, 3,000, 5,000, and 10,000 pounds), the proposed rates in these categories range from a 37-percent decrease to a 39-percent increase, the latter attributable to the nullification of present rate benefits inherent in both the airport-to-airport as well as the pick-up-and-delivery rate structures for volume shipments.

The proposed nondirectional 200-pound general commodity rates will yield from 11.8 cents per ton-mile for short hauls to 7.2 cents for long hauls, net to Slick after deducting published pick-up-and-delivery rates. Inasmuch as Slick will undoubtedly still obtain the benefit of pick-up-and-delivery rate reductions in payments to its cartage agents on volume shipments, the net yield to Slick on such traffic will be somewhat higher, namely, up to 13.7 cents per ton-mile in some instances. The proposed rates are stated to be based on "Class 92½ LTL (less-than-truckload) truck rates for 100-pound shipments, plus 5 percent to account for an anticipated rate increase in truck rate levels," and Slick believes that its new rates will be competitive, in terms of speed and rates, with nearly 4,000 commodity classifications now moving via truck.

The proposed cancellation of deferred specific commodity rates¹ and the resulting application of the proposed 200-pound door-to-door general commodity rates reflect a net increase in the airport-to-airport rate of 14 percent to New York and 11 percent to San Francisco. The present airport-to-airport rates yield Slick 8.0 and 8.8 cents, respectively, and the proposed general rates (which would hereafter apply) yield Slick 9.1 and 9.8 cents (net), respectively. No other carrier currently offers these specific commodity rates.

In terms of service, Slick incorporates an additional delay in its new tariff, as compared to its present offering. For shipments up to 2,100 miles, Slick currently offers 3- to 5-day service, varying with days of the week, and computed from airport to airport. The proposed tariff would extend these periods by 12 hours, but computed from door to door. Similarly, for shipments moving 2,100 miles or over, Slick would extend its current 4- to 5-day deferred release to 5½ and 6½, a difference of 36 hours, but again door to door, as above.

Complaints have been filed by American Airlines, Inc. (American), and The Flying Tiger Line, Inc. (Tiger).² In summary, the complaints variously allege that (1) the proposed deferred service rates would undercut present deferred rates by 30 to 45 percent, would be as much as 70 percent below standard service rates, and would yield Slick as little as 4.3 cents per ton-mile for certain

¹ Applicable to cushions and pillows, not less than one inch nor more than four inches thick, from Dallas to New York and San Francisco, minimum weight 300 pounds per shipment.

² Tiger filed a timely telegraphic protest and confirmed it by formal complaint received September 5, 1963.

transcontinental shipments; (2) the increase in delayed release (minimum delivery time) is more fancied than real; that no lengthening of delivery times will take place; that an actual negative time differential (faster delivery) on shipments to intermediate points (other than transcontinental hauls) will actually result; and that such alleged lengthening of delivery times does not justify the drastic rate reductions proposed; (3) no cost savings or operational efficiencies would result from the additional delay in release of shipments, and that the opposite would obtain, namely, an increase in cost due to additional storage, at the carrier's expense; (4) Slick's attraction of new traffic from surface carriers will be limited to bulky and/or high-rated, undesirable surface traffic, and its philosophy of meeting surface rates at surface speeds is unsound and nullifies speed of delivery, the airlines principal advantage over surface; (5) the proposed rates will result in the diversion of over two million dollars in American's and Tiger's annual revenues; (6) Slick will suffer a diversion of over 33 percent of its own present revenues to the proposed lower-rated service, and to break even, Slick would have to increase its deferred traffic volume by 50 percent, without any allowance for the added costs incurred in carrying the additional traffic; and (7) the proposed rates are below Slick's costs of providing the service.

In answer to the complaints, Slick states (1) that Tiger has grossly miscalculated and underestimated surface traffic potential, and, in rebuttal, Slick offers a detailed analysis of the bases used in computation of new traffic available under the proposed rates; (2) that American is in error in believing airlines should not and cannot compete with surface carriers from a rate standpoint, and conversely, Slick believes rates must be brought down to surface levels to make any real penetration of the market; (3) that the rates are compensatory on a "total mix" concept, i.e., share of overall revenues received from traffic at various rate levels; (4) that the rates are above the conventional cost rationale as applied to deferred rates, Deferred Air Freight Case, 23 C.A.B. 651 (1956); (5) that American's and Tiger's alleged diversion from present deferred services and dilution of revenues will be more than offset by the increased volume of deferred traffic under the proposed rates; (6) that Tiger's alleged diversion of first-class traffic and dilution of revenues ignores the present existence of deferred rates, which are lower than for first-class traffic but apply to slower service, and further, that Tiger ignores and fails to credit a potential increase in revenues that will result from a pending cancellation of certain specific commodity rates and a resulting shift to higher (first-class) general commodity rates, which Slick filed and withdrew, but promises to file again in late September; and (7) the filing is experimental in nature inasmuch as the tariff bears an expiration date and Slick would be willing to submit traffic data to the Board to permit proper evaluation of the experiment before it is permanently implemented.

Upon consideration of all relevant matters, the Board finds that the proposal may be unjust or unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, and should be investigated. A number of the rates filed would be at low levels and involve significant reductions below current rates, especially for westbound movements.

However, we have decided not to suspend the proposal but to permit it to become effective pending investigation. The filing may well be a useful experiment in air freight service. Although there may be diversion from current air traffic, this impact may be expected to be confined chiefly to the current deferred service (which is relatively small in volume) and may be more than counterbalanced by additions of traffic not now moving by air. Furthermore, the filing has a relatively short period of effectiveness.

We plan to continue to monitor the reported data now required by the Board's regulations,² in order that we may have data upon which to consider possible extension of the rates beyond the expiration date. To insure an adequate record, we have instructed our staff to arrange for appropriate reporting procedures on such additional data as may be necessary and appropriate.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered that:

1. An investigation be instituted to determine whether the rates and provisions in The Slick Corporation's C.A.B. No. 13, including subsequent revisions or reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates and provisions;

2. The proceeding herein be assigned before an examiner of the Board at a time and place hereafter to be designated;

3. The complaints of American Airlines, Inc., in Docket 14732, and The Flying Tiger Line Inc., in Docket 14735 are dismissed, except to the extent granted herein; and

4. A copy of this order shall be served upon American Airlines, Inc., The Flying Tiger Line Inc., and The Slick Corporation, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-10501; Filed, Oct. 2, 1963;
8:47 a.m.]

² Schedule T-7 of Form 41, as required by Part 241 of the Board's Economic Regulations.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15176; FCC 63-870]

RADIO STATION WTIF, INC.

Order To Show Cause

In the matter of revocation of license of Radio Station WTIF, Inc., for Standard Broadcast Station WTIF, Tifton, Georgia, Docket No. 15176.

The Commission having under consideration (1) the outstanding license issued to Radio Station WTIF to operate Station WTIF on the frequency of 1340 kc at Tifton, Georgia; (2) statements made by C. N. Todd, former sole stockholder and now majority stockholder of Radio Station WTIF, Inc., in (a) the application for construction permit for the above-mentioned facilities, filed with the Commission on October 28, 1955; (b) the application for modification of construction permit, filed with the Commission on May 14, 1957; and (c) the application for new broadcast station license, filed with the Commission on November 27, 1957; and (3) other information developed by Commission inquiry; and

It appearing, that, in the above-mentioned application for construction permit, C. N. Todd engaged in willful misrepresentations to the Commission by failing to disclose his partnership interest, with B. F. J. Timm, in a Douglas, Georgia business; and

It further appearing, that, in the above-mentioned application for modification of construction permit, Todd again engaged in willful misrepresentations to the Commission by failing to disclose his partnership with Timm and by indicating that he owned a certain business in Douglas, Georgia, when, in fact, he had sold his interest in such business prior to filing the application for modification for construction permit; and

It further appearing, that, in the above-mentioned application for modification of construction permit, Todd engaged in willful misrepresentations as to the financial information submitted by referring to the application for construction permit, which had indicated that funds for the construction and operation of Station WTIF would come from either Todd or his father, when, in fact, Todd had entered into an agreement with Timm whereby Timm would loan Todd up to \$20,000 for use in the construction and operation of the station, and, by the time the application for modification of construction permit was filed with the Commission, Todd had borrowed about \$5,000 from Timm pursuant to such agreement; and

It further appearing, that, in the above-mentioned application for license, Todd again engaged in willful misrepresentations as to the financial information submitted by again referring to himself or his father as the source of funds for the operation of the station, when, in fact, the above-mentioned loan

agreement with Timm was still in force and, by the time the application for license was filed with the Commission, Todd had borrowed about \$9,000 from Timm pursuant thereto; and

It further appearing, that, the actions of Todd and Timm may have amounted to an unauthorized transfer of control of Station WTIF from Todd to Timm, in that, inter alia, (a) Todd left the station, and Tifton, Georgia, around January, 1961 and has never returned; (b) Todd has endorsed in blank all his shares of stock in Radio Station WTIF, Inc., (c) former employees of Station WTIF have stated that they were hired by Timm or looked to Timm as the person in charge of the station, and (d) Timm has been solely responsible for the signing of checks drawn upon Radio Station WTIF, Inc., including checks payable to C. N. Todd and for the station's operation; and

It further appearing, that, the foregoing raises serious questions as to whether (a) C. N. Todd submitted false statements to the Commission in connection with various applications filed with the Commission and (b) violated the provisions of section 310(b) of the Communications Act of 1934, as amended; and

It further appearing, that, a serious question is presented whether on December 26, 1956, C. N. Todd, Jr., in conspiracy with B. F. J. Timm, filed an application for a new radio station at Alma, Georgia, the purpose of which application was to impede and bar the construction of a new radio facility at Douglas, Georgia; and

It further appearing, that, any of the foregoing matters presents grounds for revocation of the license for Station WTIF in accordance with the provisions of section 312(a)(1) and 312(a)(4) of the Communications Act of 1934, as amended; therefore

It is ordered, This 25th day of September 1963, that pursuant to the provisions of Section 312(c) of the Communications Act of 1934, as amended, that Radio Station WTIF, Inc., show cause why the license of Station WTIF, Tifton, Georgia, should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified in a subsequent order; and

It is further ordered, That, in the event Radio Station WTIF, Inc., gives notice of its intention to appear at the hearing and give evidence on the matters specified in this order, that such hearing be consolidated with the hearing on the application for renewal of license of Station WDMG (Docket No. 15177).

It is further ordered, That, the Secretary send a copy of this order by Certified Mail—Return Receipt Requested, to Radio Station WTIF, Inc.

Released: September 30, 1963.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10513; Filed, Oct. 2, 1963;
8:48 a.m.]

[Docket No. 15064; FCC 63M-1068]

EASTSIDE BROADCASTING CO.**Order Continuing Hearing**

In re application of L. N. Ostrander & G. A. Wilson, d/b as Eastside Broadcasting Company, Phoenix, Arizona, Docket No. 15064, File No. BP-15022; for construction permit.

The Hearing Examiner having under consideration a petition filed on September 25, 1963, requesting that the hearing in the above-entitled proceeding presently scheduled to commence on October 2, 1963, be rescheduled to commence on October 8, 1963; and

It appearing, that counsel for the Broadcast Bureau, because of other duties and commitments, will not be able to participate in the hearing as presently scheduled; and

It further appearing, that counsel for the other parties to this proceeding have informally advised that they have no objection to a grant of the instant petition and have also agreed to a waiver of the provisions of Section 1.43 of the Commission's Rules in order to permit immediate consideration thereof;

It is ordered, This 26th day of September 1963, that the hearing in the above-entitled proceeding be and it is hereby rescheduled to commence on October 8, 1963, at 10 a.m., in Washington, D.C.

Released: September 27, 1963.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] BEN F. WAPLE,
Secretary.[F.R. Doc. 63-10511; Filed, Oct. 2, 1963;
8:48 a.m.]

[Docket No. 15125; FCC 63M-1070]

RADIO STATION KAYE**Order Continuing Hearing**

In re application of Henry Perozzo and Bethyl Perozzo (joint tenancy) d/b as Radio Station KAYE, Puyallup, Washington, Docket No. 15125, File No. BP-15739, for construction permit to change antenna system, including increase in antenna height.

The Hearing Examiner having under consideration the informal request for continuance of procedural dates filed herein by the applicant on September 20, 1963;

It appearing, that all parties have consented to immediate consideration and grant of the said request and that good cause thereof is shown;

It is ordered, This 26th day of September 1963 that the said request is granted and that (1) the date for exchange of preliminary drafts of the applicant's technical engineering exhibits is continued from October 1, 1963 to October 21, 1963; (2) the date for exchange of all exhibits to be offered in evidence in the presentation of applicant's affirmative case is continued from October 21, 1963 to November 12, 1963; (3) the date for giving notification of witnesses to be called for cross-examination is continued from October 28, 1963 to November 18,

1963; and (4) the hearing herein presently scheduled to commence on November 4, 1963 is continued to November 25, 1963 commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: September 27, 1963.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] BEN F. WAPLE,
Secretary.[F.R. Doc. 63-10512; Filed, Oct. 2, 1963;
8:48 a.m.]

[Docket Nos. 15176, 15177; FCC 63-871]

**RADIO STATIONS WTIF, INC., AND
WDMG, INC.****Order Designating Applications for
Consolidated Hearing on Stated
Issues**

In the matter of revocation of license of Radio Station WTIF, Inc. For Standard Broadcast Station WTIF Tifton, Georgia, Docket No. 15176; in re application of WDMG, Inc., Docket No. 15177, File No. BR-1709, for renewal of license of Standard Broadcast Station WDMG Douglas, Georgia.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of September 1963;

The Commission, having under consideration the above-captioned and described application and other information developed by Commission inquiry;

It appearing, that, on November 14, 1958, former Station WSIZ, at that time the only other broadcast station in Douglas, Georgia, terminated operations and that the licensee of such station returned his license to the Commission; and

It further appearing, that, on or about the time former Station WSIZ ceased operations, WDMG, Inc., purchased the assets of such station for a price which appears to have been substantially in excess of the value of such assets; and

It further appearing, that, following the purchase of the assets of former Station WSIZ, B. F. J. Timm, sole stockholder of WDMG, Inc., submitted a statement to the Commission that he "did not participate in any way in the decision" of the licensee of former Station WSIZ to terminate operations; and

It further appearing, that, serious questions are presented whether the above statement of B. F. J. Timm contains misrepresentations of fact and/or is lacking in candor, and whether the decision of the licensee of former Station WSIZ to terminate operations was attributable to the actions of B. F. J. Timm; and

It further appearing, that, a serious question is presented whether B. F. J. Timm was the real party in interest in the application for a new station at Alma, Georgia, filed in December 1956 by C. N. Todd, Jr., the purpose of which application was to impede and bar the construction of a new radio facility (WSIZ) at Douglas, Georgia, which would compete with WDMG, Douglas, Georgia, owned by B. F. J. Timm; and

It further appearing, that, the actions of B. F. J. Timm and C. N. Todd, Jr., may have amounted to an unauthorized transfer of control of Station WTIF from Todd to Timm, in that, inter alia, (a) Todd left the station, and Tifton, Georgia, around January 1961 and has never returned; (b) Todd has endorsed in blank all his shares of stock in Radio Station WTIF, Inc., (c) former employees of Station WTIF have stated that they were hired by Timm or looked to Timm as the person in charge of the station; and (d) Timm has been solely responsible for the signing of checks drawn upon Radio Station WTIF, Inc., including checks payable to C. N. Todd, Jr., and for the station's operation; and

It further appearing, that, in view of the foregoing, a substantial question exists as to whether B. F. J. Timm possesses the requisite character qualifications to be a licensee or permittee of the Commission; and

It further appearing, that, after consideration of all the foregoing, the Commission is unable to find that a grant of the above-captioned and described application would serve the public interest, convenience and necessity; and that, therefore, said application must be designated for hearing; and

It is accordingly ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned and described application for renewal of license of Standard Broadcast Station WDMG, Douglas, Georgia, is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether B. F. J. Timm engaged in improper conduct designed to prevent or eliminate broadcast competition in Douglas, Georgia;

2. To determine whether B. F. J. Timm was the real party in interest in an application for a new radio station at Alma, Georgia, for the purpose of impeding and barring the construction of Radio Station WSIZ, Douglas, Georgia;

3. To determine whether in or about January 1961, B. F. J. Timm assumed control of the licensee of Station WTIF, Tifton, Georgia, in contravention of section 310(b) of the Communications Act of 1934, as amended;

4. To determine whether B. F. J. Timm engaged in misrepresentations to the Commission or demonstrated a lack of candor in statements filed with the Commission in connection with the closing of Station WSIZ;

5. To determine whether, in light of the evidence adduced in the foregoing issues, B. F. J. Timm possesses the requisite character qualifications to be a licensee of the Commission;

6. To determine whether, in light of all the evidence adduced with respect to the foregoing issues, a grant of the above-captioned and described application would serve the public interest, convenience and necessity.

It is further ordered, That, this hearing be consolidated with the hearing on the revocation of license of Station WTIF, Tifton, Georgia (Docket No. 15176); and

It is further ordered, That, to avail himself of the opportunity to be heard,

WDMG, Inc., pursuant to § 1.140 of the Commission's rules and regulations, in person or by attorney, shall within twenty days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That, WDMG, Inc., shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.362 of the Commission's rules and regulations, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission thereof as required by § 1.362(g) of the Commission's rules and regulations.

Released: September 30, 1963.

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

[F.R. Doc. 63-10514; Filed, Oct. 2, 1963;
8:48 a.m.]

FEDERAL MARITIME COMMISSION

J. E. BERNARD & CO., INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

J. E. Bernard & Co., Inc., Chicago, Ill., is party to the following agreements, the terms of which are identical. The other parties are:

Keer, Maurer Co., Philadelphia, Pa.	FF-1031
C. J. Tower & Sons of Buffalo, Inc., Buffalo, N.Y.	FF-1032
Geo. S. Bush & Co., Inc., Portland, Oreg. (and Branch)	FF-1033
F. W. Myers & Co., Inc., Rouses Point, N.Y.	FF-1034
Norman G. Jensen, Inc., Minneapolis, Minn.	FF-1035
Reedy Forwarding Co., Inc., Miami, Fla.	FF-1036
Lang & Marshall Co., Inc., New York, N.Y.	FF-1037
H. H. Elder & Co., Los Angeles, Calif.	FF-1038
Frank P. Dow Co., Inc. of Los Angeles, Los Angeles, Calif.	FF-1039
Humphrey & MacGregor, Inc., Tampa, Fla.	FF-1040
J. T. Steeb & Co., Inc., Portland, Oreg.	FF-1041
M. E. Dey & Co., Inc., Milwaukee, Wis.	FF-1042
W. R. Filbin & Co., Inc., Detroit, Mich.	FF-1043

F. B. Vandergrift & Co., Inc., Philadelphia, Pa.	FF-1044
Henry A. Wess, Inc., Cincinnati, Ohio	FF-1045
W. R. Zanes & Co., Houston, Tex.	FF-1046
W. M. Stone & Co., Inc., Norfolk, Va.	FF-1047
The A. W. Fenton Co., Inc., Cleveland, Ohio	FF-1048
Arthur J. Fritz & Co., Inc., Seattle, Wash.	FF-1049
Perryman, Mojonier Co., Los Angeles, Calif.	FF-1050
John A. Conkey & Co., Boston, Mass.	FF-1051
Herbert B. Moller, Jacksonville, Fla.	FF-1052

Chas. Kurz Co., Philadelphia, Pa., is party to the following agreements, the terms of which are identical. The other parties are:

John A. Merritt & Co., Pensacola, Fla.	FF-1066
Fillette, Green & Co., Pensacola, Fla.	FF-1067

The following agreements have similar terms:

J. S. Stass Co., New York, N.Y. and New Orleans, La., and Hirschbach & Smith, Inc., New York, N.Y.	FF-1053
Pistorino & Co., Inc., Boston, Mass., and Skyline Shipping Corp., New York, N.Y.	FF-1055
Pistorino & Co., Inc., Boston, Mass., and Pan American Forwarding Co., Miami, Fla.	FF-1056
Globe Shipping Co., Inc., New York, N.Y., and Harper, Robinson & Co., San Francisco, Calif.	FF-1057
Maron Shipping Agency, Inc., New York, N.Y., and Fillette, Green & Co., Pensacola, Fla.	FF-1058
William H. Masson, Inc., Baltimore, Md., and Allen Forwarding Co., Philadelphia, Pa.	FF-1059
J. E. Lowden & Co., San Francisco, Calif., and Amersped, Inc., New York, N.Y.	FF-1060
Inge & Co., Inc., New York, N.Y., and Fillette, Green & Co., Pensacola, Fla.	FF-1062
W. R. Keating & Co., Inc., New York, N.Y., and Coastal Forwarders, Charleston, S.C.	FF-1063
Universal Transcontinental Corp., New York, N.Y., and Southern Traffic Association, Mobile, Ala.	FF-1064
Mohegan International Corp., New York, N.Y., and Fillette, Green & Co., Pensacola, Fla.	FF-1065
H. S. Thielen, Inc., Lake Charles, La., and Black & Geddes, New York, N.Y.	FF-1068
Premier Shipping Co., Inc., New York, N.Y., and Fillette, Green & Co., Pensacola, Fla.	FF-1069
Universal Transcontinental Corp., New York, N.Y., and Milton G. West, Baton Rouge, La.	FF-1070
Argus Shipping Co., Inc., New York, N.Y., and Stone Forwarding Co., Inc., Galveston, Houston, and Corpus Christi, Tex.	FF-1071
Acco Foreign Shipping, Inc., Miami, Fla., and Reliable Shipping Co., New York, N.Y.	FF-1072
E. A. Gonzalez Co., Inc., New York, N.Y., and W. R. Zanes & Co., Houston, Tex.	FF-1073
Sorrentino Shipping, Inc., New York, N.Y., and W. R. Zanes & Co., Houston, Tex.	FF-1074
Uno Shipping Co., Inc., New York, N.Y., and F. B. Vandegrift & Co., Inc., Philadelphia, Pa.	FF-1075
J. E. Bernard & Co., Inc., New York, N.Y., and W. R. Zanes & Co., Houston, Tex.	FF-1076

Agreement No. FF-1054 between Oceanic Forwarding Co., San Francisco,

Calif., party (a), and L. Grodwohl & Son, New York, N.Y., party (b), is an arrangement under which on shipments of paper products, paper or woodpulp, party (b) will receive 66⅔ percent and party (a) 33⅓ percent of ocean compensation, but in no case would party (a) receive less than \$5.00 per shipment. On other shipments party (b) pays party (a) \$7.50 forwarding fee, plus \$5.00 for passing export declaration and 33⅓ percent of ocean compensation.

Agreement No. FF-1061 between C. S. Greene and Company, Inc., Chicago, Illinois, party (a), and Footner & Company, Baltimore, Maryland, party (b), is an arrangement under which forwarding and service fees are \$7.50 per shipment when consular invoices are not required and \$10.00 when they are required. Party (a) will receive 60 percent and party (b) 40 percent of the ocean freight compensation.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., or at the Commission's field offices at:

45 Broadway, New York, N.Y.
180 New Montgomery Street, San Francisco, Calif.
Room 333 Federal Office Building South, 600 South Street, New Orleans 12, La.
Mail address: P.O. Box 30550, Lafayette Station, New Orleans 30, La.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 30, 1963.

By the Federal Maritime Commission,

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10493; Filed, Oct. 2, 1963;
8:47 a.m.]

GREATER BATON ROUGE PORT COMMISSION AND CARGILL, INC.

Notice of Agreement Filed for Approval

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

Agreement No. 8225-9, between the Greater Baton Rouge Port Commission and Cargill, Incorporated, modifies the basic agreement which provides for the lease of certain storage facilities at Baton Rouge, Louisiana. The purpose of the amendment is to provide for the addition of certain property and equipment.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Or-

leans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

SEPTEMBER 30, 1963.

[F.R. Doc. 63-10494; Filed, Oct. 2, 1963;
8:47 a.m.]

FREDERIC HENJES JR., INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangement under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

Frederic Henjes Jr., Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

Paul A. Boulo, Mobile, Ala.----- FF-1092
Morris Friedman & Co., Philadelphia, Pa.----- FF-1091
John J. Moylan & Co., Los Angeles, Calif.----- FF-1090
Wilfred Schade & Co., Inc., Newport News, Va.----- FF-1089

Fabius & Co., Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

Godwin Shipping Co., Inc., Mobile, Ala.----- FF-1087
Cavaller Shipping Co., Inc., Norfolk, Va.----- FF-1088

Amersped, Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

Loretz & Co., Los Angeles, Calif.--- FF-1084
Oceanic Shipping Co., Mobile, Ala.--- FF-1085

United Forwarders Service, Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

Del Mar Shipping Corp., San Francisco, Calif.----- FF-1094
Del Mar Shipping Corp., Los Angeles, Calif.----- FF-1095

W. R. Zanes & Co., Houston, Tex., is party to the following agreements, the terms of which are identical. The other parties are:

George Rediker Shipping Co., New York, N.Y.----- FF-1079
Wood Niebuhr & Co., New York, N.Y.----- FF-1080

The following agreements have similar terms:

Paul A. Boulo, Mobile, Ala., and D'Amato Freight Forwarding Co., New York, N.Y.----- FF-1077
Frontier Freight Forwarders, Inc., Miami, Fla., and William H. Masson, Inc., Baltimore, Md.----- FF-1078
Reynolds & Puzon, Inc., New York, N.Y., and Charleston Overseas Forwarders, Inc., Charleston, S.C. FF-1081
Chase, Leavitt & Co., Portland, Maine, and Sopac Transport Corp., New York, N.Y.----- FF-1082
Premier Shipping Co., Inc., New York, N.Y., and Maher & Co., Houston, Tex.----- FF-1083
Pan-American Shipping Co., New Orleans, La., and Southern Shipping Co., Inc.----- FF-1086
United Forwarders Service, Miami, Fla., and John S. James, Savannah, Ga.----- FF-1100
J. P. Harle Forwarding Co., Houston, Tex., and Karr, Ellis & Co., Inc., New York, N.Y.----- FF-1101
Milton Snedeker Corp., New York, N.Y., and Pistorino Co., Inc., Boston, Mass.----- FF-1097
Caldwell & Co., Inc., New York, N.Y., and Fillette, Green & Co., Pensacola, Fla.----- FF-1099
Stone Forwarding Co., Inc., Galveston, Houston, and Corpus Christi, Tex., and George M. Leininger Co., New Orleans, La.----- FF-1093
Universal Transcontinental Corp., New York, N.Y., and Judson Sheldon International Corp., New York, N.Y.----- FF-1096
D. C. Andrews & Co., Inc., New York, N.Y., D. C. Andrews & Co. of Illinois, Inc., Chicago, Ill., D. C. Andrews & Co. of Louisiana, Inc., New Orleans, La., D. C. Andrews & Co. of Maryland, Inc., Baltimore, Md., D. C. Andrews & Co. of Massachusetts, Inc., Boston, Mass., and Fillette, Green & Co. of Tampa, Tampa, Fla.----- FF-1098

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., or at the Commission's field offices at:

45 Broadway, New York, N.Y.
180 New Montgomery Street, San Francisco, Calif.
Room 333 Federal Office Building South, 600 South Street, New Orleans 12, La.
Mail address: P.O. Box 30550, Lafayette Station, New Orleans 30, La.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 30, 1963.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10495; Filed, Oct. 2, 1963;
8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-21]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application

SEPTEMBER 26, 1963.

Take notice that on July 23, 1963, as supplemented on August 30, 1963, East Tennessee Natural Gas Company (East Tennessee), a Tennessee corporation with its principal place of business in Knoxville, Tennessee, filed at Docket No. CP64-21 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 pipeline and compressor facilities in Virginia in order to serve the natural gas requirements of Colonial Natural Gas Company (Colonial), and to serve a portion of the additional natural gas requirements of Roanoke Gas Company (Roanoke Gas), all as more fully set forth in the application on file with the Commission and open to public inspection.

East Tennessee proposes to construct and operate approximately 138 miles of pipeline facilities from the terminus of its present system at Bristol, Tennessee-Virginia to Roanoke, Virginia and to install and operate a 1,980-horsepower compressor station in the Tri-Cities area of northeastern Tennessee and a 1,320-horsepower compressor station at Glade Spring, Virginia.

Colonial, a new company, will initiate gas service in thirteen cities and towns in southwest Virginia between Bristol and Roanoke. Natural gas is not presently available in these communities. East Tennessee will deliver gas to Roanoke Gas at two points on the southwest side of Roanoke. Roanoke Gas is presently served by Atlantic Seaboard Corporation at a delivery point near the northeast side of the city.

The application shows the following natural gas requirements for the proposed service in the third full year of operation (volumes in Mcf at 14.73 psia):

	Annual	Peak day
Colonial Natural Gas Co.	2,570,191	18,005
Roanoke Gas Co.	1,595,000	7,789
Totals	4,165,191	25,794

The total cost of East Tennessee's proposed facilities is estimated to be \$5,139,000, which cost will be financed from funds on hand and notes in the amount of \$4,500,000.

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 October 18, 1963.

JOSEPH H. GUTRIE,
Secretary.

[F.R. Doc. 63-10465; Filed, Oct. 2, 1963;
8:45 a.m.]

[Docket No. CP63-219]

NORTHERN NATURAL GAS CO.**Notice of Application To Amend**

SEPTEMBER 26, 1963.

Take notice that on August 20, 1963, Northern Natural Gas Company (Applicant) with its principal place of business in Omaha, Nebraska, filed in Docket No. CP63-219 a petition to amend the Commission's order issued August 6, 1963, in said docket by increasing the contract demand of Coon Rapids, Iowa from 830 Mcf per-day to 850 Mcf per-day, an increase of 20 Mcf of natural gas per-day, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

The petition to amend states that on August 6, 1963, the Commission issued its order in the above docket authorizing Applicant to construct and operate certain facilities and the transportation and sale of increased contract demand to Applicant's existing customers for the 1963-64 heating season in the amount of 30,127 Mcf of natural gas. Included in this amount was an increase for the Municipal Utilities of Coon Rapids, Iowa of 30 Mcf increasing this contract demand from 800 to 830 Mcf. Applicant filed its original application on February 4, 1963, and amended such application on April 26, 1963, requesting an increase in contract demand from 13,461 Mcf to 30,127 Mcf based upon the experience of the past heating season. Subsequent to the filing of the above amendment, the Municipal Utilities of Coon Rapids, Iowa, advised Applicant that since reviewing the town's gas loads, an additional 20 Mcf of firm gas will be required to satisfy the anticipated demand for the coming heating season.

The petition further states that no additional facilities will be required to deliver these increased volumes.

Protests, petitions to intervene or requests for hearing in this proceeding 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 October 18, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10466; Filed, Oct. 2, 1963;
8:45 a.m.]

[Docket No. CP63-268]

NORTH STAR NATURAL GAS CO.**Notice of Application**

SEPTEMBER 26, 1963.

Take notice that on March 29, 1963, North Star Natural Gas Company (Applicant) filed at Docket No. CP63-268 an application pursuant to section 7(a) of the Natural Gas Act, for an Order directing Midwestern Gas Transmission Company (Midwestern) to deliver natural gas to Applicant to supply the first, second and third year natural gas requirements of Staples and Wadena, Minnesota, presently without natural gas service, such service to be initiated during the year 1963.

Applicant states that Staples and Wadena, Minnesota have a daily contract demand requirement of 770 Mcf and 1,078 Mcf respectively in the first year, 1,059 Mcf and 1,506 in the second year and 1,204 Mcf and 1,705 Mcf in the third year. Applicant proposes that Midwestern supply these requirements from its unallocated reserves in the total amounts (for both communities) of 1,000 Mcf in the first year, 1,100 Mcf in the second year and 1,200 Mcf in the third year. Applicant plans to establish peak sharing facilities in Staples and Wadena to manufacture the daily contract demand requirements over and above those supplied by Midwestern.

Applicant estimates that the distribution facilities including the peak sharing plants in Staples and Wadena will cost \$882,200 which includes engineering, interest and overhead costs which amount will be financed through private placement, through short term financing and through cash generated from operations.

Staples and Wadena, Minnesota are located in Midwestern's presently existing service area and gas will be sold to Applicant according to Midwestern's existing rate schedule for the "Northern System".

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 October 31, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-10467; Filed, Oct. 2, 1963;
8:45 a.m.]

[Docket No. G-13221 etc.]

UNION TEXAS PETROLEUM ET AL.**Order Approving Rate Settlement Proposal, Severing and Terminating Proceedings, Prescribing Refunds, and Issuing a Certificate of Public Convenience and Necessity**

SEPTEMBER 26, 1963.

Union Texas Petroleum, et al., Docket Nos. G-13221, et al.; Robert B. Prentice, et al., Docket Nos. G-18710, et al.¹

On August 7, 1963, Robert B. Prentice, et al. (Prentice) filed a Settlement Proposal encompassing its currently effective gas rate schedules. No objections or protests to said proposal have been filed.

In summary the settlement proposal provides:

(1) In one instance a settlement rate, including tax reimbursement, below the applicable area ceiling, and, in the other, a rate which is an exception to said ceiling;

(2) Prentice waives the right to file for contractually authorized increased rates until July 1, 1966. Prentice reserves the right to file for any increased rates, if contractually authorized, up to the applicable area-rate levels determined through area hearing, or other proceeding, or by amendment of the

Commission's Statement of General Policy No. 61-1, or any contractually authorized increase in tax reimbursement;

(3) Extension of the make-up period under the take-or-pay provision in Prentice's FPC Gas Rate Schedule No. 2 from the present one year period to five years;

(4) Refunds, with interest at the applicable rate, under the rate schedule where collection was made subject to refund, of the difference between the revenues actually collected and those which would have been collected at the applicable initial ceiling rate, for a period of five months preceding the date of issuance of an order approving said settlement proposal.

In support of its proposal, Prentice states that the settlement rates, moratorium periods and other provisions thereof, some of which are not specifically noted herein, with the added benefit of termination of its rate proceeding, are in the public interest in that the proposed rates are reasonable, and will provide price stability for a long period of time for natural gas moving in interstate commerce.

With respect to refunds, the various parties to the settlement conferences utilized cost of service studies. Such studies revealed that Prentice's costs for its jurisdictional sales of natural gas exceeded its jurisdictional revenues. However, its proposed increased rate, which it had been charging and collecting, subject to refund, exceeded the applicable area ceiling for initial service. Consequently, we believe it appropriate that Prentice make refunds for amounts collected by it over and above said ceiling rate for the period agreed to by the parties herein. Prentice's future annual revenues will be decreased approximately fifteen percent as a result of the settlement.

One of the proposed settlement rates is an exception to the applicable area ceiling. This is a sale to United Gas Pipe Line (United) by Prentice in the Houma Field, Terrebonne Parish, Louisiana. Prior to May 14, 1959, this sale was made under a ten-year contract, which was to expire in 1960. On May 14, 1959, Prentice and United entered into two contracts for twenty-year terms, and subsequent thereto Prentice dedicated additional acreage to the sale, which resulted in increased annual deliveries under these contracts.²

The renegotiated contracts were filed on August 21, 1959, and concurrently therewith, Prentice filed a proposed increase in rate thereunder, under section 4 of the Act. The renegotiated contracts were filed in Docket No. G-19292, and the proposed increase in rate was subsequently suspended and proceedings initiated in Docket No. G-19475. The renegotiated contracts did not encompass any acreage which was not covered by the certificate originally granted Prentice in Docket No. G-9018, and

² One contract is for natural gas produced from "shallow" horizons, and the second is for natural gas produced from "deep" horizons. A definite and certain drilling obligation was imposed upon Prentice by the deep horizon contract.

¹ See the appendix for the additional dockets and applicable proceedings.

therefore, such filing should properly have been considered as amendments to the original filing. Therefore, we shall sever Docket No. G-19292 from the proceedings in Union Texas Petroleum, et al., Docket Nos. G-13221, et al., and cancel such proceeding.

The current rate for gas sold under the renegotiated contracts is 23.25 cents per Mcf, while the settlement rate is 17.5 cents per Mcf. The proposed settlement rate therefore exceeds the increased rate ceiling, but is below the initial rate ceiling. In view of the above circumstances, we find the settlement rate of 17.5 cents per Mcf for this sale to be proper, and approve the same.

The settlement proposal includes one rate for which issuance of a related permanent certificate is pending (Rate Schedule No. 2, Docket No. G-18710). This proceeding was consolidated with the proceeding in Union Texas Petroleum, et al., Docket Nos. G-13221, et al., wherein the hearings were concluded on July 25, 1963. Consequently, we shall sever Prentice's application from Union Texas and shall issue it a certificate of public convenience and necessity herein.

Our action herein should not be construed as constituting approval of any future rate increase, if any, that may be filed under the subject rate schedules, and is without prejudice to any findings or order of the Commission in any future proceedings, involving Prentice's rates and rate schedules.

The Commission finds:

(1) The proposed settlement of the subject proceedings on the basis described herein, as more fully set forth in the settlement proposal filed on August 7, 1963, as herein modified, is in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act that it be approved and made effective, and good cause exists for approving the settlement rates, for terminating proceedings, and providing for refunds.

(2) The sale of natural gas by Prentice, as more fully described in its application, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sale by Prentice together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sale of natural gas by Prentice together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and a certificate therefor should be issued.

(4) Prentice is able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

The Commission orders:

(A) The settlement of these proceedings on the basis of the Settlement Pro-

posal, filed August 7, 1963, is approved and made effective.

(B) The applicable settlement rates set out in the appendix below is approved and such rates shall be effective as of the date of issuance of this order.

(C) Within 90 days from the date of this order, Prentice shall make such filings under its rate schedules as are required to make effective the terms of the settlement proposal.

(D) Within 90 days from the date of this order, Prentice shall (1) refund, with interest as specified computed to the date of actual refund, the difference between the rate collected subject to refund, for a period five months prior to the issuance of this order and the related settlement rate; and (2) report to the Commission, in writing, the amount of refunds made to its purchaser, showing separately the amount of principal and interest so paid, and the bases used for such determination, together with releases from its purchaser showing receipt of the refunds in conformity with the settlement proposal as approved herein.

(E) The proceedings in Docket No. G-18710 are hereby severed from the consolidated proceedings in Union Texas Petroleum, et al., Docket Nos. G-13221, et al.

(F) A certificate of public convenience and necessity be and the same is hereby issued in Docket No. G-18710, upon the terms and conditions of this order, authorizing the sale by Prentice of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sale, all as fully described in its application and exhibits in this consolidated proceeding.

(G) The certificate granted in paragraph (F) above is not transferable and shall be effective only so long as Prentice continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(H) The grant of the certificate issued in paragraph (F) above shall not be con-

strued as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Prentice. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificate aforesaid for service to the particular customer involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificate aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificate.

(I) Docket No. G-19292 is hereby severed from the proceedings in Union Texas Petroleum, et al., Docket Nos. G-13221, et al., and is hereby canceled.

(J) Upon full compliance by Prentice with all the terms and provisions of this order applicable to it, the section 4(e) proceeding in Docket No. G-19475, listed in the appendix hereto, shall terminate.

(K) This order is without prejudice to any findings or orders which have been or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by Prentice, the Commission staff, or any affected party hereto, in any proceedings now pending, or hereafter instituted by or against Prentice or any other companies, person or parties affected by this order.

By the Commission. Commissioner Black not participating.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

ROBERT B. PRENTICE, ET AL.

Rate schedule No.	Field	Purchaser	Contract date	Certificate docket	Initial rate (cents)	Last firm rate (cents)	Last effective rate (cents)	Settlement rate (cents)
2-----	Hollywood---	United G.P.L. Co-----	May 14, 1959	G-18710 a----	20.25	20.25	20.25	20.25
3 e-----	Houma-----	-----do-----	May 14, 1959	G-19292 d----	10	10	23.25	17.5

a Temporary authorization issued June 30, 1959. No rate condition.

b 18.5 cents base price, plus 1.75 cents tax reimbursement.

c The original contract covering this sale, dated Mar. 13, 1950, provided for a 10-year term extending into 1960. It was filed with the Commission by letter dated June 6, 1955, and was designated as Rate Schedule No. 1. The contract was later superseded by two contracts, both executed May 14, 1959, one covering "shallow" gas and the other covering "deep" gas. The "shallow" gas contract was designated as Rate Schedule No. 3. The "deep" gas contract was designated as Supplement No. 2 to Rate Schedule No. 3. The rate provided by Rate Schedule No. 3 was suspended by order issued Sept. 18, 1959, in Docket No. G-19475.

d Upon application seeking authorization for the sale under the Mar. 13, 1950, contract, the Commission issued a certificate of public convenience and necessity on Jan. 4, 1956, in Docket No. G-9018.

e 21.5 cents base price, plus 1.75 cents tax reimbursement.

f The total settlement rates set out above, as applicable to each sale to United, include a commodity rate and tax reimbursement. The tax reimbursement portion of each such total settlement rate shall be that portion expressed as tax reimbursement in each respective contract and the remaining balance of such total settlement rate shall be considered as the commodity rate.

[F.R. Doc. 63-10468; Filed, Oct. 2, 1963; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2573]

ASSOCIATE UNDERWRITERS, INC.

Order Canceling Hearing and Making Suspension Permanent

SEPTEMBER 27, 1963.

The Commission, by order dated June 24, 1963, having temporarily suspended the Regulation A exemption of Associate Underwriters, Inc., 827 Stuart Building, Lincoln, Nebr., pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, and the company having requested a hearing upon the allegations set forth in the aforementioned order, and the Commission by order dated July 26, 1963, having ordered a hearing in the above-entitled matter, to commence on September 9, 1963, said hearing having been postponed and now scheduled to commence on October 1, 1963, at 10:00 a.m., at the South Courtroom, Main Post Office Building, 16th & Dodge Streets, Omaha, Nebr., and

The company having requested a withdrawal of its request for a hearing, and the Division of Corporation Finance and the Denver Regional Office not objecting thereto,

It is ordered, That the request for hearing be, and it hereby is, deemed withdrawn.

It is further ordered, That the hearing in this matter, scheduled for October 1, 1963, be and it hereby is canceled.

Pursuant to the provisions of Rule 261(b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of securities by the company becomes permanent.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 63-10479; Filed, Oct. 2, 1963; 8:46 a.m.]

[File Nos. 70-410 and 60-22]

CONNECTICUT YANKEE ATOMIC POWER CO. ET AL.

Order in Part Granting and Permitting To Become Effective Application-Declaration

SEPTEMBER 26, 1963.

In the matters of Connecticut Yankee Atomic Power Company, The Connecticut Light and Power Company, New England Power Company, Boston Edison Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, Central Maine Power Company, Public Service Company of New Hampshire, Montaup Electric Company, File No. 70-4109; The Connecticut Light and Power Company, New England Power Company, The United Illuminating Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, Boston

Edison Company, Central Maine Power Company, Public Service Company of New Hampshire, Montaup Electric Company, Central Vermont Public Service Corporation, New Bedford Gas and Edison Light Company, Cambridge Electric Light Company, File No. 60-22.

A joint application-declaration has been filed pursuant to the Public Utility Holding Company Act of 1935 ("Act") by Connecticut Yankee Atomic Power Company ("Conn Yankee"), a public service company under the laws of Connecticut which proposes to construct and operate a nuclear electric generating plant, and eight of its prospective sponsors: The Connecticut Light and Power Company ("CL & P"), an exempt holding company and a public-utility company; New England Power Company ("Nepco"), an exempt holding company and a public-utility subsidiary company of New England Electric System, a registered holding company; The Hartford Electric Light Company, a public-utility company and an affiliate of a public-utility company; Western Massachusetts Electric Company, a public-utility subsidiary company of Western Massachusetts Companies, an exempt holding company; Boston Edison Company, a public-utility company and an affiliate of a public utility company; Central Maine Power Company, a public-utility company and an affiliate of a public-utility company; Montaup Electric Company, a public-utility subsidiary company of Eastern Utilities Associates, a registered holding company; and Public Service Company of New Hampshire, a public-utility company and an exempt holding company.

The joint application-declaration requests permission pursuant to section 6(b) of the Act for the issue and sale by Conn Yankee from time to time of the first 50,000 shares of its common stock to provide \$5,000,000 of initial capital; the exemption of such issue and sale from the competitive bidding requirements of Rule 50 under the Act; permission pursuant to section 10 of the Act for the acquisition of such stock by the other applicants; exemption from the Act under section 3(a) thereof for CL&P and Nepco; and permission for Conn Yankee to conduct such negotiations as may be desirable with investment banking firms and other potential purchasers to determine the type, amount and method of its permanent financing program.

Subsequently the Commission instituted proceedings pursuant to section 2(a)(7)(B) of the Act to determine whether certain of Conn Yankee's sponsors should be deemed to be holding companies with respect to Conn Yankee, and such proceedings were consolidated with the proceedings on the joint application-declaration.

After appropriate notice, a public hearing was held at which all interested persons were afforded an opportunity to be heard. In addition, briefs have been filed and the Commission has heard oral argument.

On the basis of the record, and for the reasons to be set forth in the Commission's Findings and Opinion to be issued.

It is ordered, Pursuant to the applicable provisions of the Act and the rules and regulations thereunder, that the joint application-declaration be, and it hereby is, granted and permitted to become effective in the following respects, subject to the terms and conditions of Rule 24 under the Act:

1. The issuance and sale of the initial shares of common stock of Conn Yankee as set forth in the application-declaration are exempt from the provisions of section 7 of the Act pursuant to section 6(b).

2. Such issuance and sale are exempt from competitive bidding pursuant to Rule 50 under the Act.

3. The acquisition of such initial shares of Conn Yankee stock by the other applicants-declarants is approved, pursuant to section 9(a) of the Act, under the standards of section 10.

4. Pursuant to section 3(a)(2) of the Act, CL&P and Nepco are exempt from all provisions of the Act except section 9(a)(2).

It is further ordered, That the request for permission to conduct negotiations to determine the type, amount and method of Conn Yankee's permanent financing program be, and it hereby is, denied.

It is further ordered, That jurisdiction is reserved in respect of the fees and expenses to be incurred in connection with the issuance of Conn Yankee's initial common stock and the acquisition thereof by the other applicants-declarants, and in respect of the contemplated servicing arrangements to be entered into between Conn Yankee and its affiliated companies.

It is further ordered, That the proceedings instituted pursuant to section 2(a)(7)(B) of the Act be, and they hereby are, dismissed.

By the Commission.

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 63-10480; Filed, Oct. 2, 1963; 8:46 a.m.]

[File Nos. 812-1454, 811-755]

KIRK INDUSTRIES, INC.

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

SEPTEMBER 27, 1963.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Kirk Industries, Inc. ("Applicant"), 29 Broadway, New York 6, New York, a Pennsylvania corporation and a closed-end investment company has ceased to be an investment company by reason of the exception contained in section 3(c)(1) of the Act.

Applicant states that its securities are beneficially owned by less than 100 persons and that it is not making and does not presently propose to make a public offering of its securities. Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities (other than

short-term paper) are beneficially owned by not more than one hundred persons and which is not making or does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 17, 1963, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 63-10481; Filed, Oct. 2, 1963;
8:46 a.m.]

[File No. 811-246]

NORTH AMERICAN BOND TRUST

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

SEPTEMBER 27, 1963.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that North American Bond Trust ("Applicant"), 63 Wall Street, New York, New York, a New York corporation and an investment trust has ceased to be an investment company.

The application states that the Trust Agreement creating the Applicant provided for termination of the Trust on August 31, 1952. Since termination of the Trust, the sum of \$146,803.25 has been paid at the total rate of \$126.50 to the holders of 1160-5/10ths Interests. At the present time the balance of \$3,162.50 is held by the trustee for payment at the

same rate per Interest to the holders of certificates representing 25 interests as and when the certificates are presented to the Trustee. These funds are held by the Trustee solely for the purpose of payment to the holders of the 25 interests except as such funds may be affected by the abandoned property law of the State of New York.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 17, 1963, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 63-10482; Filed, Oct. 2, 1963;
8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 447]

TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of September, 1963, because of the effects of certain disasters, damage resulted to residences and business property located in Jefferson, Newton and Orange Counties in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the

conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from rain, flood and accompanying conditions occurring on or about September 17, 1963.

OFFICES

Small Business Administration Regional Office,
1025 Elm Street,
Dallas 2, Tex.
Small Business Administration Branch Office,
201 Fannin Street,
Houston 2, Tex.

2. Temporary field offices will be established at Beaumont and Orange, Tex. address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1964.

Dated: September 19, 1963.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 63-10483; Filed, Oct. 2, 1963;
8:46 a.m.]

TARIFF COMMISSION

[TEA-W-5]

WORKERS OF WINBURN TILE MANUFACTURING CO.

Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Upon petition under section 301(a) (2) of the Trade Expansion Act of 1962, filed September 26, 1963 on behalf of workers of Winburn Tile Manufacturing Company, Little Rock, Arkansas, the United States Tariff Commission, on the 27th day of September 1963, instituted an investigation under section 301(c) (2) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, ceramic mosaic tiles like or directly competitive with articles produced by the aforementioned company are being imported into the United States in such increased quantities as to cause the unemployment of a significant number or proportion of the workers of such company. Petitioners do not desire a public hearing in connection with the investigation.

The tiles to which the petition relates are presently provided for in item 532.21 of the Tariff Schedules of the United States.

The petition filed in this case is available for inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Wash-

ington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued September 27, 1963.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 63-10453; Filed, Oct. 2, 1963; 8:45 a.m.]

CYLINDER, CROWN, AND SHEET GLASS

Report to the President

SEPTEMBER 27, 1963.

The U.S. Tariff Commission today submitted to the President a report, under section 351(d) (1) of the Trade Expansion Act of 1962, on developments in the trade in cylinder, crown, and sheet glass. Following an escape-clause investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951, the President, by proclamations dated March 19 and 27, 1962, increased the rates of duty on cylinder, crown, and sheet glass, effective after the close of business on June 17, 1962. Section 351 (d) (1) of the Trade Expansion Act of 1962 provides that—

So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

The report issued today presents statistical data and other information with respect to cylinder, crown, and sheet glass, with emphasis on developments that have occurred since the Commission reported to the President in May 1961 on its escape-clause investigation of such glass.

Copies of the Commission's report (the release of which was authorized by the President) are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., 20436.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 63-10454; Filed, Oct. 2, 1963; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 30, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 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. 38561: *Plaster and related articles from Heath, Mont.* Filed by Trans-Continental Freight Bureau, agent (No. 412), for interested rail carriers. Rates on plaster and/or gypsum wallboard and related articles, in carloads, from Heath, Mont., to points in Colorado and Wyoming.

Grounds for relief: Market competition.

Tariff: Supplement 115 to Trans-Continental Freight Bureau, agent, tariff I.C.C. 1644.

FSA No. 38562: *Iron or steel pipe to Louisville, Ky.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2684), for and on behalf of The Baltimore and Ohio Railroad Company. Rates on iron or steel pipe, in carloads, from specified points in Ohio, Pennsylvania and West Virginia, to Louisville, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 408 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. 3388 (Hinsch series).

FSA No. 38563: *Substituted service—MP & T&P for Red Ball Motor Freight, Inc., et al.* Filed by J. D. Hughett, agent (No. 51), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Little Rock, Ark., and Memphis, Tenn., on the one hand, and Dallas and Fort Worth, Tex., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to J. D. Hughett, agent, tariff MF-I.C.C. 375.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-10485; Filed, Oct. 2, 1963; 8:47 a.m.]

[Notice No. 874]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 30, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66181. By order of September 26, 1963, the Transfer Board approved the transfer to Berthol Brown, doing business as Brown Truck Line,

Minneapolis, Kans., of Certificate in No. MC 107860, issued January 24, 1950, to Lowell Morton, doing business as Morton Truck Line, Minneapolis, Kans., authorizing the transportation, over regular routes, between Minneapolis, Kans., and Kansas City, Mo., of livestock, farm machinery, and empty barrels, livestock feed, farm machinery and parts, binder twine, carbide, building materials, farm implements, water tanks, and household goods; and general commodities, excluding dangerous explosives, articles of unusual value, and commodities requiring special equipment, and over irregular routes, of livestock, between points in specified portions of Kansas and Nebraska.

No. MC-FC 66220. By order of September 24, 1963, the Transfer Board approved the transfer and substitution of Milton's Express, Inc., Los Angeles, Calif., as applicant or registrant in the "claimed grandfather rights" proceeding No. MC 96981 (Sub-No. 1), wherein an order of the Commission, Operating Rights Board No. 2 issued August 19, 1963, conditionally approved, upon compliance with the requirements recited therein, the issuance of a Certificate of Registration to transferor Milton C. Amundson, doing business as Milton's Express, Los Angeles, Calif., said transferor having qualified as a registrant by virtue of the filing of the above-numbered BOR 99 application, No. MC 96981 (Sub-No. 1) supported by California State Certificate No. 62895 authorizing the transportation of: Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed equipment, between points in a defined portion of California. Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif., attorney for applicants.

No. MC-FC 66234. By order of September 26, 1963, the Transfer Board approved the transfer to Q & R Motor Service Co., a corporation, St. Charles, Mo., of certificate in No. MC 111284, issued May 28, 1953, to Leonard Boyd, doing business as Q & R Motor Service, St. Charles, Mo., authorizing the transportation of: Packing house products, over regular routes, from National Stock Yards, Ill., to specified points in Missouri. Selden Blumenfeld, 418 Olive Street, St. Louis 2, Mo., attorney for applicants.

No. MC-FC 66240. By order of September 26, 1963, the Transfer Board approved the transfer to Aladin Van Lines, Incorporated, 1228 East Broadway, Maryville, Tenn., of the Certificate in No. MC 105203, issued January 26, 1953, to Sutton Transfer and Storage Company, Inc., 1228 East Broadway, Maryville, Tenn., authorizing the transportation of: Household goods, between points in Anderson, Blount, Knox, Loudon, Monroe and Sevier Counties, Tenn., on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Virginia, and West Virginia.

No. MC-FC 66246. By order of September 27, 1963, the Transfer Board approved the transfer to Mary Dunn, doing business as Dunn's Express and Transportation, 97 Prospect Avenue, Wood-

bridge, N.J., of Certificate in No. MC 93729, issued July 11, 1941, to George Dunn and Russell Dunn, doing business as Dunn's Express and Transportation, 97 Prospect Avenue, Woodbridge, N.J., authorizing the transportation of: Textile sizings and softeners, from Woodbridge, N.J., to Johnstown and Gloversville, N.Y., and Southbridge and Fiskdale, Mass.; automotive rubber, from Rahway, N.J., to New York, N.Y.; pitch, tallow binder, and fire brick, from Woodbridge, N.J., to New York, N.Y.; plaster, from Linden, N.J., to New York, N.Y.; and lamp black, from New York, N.Y., to Rahway, N.J.

No. MC-FC 66252. By order of September 26, 1963, the Transfer Board approved the transfer to Paul Johnson, Inc., 340 West Adams Street, Waterman, Ill., of the Certificate in No. MC 81779, issued July 1, 1943, to Paul A. Johnson, 340 West Adams Street, Waterman, Ill., authorizing the transportation of: Household goods, emigrant moveables,

livestock, feed, machinery, grain and grain products, between Waterman, Ill., on the one hand, and, on the other, points in Indiana, Iowa, and Wisconsin.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 63-10486; Filed, Oct. 2, 1963;
8:47 a.m.]

[Ex Parte No. 205]

MOTOR CARRIER FREIGHT COMMODITY STATISTICS

Upon consideration of the record in the above-titled proceeding; petition (late-tendered) of the Association of American Railroads dated June 6, 1963, for reopening, reconsideration, consolidation for oral hearing with Docket No. 34206, and for other relief; petition of Association of American Railroads for leave to file the petition dated June 6,

1963, filed July 3, 1963; and joint replies of the American Trucking Associations, Inc., and National Motor Freight Traffic Association, Inc., filed June 26, 1963, and July 19, 1963; and good cause appearing:

It is ordered, That the said petition for leave to file be, and it is hereby, granted, and the tendered petition dated June 6, 1963, is accepted for filing and consideration.

It is further ordered, That this proceeding be, and it is hereby, reopened for reconsideration with No. 34315, Commodity Statistics Reporting—Extent and Disclosure;

And it is further ordered, That in all other respects, the said petition of June 6, 1963, be, and it is hereby, denied.

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 63-10487; Filed, Oct. 2, 1963;
8:47 a.m.]

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